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## Analysis of the Practice of Selling and Buying Polyethylene Terephthalate from the Perspective of Ecological Jurisprudence

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**Abstract:** This paper abstracts a problem one of the problems faced in society today is the problem of waste. Waste not only has an impact on the physical environment, but also has an impact on the non-physical environment, namely the social life of the community such as; cases of landfills (TPAS), degradation of soil and water quality, social conflict. However, waste can be valuable if it is sorted from the time it is generated and becomes raw materials that are awaited by recycling companies, such as paper, plastic, metal, glass companies need glass. Almost all inorganic waste can be sold to companies through collectors so that it can be valued. The research in this article uses field research at PT Planetary Recyled Plastic Indonesia in Banyumas, using the Fikih Ecology approach. The results of data collection were carried out by means of observation, interviews, and documentation. The results of the research in this article show that good and correct waste management not only has an impact on the preservation of the ecosystem of living things, but can also be used as a source of goodness by making it a tool for charity (shodaqoh Sampah).

**Keyword:** Sale and Purchase, Polyethylene Terephthalate, Ecological Jurisprudence.

### INTRODUCTION

In the view of the majority of Muslims, Islam is an eco-friendly religion. (Nguyen et al., 2020) Environmental conservation is part of the consequence of the divinity of a Muslim and is a manifestation of faith. Islam forbids humans to do damage on earth because it contradicts their duty as khalifatullah fi al- ardhi. (Fahmi et al., 2023)

Waste should be considered as a valuable and useful object, if it is managed as raw material for making fertilizer, biogas, etc., for its survival. This requires an understanding, appreciation, and view of human life regarding the relationship between humans and their environment. (Puspita et al., 2021)

Waste determines the self-image of a nation, judging by how they treat waste and manage it properly. The wrong understanding of waste leads to the wrong treatment. Most people consider waste as an enemy that must be fought against so there are still many who waste waste, not even rarely who kill its potential. The behavior of burning, washing into the

river and disposing of waste in any place has become a bad habit for most people. This behavior arises due to the low understanding and awareness of the meaning and function of waste, which can actually be used as a valuable resource that can be processed and utilized into valuable and useful items.

Humans are very dependent on the environment, the environment is a unity that includes various living things and the components that surround them. These components are physical, chemical, and socio-cultural components. Humans as one of the living things have a role in managing the environment, if there is environmental damage, it will greatly affect the sustainability of human life itself. Environmental damage can occur on land, air and water. The factors that cause it can be from natural factors and also human factors themselves.(Abdullah, 2010)

One of the environmental damages caused by nature is the occurrence of volcanic eruptions, which can cause volcanic ash rain, hot lava and clouds, produce toxic gases, and solid materials that can fall on housing. Meanwhile, environmental damage due to human activity itself can cause industrial waste pollution, flooding, and land sliding.

Some efforts that can be made to preserve the environment are by planting trees or reforestation of bare land, reducing emissions or disposal of combustion residual gases, avoiding the use of chemical gases that can damage the ozone layer, prohibiting the use of explosives for fishing, and not poaching. Human negligence as a servant of Allah, namely the khalifah on this earth will have a negative impact, therefore, at least humans must instill a sense of concern for the environment, so that the human environment is well maintained.(Thohari, 2013)

From the exposure of the problems mentioned above, the author believes that the discussion related to this theme is still rarely discussed by people. Therefore, the author is interested, wants to examine in depth how the sale and purchase of garbage waste (Polyethylene Terephthalate) or commonly known as plastic waste is analyzed using the theory of ecological fiqh approach (environmental fiqh).(Hermanto, 2023).

## **METHOD**

This research uses field research, which is descriptive qualitative in nature, with the research location at the PT Planetary Recycled Plastic Indonesia Warehouse located in Wiradadi Village, Sokaraja District, Banyumas Regency which buys and sells Polyethylene Terephthalate (PET) plastic waste bottles, using a normative-sociological approach.(Creswell, 1999) The first data collection method is observation, interviews and documentation with data analysis, namely qualitative descriptive data analysis. In analyzing the data, this research begins by raising problems about plastic waste and then analyzing it using the ecological fiqh approach as a solution to the problem of plastic waste.

