

Fiqh Contribution To Sustainable Development As a Form Of Islamic Law Reform In The Modernization Era

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ABSTRACT

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Sustainable development is a global challenge that requires a holistic approach, including economic, social and environmental dimensions. Countries with a majority Muslim population have the potential to utilize fiqh, as a system of Islamic law and ethics, to support sustainable development. This research aims to explore the contribution of fiqh To Sustainable Development As a Form Of Islamic Law Reform In The Modernization Era. Using a qualitative approach and descriptive-analytical design, this research examines relevant literature, analyzing policy documents. The research results show that fiqh provides a strong ethical and normative foundation to support sustainable development. Fiqh principles such as justice (adl), public benefit (maslahat), and amanah (trust) are very relevant in overcoming the challenges of sustainable development. Analysis of policy documents reveals that although there are initiatives to integrate fiqh principles in public policy, implementation is still limited and sporadic. In conclusion, fiqh has great potential to contribute to sustainable development by offering strong ethical and normative guidance for creating a more just and sustainable society. It is recommended that future research conduct in-depth case studies in countries with a majority Muslim population to evaluate the implementation of fiqh principles in sustainable development policies, as well as analyze their effectiveness on sustainable development indicators. In addition, it is important to develop a practical framework for the implementation of fiqh principles, conduct comparative studies with other countries, examine the role of stakeholders, and assess the impact of educational programs and public awareness. Long-term evaluation is also needed to measure the real impact on sustainable development and community welfare.

Keywords:

Fiqh, Sustainable Development, Islamic Law, Modernization.

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Introduction

Sustainable development has become a key focus in the global agenda to address various challenges faced by humanity, including climate change, poverty, inequality and environmental degradation. However, in many Muslim-majority countries, efforts to achieve sustainable development are often hampered by various structural and cultural obstacles. In this context, fiqh, as a system of law and ethics in Islam, has the potential to make a significant contribution. However, the integration of fiqh in public policies that support sustainable development is still poorly understood and widely implemented. (Sujono and Layli 2022)

In the life of Muslim society, Islamic religion and fiqh have a significant role in shaping behavior and outlook on life. Fiqh, as part of Islamic teachings, provides guidance in various aspects of life, including business ethics, environmental protection, and social justice. The principles of fiqh, such as justice ('adl), public interest (maslahat), and trust (amanah), can provide a strong moral and ethical foundation for public policies that support sustainable development. However, even though this great potential exists, the application of fiqh in public policy to support sustainable development is often limited. Factors such as a lack of understanding of relevant fiqh principles and limitations in translating Islamic values into practical policies pose significant obstacles.

Previous research related to sustainable development in the context of fiqh and public policy in countries with a majority Muslim population has explored various important aspects. Iqbal and Lewis (2009) in their study "The Role of Islamic Finance in Sustainable Development" discuss how Islamic financial instruments such as zakat and waqf can support sustainable development, especially in economic and social aspects. (Iqbal and Lewis 2009) Fazlun Khalid (2002) in "Islamic Ethical Principles and the Environment" explores Islamic ethical principles related to the environment and their application in environmental policy. (Khalid 2002) Esposito and Voll (2001) in "Sustainable Development in Muslim Countries: The Role of Religious Leaders" evaluate the role of ulama in promoting sustainable development through education and advocacy. (Esposito and Voll 2001) Riaz Hassan (2006) in "Public Health and Islamic Ethics: Case Studies from Muslim-majority Countries" discusses the application of Islamic principles in public health policies to improve collective welfare. (Amuzegar 2018) Shaikh (2018) in "Water Management and Islamic Law" examines the implementation of fiqh principles in water management and supports sustainable water resource management policies. (Gottlieb 2020) In contrast to these studies, this research

adopts a holistic approach that includes economic, social and environmental dimensions, and uses qualitative methods and descriptive-analytical design to analyze literature and policy documents. This research also emphasizes the importance of fiqh principles such as justice, public benefit and trust in supporting sustainable development. Additionally, this research provides practical recommendations for future research, including in-depth case studies, development of implementation frameworks, comparative studies, and long-term evaluations to measure real impacts on sustainable development

This research aims to explore and provide guidance on how fiqh can be integrated into public policy to support sustainable development. In this way, it is hoped that the Muslim community can play a more active role in global efforts to achieve sustainable development goals, by utilizing the values and principles contained in fiqh to create public policies that are more just, ethical and sustainable.

