



Aligning Fiqh Disaster with Indonesia's Management Disaster Policy: A *Maqāṣid* Methodology Review

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Abstract: This study aims to align the principles of fiqh of disasters with Indonesia's disaster management policies, particularly Law No. 24 of 2007. It seeks to explore how Islamic legal objectives can enrich and complement Indonesia's disaster governance framework. Using a *maqāṣid* based analytical approach, the research identifies and categorizes key elements within the *maqāṣid* framework, including concepts, objectives, values, societal groups, universal laws, divine commands, and textual evidences. These components are then systematically examined to evaluate their relevance and alignment with national disaster management strategies. The findings reveal a significant divergence in the interpretation of disaster and disaster management stakeholders between the two paradigms. Indonesian law defines disaster in technical-administrative terms, while fiqh emphasizes theological dimensions, such as divine awareness and submission to God's will. Furthermore, the integration of religion as a vital element in disaster management remains insufficiently addressed in current policy frameworks. This study offers a novel integration of *maqāṣid al-sharī'ah* into the context of disaster management, proposing a theological-ethical dimension often overlooked in secular policy discourse. It bridges religious jurisprudence with contemporary disaster governance. The research suggests that involving religious leaders, institutions, and the Ministry of Religious Affairs in all disaster stages of prevention, response, and recovery can strengthen community resilience by fostering spiritual preparedness, psychological support, and culturally grounded disaster literacy.

Keywords: *Fiqh* Disaster, Disaster Management Policy, *Maqāṣid* Methodology

Abstrak: Penelitian ini bertujuan untuk menyelaraskan prinsip-prinsip fikih bencana dengan kebijakan penanggulangan bencana di Indonesia, khususnya Undang-Undang Nomor 24 Tahun 2007. Penelitian ini berupaya untuk mengeksplorasi bagaimana tujuan hukum Islam dapat memperkaya dan melengkapi kerangka tata kelola bencana di Indonesia. Dengan menggunakan pendekatan analitis berbasis *maqāṣid*, penelitian ini mengidentifikasi dan mengkategorikan elemen-elemen utama dalam

kerangka *maqāṣid* termasuk konsep, tujuan, nilai, kelompok masyarakat, hukum universal, perintah ilahi, dan bukti-bukti tekstual. Komponen-komponen ini kemudian diperiksa secara sistematis untuk mengevaluasi relevansi dan keselarasannya dengan strategi penanggulangan bencana nasional. Temuan-temuan tersebut mengungkapkan perbedaan yang signifikan dalam penafsiran bencana dan pemangku kepentingan penanggulangan bencana antara kedua paradigma tersebut. Hukum Indonesia mendefinisikan bencana dalam istilah teknis-administratif, sementara fikih menekankan dimensi teologis, seperti kesadaran ilahi dan penyerahan diri kepada kehendak Tuhan. Lebih jauh, integrasi agama sebagai elemen penting dalam manajemen bencana masih belum cukup dibahas dalam kerangka kebijakan saat ini. Studi ini menawarkan integrasi baru *maqāṣid al-sharī'ah* ke dalam konteks manajemen bencana, dengan mengusulkan dimensi teologis-etika yang sering diabaikan dalam wacana kebijakan sekuler. Studi ini menjembatani yurisprudensi agama dengan tata kelola bencana kontemporer. Penelitian ini menunjukkan bahwa melibatkan para pemimpin agama, lembaga, dan Kementerian Agama dalam semua tahap bencana pencegahan, respons, dan pemulihan dapat memperkuat ketahanan masyarakat dengan menumbuhkan kesiapsiagaan spiritual, dukungan psikologis, dan literasi bencana yang berlandaskan budaya.

Kata Kunci : Fikih Kebencanaan, Kebijakan Penanggulangan Bencana, *Maqāṣid* Metodologi

Introduction

The increasing frequency and scale of global disasters is a critical concern, as the Center for Research on the Epidemiology of Disasters (CRED) highlights.¹ According to CRED's 2022 report through the Emergency Events Database (EM-DAT), there were 387 significant disaster events globally, exceeding the average of 370 annual events between 2002 and 2021. Asia ranked highest with 137 events, and Indonesia topped the list within the region with 20 disaster occurrences.² This alarming empirical data underscores the urgent need for effective disaster management systems, particularly in disaster-prone countries like Indonesia, to minimize casualties and economic damage.

Indonesia significantly increased its focus on improving disaster management regulations following the devastating Aceh tsunami.³ Before this, disaster response was regulated through a series of Presidential Decrees under the National Coordinating Agency for Disaster Management (BAKORNAS). It was only after 2004 that a more structured legal framework was established, marked by the enactment of Law No. 24 of 2007 and Presidential Regulation No. 8 of 2008.⁴ Despite this progress, challenges remain in aligning the legal-institutional framework with holistic, community-inclusive strategies, especially regarding integrating religious narratives and community-based initiatives into official disaster management policies.