## **RESULTS AND DISCUSSION**

### **Overview of Buying and Selling**

Buying and selling in language is masdar from the word ba'a yabi'u which means owning and buying. The definition of buying and selling according to Shara' is the exchange of property for property to own and give ownership. In other words, according to Shara', buying and selling is the transfer of ownership with compensation according to the context that is syarized.(Bidayatul Mujtahid Wa Nihayah Al-Muqtashid, 1990)

According to Hasbi ash-Shiddieqy, buying and selling is a contract that is established on the basis of exchanging property for property, so that the exchange of property rights is permanent. According to Hendi Suhendi, buying and selling is an agreement to exchange goods or goods that have value voluntarily between the two parties, one receiving objects and the other receiving them in accordance with the agreement or conditions that have been justified by Shara'

and agreed upon. Ayyub Ahmad buying and selling is exchanging an item for another item or exchanging goods for money in a certain way.(Yasir & Bendadeh, 2021)

From several definitions of buying and selling above, it can be concluded that buying and selling is a form of exchange. Meanwhile, in terms of terms, it is a process in which a seller hands over his goods to the buyer after getting an agreement on the goods to be traded and the exchange value for the goods purchased in accordance with the provisions of Shara'.(Rahman, 2021)

Based on the definitions expressed above, it is clear that the practice of buying and selling contracts is recognized and legal by Shara' and is valid to be implemented in human life. However, it does not rule out the possibility of changing the status of the sale and purchase itself, it all depends on whether or not the conditions and pillars of sale and purchase are fulfilled.

From the point of view of the law, there are two kinds of buying and selling that are valid according to the law and buying and selling that are invalid according to the law, in terms of the object of buying and selling and in terms of the perpetrators of buying and selling. According to the majority of scholars, a sale and purchase can be categorized as valid (sahih) according to the law when the sale and purchase has fulfilled the provisions of Shara', both the pillars and conditions, while a sale and purchase that is categorized as invalid according to the law is a sale and purchase that does not fulfill one of the conditions and pillars so that the sale and purchase becomes damaged (fasid).(Sabiq, 2017)

According to Islam, fairness is the ultimate norm in all aspects of the economy. The opposite of fairness is zalim, which is a trait that Allah forbids in himself. One of the characteristics of justice is that it does not force against injustice, even humans buy goods at a certain price, there should be no monopoly, there should be no price games, and there should be no grip of people with strong capital on weak little people. In general, the provisions of the Qur'an that are related to fair trade, the absence of oppression and the prohibition of hatred of ethnicity make someone unfair. Because this principle of fair trade is a characteristic of a pious organization.

The wisdom of buying and selling in general is that Allah SWT prescribes buying and selling as a gift of freedom and flexibility to His servants, because all humans personally have needs in the form of clothing, food and shelter. Needs like this never stop as long as humans are alive. No one can fulfill their own needs, therefore humans are required to relate to each other. In this relationship, nothing is more perfect than mutual exchange, where one person gives what he has and then he gets something useful from another person according to his own needs.(Mughniyah, 2015)

### **History of Polyethylene Terephthalate (PET)**

Polyethylene Terephthalate (PET) is a recyclable thermoplastic polymer that is very important in the world due to the never-ending applications of plastic use. PET is available in amorphous and semi-crystalline forms. PET also has good processability, good colorability, and can be recycled for other applications. Polyethylene terephthalate is commonly known as a clear, strong, and lightweight plastic that is widely used for food and beverage packaging. The essential elements of PET are ethylene glycol and terephthalic acid, combined to form a polymer chain.

PET was first created in the mid-1940s by DuPont chemists who were trying to develop a new synthetic fiber. DuPont then labeled its PET fiber as "Dacron". Today, more than half of the world's synthetic fibers are made from PET. Polyethylene terephthalate is called polyester when used as a fiber or fabric. When used for packaging or other applications, it is called PET resin or PET.

Polyethylene Terephthalate (PET) is made from ethylene glycol. Ethylene glycol is usually called "MEG", which stands for monoethylene glycol. PET from a combination of

MEG and dimethyl terephthalate (DMT) ( $C_6H_4(CO_2CH_3)_2$ ) but mainly terephthalic acid, also called “PTA” for purified terephthalic acid.