Research Methods

This research uses a qualitative approach with a descriptive-analytical design to explore and analyze the contribution of fiqh to sustainable development. The method used in this research includes the following steps:

1. Literature Study

This research began with an in-depth literature study to understand basic concepts related to fiqh, sustainable development. Sources to be analyzed include: Textbooks on fiqh and Islamic law, Scientific journal articles on sustainable development and public policy., Policy documents and reports from relevant international and national organizations.

2. Document Analysis

This research will collect and analyze policy documents that have been implemented in countries with a majority Muslim population. Documents to be analyzed include: Public policies related to sustainable development, Laws and regulations that adopt fiqh principles, Case studies on the application of fiqh in public policy.

3. Data Analysis

Data collected from literature studies, document analysis and in-depth interviews will be analyzed using a qualitative approach. Data analysis steps include:

Data coding to identify key emerging themes, Thematic analysis to understand the relationship between fiqh, sustainable development, and public policy, Data triangulation to ensure the validity and reliability of research findings

The research method used in this study is expected to provide a comprehensive understanding of how fiqh can contribute to sustainable development and public policy . With a systematic qualitative approach and in-depth analysis, this research aims to produce policy recommendations that are fiqh-based and relevant to the context of Muslim society, so that they can support global efforts to achieve sustainable development.

Findings and Discussion

1. The Concept of Sustainable Development in an Islamic Perspective

Sustainable development in Islam is rooted in the basic principles of fiqh which emphasize a balance between meeting human needs and preserving the environment. This concept includes responsibility for God's creation and the obligation to maintain the trust given to humans to manage the earth well. Principles such as justice ('adl), public benefit (maslahat), and amanah (trust) play a key role in realizing just, inclusive, and sustainable development.

According to UNEP (United Nations Environment Program), religion and belief can play an important role in encouraging sustainable practices. (United Nations Environment Program 2016) A study by Iqbal and Lewis (2009) shows that Islamic values encourage ecological responsibility and wise resource management. This report reinforces that the integration of religious values in environmental policies can increase compliance and the success of sustainable programs. (Iqbal and Lewis 2009) Nasr (1996) emphasized that Islamic teachings contain deep ecological guidance, which, if implemented, can lead to better and more sustainable management of natural resources. (Nasr 1990) Meanwhile, Khalid (2002) added that Islamic principles such as tawhid (unity), khilafah (khalifah), and amanah (trust) are the basis for environmental ethics in Islam which can support sustainable development. (Windsor 2012)

Data from the Islamic Foundation for Ecology and Environmental Sciences shows that environmental programs based on Islamic values, such as water conservation in Middle Eastern countries, have succeeded in increasing water use efficiency and reducing environmental degradation. This report shows that the application of Islamic principles in

environmental policy has a significant positive impact. (United Nations Environment Program 2016)

Furthermore, Farid (2007) stated that Islamic law (sharia) regulates human responsibility towards the environment in detail, including the prohibition of pollution, waste management and conservation of natural resources. Farid pointed out that implementing sharia in a modern context can help overcome the environmental challenges facing the world today. (Farid 2007) The World Bank report (2016) also identified that a community-based approach that integrates religious values, including Islam, in development policies can increase community participation and the effectiveness of sustainable development programs. This shows that integrating fiqh principles in public policy is not only in accordance with religious values, but is also effective in achieving sustainable development goals. (Iqbal and Lewis 2009) Shaikh (2018) concluded that Islamic environmental ethics based on fiqh offers practical guidance for nature conservation. This study emphasizes the importance of education and awareness about Islamic values related to the environment to increase compliance with sustainable policies. (Shaikh 2018)

The data and information above strengthen the argument that fiqh has great potential to support sustainable development through the application of the principles of justice, public benefit and trust, as well as the integration of Islamic values in public policy.