Polyethylene terephthalate is used for textiles, packaging, and other applications. Almost all single-serve and two-liter bottles of soft drinks and carbonated water sold in the US are made of PET. It is also commonly used for packaging salad dressings, peanut butter, oven- or microwaveable cooking oils, mouthwash, shampoo, liquid hand soap, window cleaner, and tennis balls. Special quality PET is used for takeaway food containers and ready-to-eat warmable food trays.

The advantages of Polyethylene Terephthalate material are that it is shatterproof, non-reactive when in contact with food or water, and provides a high strength to weight ratio. Lightweight also provides cost savings when transporting products using PET packaging.

The conversion temperature of PET glass is about 165°C, and the temperature range of the material is 120~220°C. PET has strong hygroscopicity at high temperature. For glass fiber reinforced PET materials, bending deformation is very easy to occur at high temperatures. The material melts at high temperature (instead of burning) also makes it an ideal material for recycling. It is therefore considered a green plastic.

Kekurangan Polyethylene Terephthalate sebagai bahan dalam cetakan injeksi plastik is that the material has lower heat resistance when compared to other polymers. PET-based resins can oxidize, resulting in a deterioration of the taste of food and beverages if the item has a long shelf life and is stored in PET packaging.

PET is not a biodegradable plastic, which may have disadvantages depending on the intended use. Injection molding can only be molded with a screw-type injection molding machine. mainly used to improve PET molding. In general, PET can only be molded with a screw-type injection molding machine.

Polyethylene terephthalate PET does not affect human health. Although many consumers have wrong assumptions about PET, PET does not contain BPA, phthalates, dioxins, cadmium, lead, or endocrine disruptors. Therefore, drinking water from a polyethylene terephthalate bottle left in a hot car, frozen, or washed and used more than once, does not pose any health risk. Polyethylene Terephthalate is not considered toxic. Heat treatment of recycled PET flakes removes any volatile substances, making them safe and meeting requirements for direct contact with food.(Ahmad, n.d.)

Plastic waste is one type of waste generated from human activities that is difficult to decompose. Plastic bags can only decompose in about 10 years - 500 years, plastic straws can decompose in about 20 years, plastic cups decompose in about 50 years, plastic sachet packaging takes 50 years - 80 years, and plastic bottles decompose in about 450 years, while styrofoam cannot be decomposed by the environment. The economic viability of recycling is an important consideration for widespread adoption. Recycling can be cost-effective, especially if factors such as landfill costs, raw material prices, and environmental regulations are taken into account. However, the economics of recycling can vary depending on factors such as waste type, recycling infrastructure, market demand, and technological advancements. The study highlights the importance of integrating economic incentives, such as expanded producer responsibility programs and market-based instruments, to promote recycling and create sustainable markets for recycled materials.(Pahrijal, 2023)

In addition, recycling initiatives have the potential to create jobs and contribute to economic growth. The recycling sector can create jobs in collection, sorting, processing and manufacturing. In addition, the establishment of recycling facilities and the development of innovative recycling technologies can stimulate economic activity and promote a green economy. The study emphasizes the need for supportive policies and investments to maximize the economic benefits of recycling and create a sustainable circular economy.(Anwar, 2022)

Demand for recycled materials and products is critical to the economic viability of recycling innovation. The literature highlights increasing consumer awareness and preference

for sustainable and recycled products. Companies are realizing the market potential by incorporating recycled materials into their supply chains, leading to the emergence of new business opportunities. Studies emphasize the importance of developing strong recycling markets, fostering collaboration between stakeholders, and improving consumer education to strengthen the demand for recycled products. Waste management is essential for both environmental and economic reasons. Recycling waste is not only beneficial to the environment but also economically beneficial. The recycling industry is relatively inefficient, and about half of all recyclable materials are not actually recycled, which is economically and environmentally costly. The potential of futures trading on exchange-traded recyclable materials to improve the efficiency of the recycling industry by enhancing the quality of the market for companies buying and selling recyclable materials has been investigated. The theoretical basis for this financial innovation is that previous studies have shown that introducing exchange-traded derivatives can improve the market quality of the underlying asset.(Nugraha et al., 2024)

Waste management is essential for both environmental and economic reasons. Efficient waste recycling can produce purer recyclable materials, save human health, and speed up the dismantling process. Recycling waste is not only beneficial to the environment but also economically beneficial. The potential of trading exchange-traded futures on recycled materials to improve the efficiency of the recycling industry has been investigated.

In addition, the economic viability of recycling innovations highlights the potential for job creation, economic growth, and sustainable market development for recycled materials. However, successful implementation of recycling initiatives requires supportive policies, investment in recycling infrastructure, and collaboration among stakeholders to overcome challenges such as collection and sorting efficiency, fluctuations in market demand, and technological advancements.(Wardhana, 2024)

### **Ecological Jurisprudence as a Method of Istinbath Law**

The study of fiqh is often known as the concept of *maslahah*. The concept of *maslahah* is known especially in the study of Islamic legal methodology. *Maslahah* literally means something that brings goodness or can also be interpreted as something that contains or brings benefits. The opposite word is *mafsadat*, which means damage or badness. While in terminology, the concept of *maslahah* is everything that guarantees the maintenance of *maqasid al-syariah*. Conversely, anything that eliminates this Sharia goal is called *mafsadat*.(Rohmah et al., 2021)

The concept of *maqasid al-syariah* is considered very important in the study of fiqh and Islamic law. The concept in relation to *maslahah* is even referred to as the spirit that underlies all aspects of Islamic law as a whole. Al-Syatibi asserted that the promulgation of Islamic law is to realize human benefit in this world and the hereafter as a whole.(Mufidah, 2016)

Thus, in the context of fiqh or Islamic law, the process of *ijtihad* or *istinbath* must be guided and oriented towards *maslahah* which is elaborated in *maqasid al-syariah* above, the concept of *maslahah* and *maqasid al-syariah* is very relevant when fiqh must deal with issues that have no definite legal provisions in the *nash*. This means that *maslahah* can be a source or basis of law that complements, or even occupies the position of, the *nash* in formulating legal provisions. This also means that in applying the *nash* in a new case, the content of the *nash* must also be seen from the perspective of the purpose of the law.(Darmalaksana, 2019)

The concept of *maslahah* and *maqasid al-syariah*, as universal references and methods in determining Islamic law, then also provides a wider space for fiqh to respond to contemporary problems, including the environment, so that Islamic law can position itself as suitable for all places, times and conditions.

In the context of environmental conservation, the concepts of *maslahah* and *maqasid al-syariah* act as basic *acua* in formulating the concept of *fiqh al-bi'ah*. This is through two ways of argument, first, placing the maintenance of the environment *hifz 'alam* as one of the *maqasid*



al-syariah, in addition to the five maqasid al-syariah mentioned above. This is based on human benefit. That the preservation of the environment will bring benefits to humans, and conversely the destruction of the environment will bring harm to humans.(Reflita, 2015)

Second, viewing environmental maintenance as an intermediary for the realization of maqasid al-syariah. Although environmental preservation is not considered part of maqasid al-syariah, its existence is an intermediary or prerequisite for the establishment of maqasid al-khamsah. In other words, the five maqasid al-syariah will not be perfect without the preservation of the environment. So with reference to the fiqh rule: “Ma laa yatimmu al wajibu illa bihi fahuma wajibun” which means something that if an obligation is not perfect without its presence then something becomes obligatory as well. So the maintenance of the environment is the same as the maintenance of maqasid al-khamsah. For example, hifz al-Nafs or the preservation of the soul cannot be carried out properly without a healthy and safe environment. In other words, a damaged environment will threaten human survival, thus also threatening the maintenance of life or soul.(Utama et al., 2019)

The discourse of hifz al-bi'ah as part of maqasid al-syariah was first popularized by Yusuf al-Qardhawi. The vital elan of hifz al-bi'ah as an entity in maqasid al-syariah is a necessity in the midst of increasingly severe ecological problems. Optimization of hifz al-Din, hifz al-Nafs, hifz al-Aql, hifz al-Nasl, and hifz al-Mal will not be achieved if ecological damage is not prevented through good environmental preservation. Therefore, to overcome all of this, hifz al-bi'ah is placed as a vital position, even though it is ranked sixth in the maqasid al-syariah hierarchy.