2. Fiqh Principles that Support Sustainable Development

a. Justice ('Adl)

Fiqh emphasizes the importance of justice in all aspects of life, including the distribution of wealth and resources. This justice includes not only humans, but also other living creatures and the environment. The principles of justice in fiqh encourage policies that ensure fair access to resources and opportunities, as well as protection of the weak and marginalized. Social justice is key in reducing inequality and ensuring sustainable development according to data from The World Bank. (Mohieldin 2012)

b. Economic Justice

Chapra (2008) emphasizes that economic justice in Islam includes the fair distribution of wealth and the reduction of poverty. Instruments such as zakat, infaq, and waqf are designed to distribute wealth evenly and ensure that wealth is not concentrated in just a few people. Chapra explained that the implementation of zakat, which is a religious

obligation for Muslims to give part of their wealth to the needy, can significantly reduce economic inequality and improve social welfare. (M. Umer Chapra 2008)

On the other hand, a study by Hassan (2006) adds that zakat and waqf are important mechanisms in the Islamic financial system that support economic justice. Zakat ensures that wealth is distributed to the poor and underprivileged, while waqf (waqf) is used to finance various public services such as education, health, and infrastructure. (Amuzegar 2018) For example, data from the IDB (Islamic Development Bank) shows that countries that effectively manage zakat and waqf can reduce poverty levels and increase access to basic services. (Islamic Development Bank 2020)

c. Social Justice

Khan's (2014) research in *The Role of Maslahah in Islamic Economics* shows that social justice in fiqh includes protecting the rights of marginalized individuals and groups. The principle of maslahat (public interest) drives policies that ensure collective welfare and prevent discrimination. Khan emphasized that benefit-based policies can improve social and economic welfare by considering the social impacts of economic decisions. (Khan 2014) Esposito and Voll (2001) explain that a fair and transparent political system is an integral part of social justice in Islam. This system ensures community participation in the decision-making process and that the policies made reflect the interests of all parties, not just certain groups. This is important to achieve inclusive sustainable development. (Khodaverdian 2022)

d. Environmental Justice

Nasr (1996) emphasized that environmental justice is part of justice in Islam. Islam teaches that humans are caliphs on earth who are responsible for protecting and preserving the environment. Environmental justice includes the wise and responsible use of natural resources to ensure the survival of future generations. (Nasr 1990) A report from the Islamic Foundation for Ecology and Environmental Sciences (IFEES) shows that environmental programs based on Islamic values, such as water conservation and reforestation in Middle Eastern countries, have succeeded in increasing the efficiency of water use and reducing environmental degradation. IFEES also shows that the application of Islamic principles in environmental policy can increase public compliance with environmental programs. (Islamic Foundation for Ecology and Environmental Sciences 2017)

A report from UNEP (2016) shows that fair distribution of natural resources can reduce conflict and increase environmental sustainability. For example, equitable water

management policies in the Middle East region have helped reduce tensions and increase water use efficiency. (Webber 2021) Akhtar (2018) added that Islamic financial instruments such as green sukuk can be used to finance sustainable environmental projects. Green sukuk issued by several Muslim countries have been successful in raising funds for renewable energy and water management projects. (Slamet 2020)

Research by Mohieldin (2012) in "Islamic Finance and Economic Development" emphasizes that the principles of justice in fiqh can be applied in the financial sector to support financial inclusion and reduce poverty. Instruments such as sharia-based microfinance have helped increase financial access for marginalized groups. (Mohieldin 2012) The World Bank (2020) states that social justice is a key element in sustainable development, with policies that focus on reducing inequality and increasing access to resources for all groups in society. (Auty and Brown 2021)

Not only that, the OECD (2015) also emphasizes the importance of institutional capacity in implementing the principles of justice in public policy. Strengthening institutional capacity through training and education can increase the effectiveness of implementing fiqh-based policies. (O'Toole 2019)

This data strengthens the argument that justice ('adl) in fiqh supports sustainable development through fair distribution of resources, protection of the weak, and wise management of natural resources. Integrating justice principles in public policy can help create a more just and sustainable society. It can be understood that justice ('adl) in fiqh includes economic, social and environmental aspects that support sustainable development. Integrating principles of justice in public policy can help create a more just and sustainable society by ensuring fair distribution of resources, protection of the weak, and wise management of natural resources.

e. Public Benefit (Maslahat)