Hifz al-bi'ah itself according to contemporary fiqh scholars is defined as an effort to maintain the environment in a sustainable manner. Hifz al-bi'ah is the result of the elaboration of thoughts from the main objectives of sharia with the formulation of five concepts that are adjusted to the times in order to achieve the welfare of mankind. The scholars of ushul fiqh in the classical period did not include the concept of hifz al-bi'ah as part of maqasid al-khamsah, because they considered that environmental maintenance had been achieved in hifz al-mal. The classical scholars have this view because in classical times environmental conditions have not experienced complex problems and acute crises such as those that occur in contemporary times.(Johar et al., 2021)

Abd al-Majid said that maqasid al-khamsah is not sufficient to respond to various problems and issues that develop in the contemporary era to be reconstructed so that the concept of maqasid al-khamsah becomes broader in scope. Due to the fact, the formulation of maqasid al-khamsah is not an emergency need that is limited or absolute, but over time the needs of maqasid al-khamsah can change according to the development and challenges of the times. Al-Najar views hifz al-bi'ah as an important aspect in efforts to preserve the environment and as the main objective of sharia will make an important contribution in reducing the main mission of humans as khlifah fi ardh. The concept put forward by al-Najjar has succeeded in extracting the normativity of religious texts into Islamic values that are environmentally friendly.(Ahmad, 2016)

### **Analysis of the Sale and Purchase of Polyethylene Terephthalate from the Perspective of Ecological Jurisprudence**

The process of buying and selling Polyethylene Terephthalate (PET) plastic waste at PT Planetary Recycled Plastic Indonesia Warehouse is carried out through buying and selling used PET bottles from several collectors and sellers in Banyumas Regency. This buying and selling has been going on for more than two years. Collectors are people who receive bottles and other used goods from scavengers and the general public. The resulting plastic bottles are put into large bags and sold to vendors. The vendor is the party who receives the plastic bottles from the collectors, then sends them to the factory.

Previously, PT Planetary Recycled Plastik Indonesia's warehouse in Banyumas Regency had worked with collectors and sellers in buying and selling used PET plastic bottles in Banyumas. The buying and selling here from the warehouse orders used PET bottles to collectors and sellers according to the factory's provisions, namely based on clear and blue colors. The warehouse will contact collectors and sellers to ask if they have used plastic bottle stock in accordance with these provisions. If the goods are available, the collectors or sellers will notify and give the warehouse the option to accept the goods or not. If you accept, the transaction process is carried out, usually the warehouse pays in advance to the seller or collector according to the amount available. To facilitate the transportation process, collectors and sellers will be given the option to pick up the goods or send them directly to the PT Planetary Recycled Plastik Indonesia warehouse in Banyumas. Many of the collectors choose to collect their goods because there are no trucks to transport the bottles.

Based on this explanation, it can be concluded that the sale and purchase of polyethylene terephthalate (PET) plastic waste bottles at the PT Planetary Recycled Plastic Indonesia warehouse is included in the sale and purchase of salam. Where the buyer (PT Planetary Recycled Plastic Indonesia warehouse in Banyumas Regency) first orders goods in the form of PET bottles with clear and blue color provisions to collectors and sellers (sellers) in Banyumas Regency. If the goods are available, the collectors or sellers will notify and give the warehouse the option to accept the goods or not. If accepted, the transaction process is carried out, usually the warehouse pays in advance to the sellers or middlemen according to the amount available. To facilitate the transportation process, collectors and sellers will be given the option to pick up their goods or send them directly to the PT Planetary Recycled Plastik Indonesia warehouse in Banyumas.

In conducting the sale and purchase contract for PET plastic waste bottles, the warehouse of PT Planetary Recycled Plastic Indonesia in Banyumas Regency has set the price unilaterally. The transaction takes place when collectors and sellers hand over used PET bottles to the warehouse of PT Planetary Recycled Plastic Indonesia in Banyumas Regency. However, there is a price re-offer later when the goods ordered do not match the initial agreement.

The sale and purchase agreement carried out at the PT Planetary Recycled Plastic Indonesia warehouse in Banyumas Regency is carried out by both parties, where the warehouse as the buyer of used PET bottles orders in advance to collectors and sellers in Banyumas Regency and then the delivery of goods is carried out later, which is included in the sale and purchase of salam. The sellers of used PET bottles are collectors and sellers who have collaborated with the PT Planetary Recycled Plastic Indonesia warehouse in Banyumas Regency. When making a sale and purchase contract, the warehouse contacts collectors and sellers to ask whether the goods are available or not. When the goods are available, the warehouse will take the bottles to the collectors. The bottles are already in large sacks with the weight of each sack of approximately 10 kg, some are still dirty and some have been cleaned and separated according to their type by collectors. The warehouse of PT Planetary Recycled Plastik Indonesia in Banyumas Regency does not know the quality of the bottles in the sacks because of the large number of sacks that must be transported every time the contract is made. When the warehouse picks up the goods, the seller will weigh all the bottles and put them directly into the truck.