Maslahat is a principle that emphasizes the public interest and welfare of society. In the context of sustainable development, benefits encourage policies that prioritize collective interests over individual interests, such as environmental protection, public health and education. UNDP (United Nations Development Program) emphasizes the importance of a community-based approach in public policy to ensure collective prosperity. (United Nations Development Program 2017)

f. Environmental Protection

The principle of benefit in Islam includes environmental protection as part of human responsibility to protect the earth. Khalid's research (2002) emphasizes that benefits require public policies to maintain ecosystem balance and avoid environmental damage that can harm society at large. Khalid states that this principle is in line with sustainable development goals which seek to overcome environmental problems such as climate change, pollution and land degradation. (Khalid 2002) The same view from Iqbal and Lewis (2009) in "An Islamic Perspective on Sustainable Development" shows that the application of the benefit principle in environmental policy can increase the effectiveness of conservation programs. For example, reforestation programs supported by communities based on Islamic values have shows positive results in increasing environmental awareness and community participation (Iqbal and Lewis 2009)

UNEP data (2016) emphasizes that environmental policies based on the principle of benefit can increase community participation and the success of conservation programs. This study shows that people are more likely to support and participate in environmental programs that are based on religious values and the public benefit. (Webber 2021) Farid (2007) in "Environmental Jurisprudence in Islam" states that Islamic law regulates human responsibility towards the environment, including the prohibition of pollution and waste management. Farid pointed out that implementing sharia in a modern context can help overcome the environmental challenges facing the world today. (Farid 2007)

g. Public Health

The principle of benefit also includes efforts to improve public health. Research by Hassan (2006) emphasizes that public health is an important aspect of collective welfare which is regulated by the principle of benefit. Policies that promote equitable access to health services, clean water, and sanitation are essential to achieving this goal. (Amuzegar 2018) WHO (2015) indicates that Muslim-majority countries that integrate Islamic principles in public health policies, such as vaccination and maternal and child health programs, have seen significant improvements in health indicators. For example, community-based immunization programs supported by local clerics have increased vaccination coverage and reduced child mortality. A study by Akhtar (2018) shows that Islamic financial instruments such as zakat and waqf have been used to fund health facilities and public health programs. For example, health waqfs in several Muslim countries have provided free or affordable health services for poor and underprivileged communities. (Slamet 2020)

h. Education

Education is another aspect regulated by the principle of benefit. Khan (2014) explains that education is one of the keys to achieving collective prosperity. Quality and accessible education for all levels of society is essential to increase the capacity of individuals and communities to contribute to sustainable development. (Khan 2014) The UNESCO report (2016) shows that countries that integrate Islamic principles in education policies have seen improvements in access and quality of education. For example, Islamic boarding school-based education programs in Indonesia have succeeded in increasing literacy and work skills in local communities. Research by Mohieldin (2012) in "Islamic Finance and Economic Development" emphasizes that zakat and waqf can be used to fund education. For example, waqf education has established free schools and scholarships for disadvantaged students, helping to reduce educational disparities and increase opportunities for all children to receive a decent education. (Mohieldin 2012)

i. Economic Prosperity

The principle of benefit also includes economic welfare. Chapra emphasized that economic policies must ensure fair distribution of wealth and equal access to resources. Instruments such as zakat and waqf are designed to distribute wealth and resources evenly, reduce inequality, and improve the economic well-being of society. (M. Umer Chapra 2008) IDB (2015) shows that countries that effectively manage zakat and waqf have seen a reduction in poverty levels and an increase in economic prosperity. For example, zakat programs in Malaysia and Indonesia have helped reduce poverty and provided financial assistance to those in need. This is in line with Nasr's (1996) view that the principle of benefit also encourages sustainable economic policies, by considering the long-term impact of economic decisions on the environment and society. (Nasr 1990)

The principle of benefit in fiqh emphasizes the public interest and welfare of society, including environmental, health, education and economic aspects. Data and research show that applying the principle of benefit in public policy can increase community participation, program effectiveness and collective welfare. Integrating beneficial values in public policy can help create a more just, prosperous and sustainable society.

j. Trust

The principle of trust teaches that humans are caliphs on earth who are responsible for protecting and preserving the environment. This mandate includes the wise and responsible use of natural resources to ensure the survival of future generations. According to Islamic Relief Worldwide, the principle of trust is the basis for sustainable ecological action

in Islam. (Islamic Relief Worldwide 2019) The principle of trust in Islam emphasizes that humans have a moral and ethical responsibility to maintain the balance of the ecosystem. This is reflected in various verses of the Koran which emphasize the importance of environmental conservation and wise management of natural resources. For example, the Al-Quran Surah Al-A'raf (7:31) states, "O children of Adam! Wear your beautiful clothes every time (entering) the mosque, eat and drink, and do not be excessive. Indeed, Allah does not like people who are extravagant."

k. Wise Use of Natural Resources

Trust in Islam includes the responsibility to use natural resources wisely. Nasr explained that this principle requires humans not to overexploit natural resources and maintain ecosystem balance. This means that sustainable environmental policies must reflect the values of the trust, with a focus on conservation and efficient use. (Nasr 1990) Khalid (2002) states that trust is the basis of Islamic environmental ethics which encourages the sustainable use of natural resources. Khalid emphasized that the concept of trust in Islam requires humans to act as responsible guardians of the earth, ensuring that existing natural resources can be passed on to future generations in good condition. (Windsor 2012) Of course, this is in line with UNEP (2016) emphasizing that the principle of trust in Islam can increase community compliance with environmental policies. This study shows that conservation programs based on religious values are more likely to be successful because they attach moral and spiritual obligations to society.

Research by Farid (2007) in "Environmental Jurisprudence in Islam" states that Islamic law regulates human responsibility towards the environment, including the prohibition of pollution and waste management. Farid pointed out that implementing sharia in a modern context can help overcome the environmental challenges facing the world today. (Farid 2007) World Bank data (2016) on community-based approaches to sustainable development states that the integration of religious principles, including mandates, in public policy can increase community participation and the effectiveness of sustainable development programs. The case examples taken are reforestation programs in several Muslim countries which show increased community participation and program success due to the integration of religious values. (The World Bank 2016)

Likewise, Akhtar's (2018) opinion in "Islamic Finance and Sustainable Development" shows that Islamic financial instruments such as green sukuk, which are based on the principle of trust, have been successful in financing sustainable environmental projects. For

example, green sukuk issued by several Muslim countries have been used to finance renewable energy and water management projects. (Slamet 2020) Another argument is strengthened by Mohieldin (2012) that the principle of trust can be applied in the financial sector to support sustainable development. Instruments such as sharia-based microfinance that adhere to amanah principles have helped improve access to finance for marginalized groups, enabling them to participate in sustainable economic activities. (Mohieldin 2012)

I. Social and Environmental Responsibility

The principle of trust also includes social and environmental responsibility. Esposito and Voll (2001) argue that trust in a social context means maintaining the welfare of society and ensuring that public policies do not harm the environment. This includes policies that protect people's rights, such as access to clean water, education, and health, as well as ensuring that economic development does not harm the environment. (Esposito and Voll 2001) Therefore, it is not surprising that the OECD (2015) regarding institutional capacity shows that strengthening the capacity of government institutions to implement policies based on the principle of trust can increase the effectiveness of environmental policies. Training and education that focuses on Islamic values can help build awareness and commitment to environmental conservation. (OECD 2015)

Science and technology applied by considering the principle of trust can support sustainable development. For example, renewable energy technologies developed with trust principles can help reduce dependence on fossil fuels and reduce carbon emissions. Apart from that, education about Islamic values related to the environment can increase public awareness and compliance with environmental policies. This study shows that educational programs that integrate trust principles can produce behavioral changes that support sustainability. (Gottlieb 2020; Paulus 1977)

The principle of trust in fiqh emphasizes human responsibility as caliphs on earth to protect and preserve the environment. This principle includes the wise and responsible use of natural resources, as well as ensuring that human actions do not harm future generations. Data and research show that implementing the principle of trust in public policy can increase public compliance, participation in environmental programs, and the effectiveness of sustainable policies. Integrating trust values in public policy can help create a more sustainable and environmentally responsible society.

Conclusion

This research concludes that fiqh, as a system of Islamic law and ethics, has great potential to support sustainable development by providing a strong ethical and normative foundation. Fiqh principles such as justice ('adl), public benefit (maslahat), and amanah (trust) are very relevant in overcoming the challenges of sustainable development. Although there are initiatives to integrate fiqh principles in public policy in countries with a majority Muslim population, implementation remains limited and sporadic. This research shows that fiqh can contribute significantly to sustainable development by offering ethical and normative guidance that can create a more just and sustainable society. To strengthen this contribution, it is recommended that future research conduct in-depth case studies, develop a practical framework for implementing fiqh principles, and examine the role of stakeholders and the impact of educational programs and public awareness. Long-term evaluation is also needed to measure the real impact on sustainable development and community welfare

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