In making a salam sale and purchase, of course, it must fulfill the pillars of salam sale and purchase, namely the two parties to the contract ('aqidain), the object (ma'qud 'alaih), and the memorization (Sigat). To perfect the sale and purchase contract, of course, there are several conditions that must be met in these pillars. A 'aqidain must be sensible, mature, and have the right to use his property. Ma'qud 'alaih must be halal goods, have benefits, be in place, belong to the seller, and be clearly known by both the seller and the buyer regarding the substance, form, grade, and characteristics. The contract must be made by a person who is aqil baligh, qabul in accordance with ijab, and done in one assembly.(Arif, 2023)

The type of sale and purchase with the delivery of goods at the back is a salam contract or in buying and selling is a contract where the goods will be produced or made according to the existing order. Therefore, the right to khiyar at the time of the contract can prevent losses between the two parties before they agree to continue the contract.(Salim, 2021)

Therefore, khiyar as a right for sellers and buyers must be applied in every transaction, especially in online buying and selling as a proof of the perfection of Islamic law in regulating buying and selling. Because regardless of the type of sale and purchase, the right of khiyar is a right that must be given so that the transaction that occurs between the two people who make a contract takes place according to the purpose of the transaction in Islam, namely transactions that are mutually satisfied.(Salim, 2021)

In the sale and purchase of PET plastic waste bottles, there is a khiyar right, namely the warehouse as the buyer makes an agreement with the seller that later makes a re-price offer when the goods received are not in accordance with the initial conditions. In khiyar terms, it is explained that it is the right of each party who organizes the contract to continue or cancel the contract within a certain period of time. For example, in a sale and purchase transaction, a buyer says to the seller: I buy this item from you on the condition that I am given khiyar for a day or three days. The khiyar is necessary because the buyer needs time to properly consider the purchase. It is also necessary to give him the opportunity to find a more knowledgeable person to explain the object of the contract that he is buying, so as to avoid loss and fraud. As for the time period specified in the sale and purchase of PET plastic waste bottles here, usually two days after the delivery of goods in accordance with the agreement between the seller and the buyer, it aims to determine the suitability of the goods ordered, by unpacking and sorting all PET bottles in the sack first.(Zuhdi, 2017)

Buying and selling Polyethylene Terephthalate plastic waste is a benefit for creatures on earth, because in addition to waste being an environmental problem, waste is also a doubt in selling which is related to the goods traded must be clean or pure. In this case, buying and selling Polyethylene Terephthalate plastic is an effort to protect the environment (hifz al-bi'ah) and becomes a formula in maqasid al-khamzah. Hifz al-bi'ah as an important aspect in an effort to preserve the environment and as the main purpose of sharia will make an important contribution in lowering the main mission of man as khlifah fi ardh.(Rois et al., 2024)

## CONCLUSION

An analysis of the practice of buying and selling Polyethylene Terephthalate (PET) from the perspective of ecological fiqh highlights the complex relationship between business practices and environmental values in Islam.

From a fiqh perspective, there is an in-depth study of transaction ethics, environmental stewardship and sustainability. The emphasis on the principles of justice, social responsibility, and protection of nature take center stage in the evaluation of PET buying and selling practices. This analysis provides an in-depth understanding of how business practices can be aligned with Islamic teachings that emphasize the importance of preserving the environment.

Practical implications of this study may include the development of more sustainable business conduct guidelines, community empowerment in plastic waste management, and the promotion of environmentally friendly technological innovations in the PET industry. Hifz al-bi'ah as an important aspect in efforts to preserve the environment and as the main objective of the Shari'ah will make an important contribution in reducing the main mission of humans as khlifah fi ardh. Good and correct waste management not only has an impact on the preservation of the ecosystem of living things, but can also be used as a source of goodness by making it a tool for charity (shodaqoh Sampah).

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