Disaster management in Indonesia is structured around three phases: pre-disaster, emergency response, and post-disaster, as outlined in Law No. 24 of 2007.⁵ This approach differs from the globally adopted four-stage model proposed by Coppola⁶ mitigation, preparedness, response, and

¹ Centre for Research on the Epidemiology of Disasters - CRED, "EM-DAT | The International Disasters Database," May 2023.

² Centre for Research on the Epidemiology of Disasters - CRED, "2022 Disasters in Numbers" (Centre for Research on the Epidemiology of Disasters - CRED, n.d.).

³ Matthew Coghlan, "International Disaster Response Law (IDRL) in Indonesia: An Analysis of the Impact and Implementation of Indonesia's Legal Framework for International Disaster Assistance" (United Kingdom, 2015).

⁴ Badan Pembinaan Hukum Nasional, "Analisis Dan Evaluasi Undang-Undang No 24 Tahun 2007 Tentang Penanggulangan Bencana," 2011.

⁵ Republik Indonesia, "Undang-Undang No. 24 Tahun 2007 Tentang Penanggulangan Bencana" (2007).

⁶ Damon Coppola, *Introduction to International Disaster Management*, 5th ed. (butterworth: Elsevier, 2006).

recovery but aligns with Stodard's three-phase concept.⁷ Scholars such as Ardianto B. Rahmawan and Annisa Gita Srikandini have identified weaknesses in Indonesia's disaster management, notably poor institutional coordination, and limited budget allocations, exacerbated by decentralization.⁸ While studies have proposed strengthening government-NGO coordination,⁹ limited literature explores the role of religious organizations, particularly Islamic institutions like Nahdlatul Ulama and Muhammadiyah, in contributing to disaster policy through the lens of *fiqh* disaster. This represents a significant gap in disaster management discourse in Indonesia.¹⁰

This article addresses the gap in integrating religious perspectives into formal disaster management policy by analyzing how *fiqh* disasters developed by major Islamic organizations can be aligned with national disaster regulations. The study focuses particularly on Disaster Risk Reduction (DRR) strategies, aiming to explore how religious organizations already have well-developed theological and practical approaches to disaster response that can complement governmental disaster efforts. The ultimate goal is strengthening Indonesia's disaster management regulations by building synergy between state policy and community-based religious frameworks.

Strengthening disaster management policies in Indonesia requires a multi-stakeholder approach that includes state actors and non-governmental entities,¹¹ especially religious organizations.¹² The Quranic narratives, like the story of Noah in Surah Hud and similar references in other Abrahamic religions, illustrate that religious traditions contain long-standing frameworks for understanding and responding to disasters.¹³ Empirical studies from local and international contexts, such as those by Kyoo-Man Ha and Adisaputra Gianisa, affirm religious beliefs and institutions' constructive role in disaster preparedness and recovery. Therefore, integrating the principles of *fiqh* disaster into Indonesia's national disaster policy offers a culturally relevant, spiritually grounded, and practically effective strategy to enhance resilience and save lives during disasters.¹⁴

This study uses the *maqāṣid methodology* and framework developed by Jasser Auda to explore the alignment between Islamic disaster jurisprudence and Indonesia's disaster management policies. The **research design** is rooted in Islamic epistemology, where the core methodological step involves mapping the *text of revelation* and the *realities of disaster policy* into Auda's seven-element

⁷ Christo Coetzee, "The Development, Implementation and Transformation of the Disaster Management Cycle" (North-West University, 2010).

⁸ Budi Rahmawan et al., "A Comparative Study of Earthquake Disaster Management Laws between USA and Indonesia," *Jamba: Journal of Disaster Risk Studies* 16 (February 2024), <https://doi.org/10.4102/jamba.v16i1.1582>; Annisa Srikandini, Thea Hilhorst, and Roanne Voorst, "Disaster Risk Governance in Indonesia and Myanmar: The Practice of Co-Governance," *Politics and Governance* 6, no. 3 (2018): 180–89.

⁹ Avianto Amri et al., "Disaster Risk Reduction Education in Indonesia: Challenges and Recommendations for Scaling Up," *Natural Hazards and Earth System Sciences* 17, no. 4 (2017): 595–612, <https://doi.org/10.5194/nhess-17-595-2017>.

¹⁰ Farkhan Farkhan, Kamsi Kamsi, and Asmuni Asmuni, "Studi Komparatif Fikih Bencana Muhammadiyah Dan Nahdlatul Ulama," *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum* 5, no. 2 (2021), <https://doi.org/10.22515/alakhkam.v5i2.3281>.

¹¹ & Muhammad Fuad Zain Ridwan, "Dispensation and Adaptation of Islamic Religious Practices Based on Fatwas of the Indonesian Ulema Council During Covid-19 Pandemic," *Manchester Journal of International Economic Law*, no. 1 (2024); Nur Lailatul Musyafaah et al., "The Role of Women Workers in Surabaya, East Java, Indonesia, in Meeting Families' Needs During the Covid-19 Pandemic: A Maqāṣid Shariah Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (June 29, 2022): 60–90, <https://doi.org/10.19105/al-lhkam.v17i1.5509>.

¹² Ridwan Ridwan and Muhammad Fuad Zain, "COVID-19: New Normal and New Procedures of Worship in Indonesia," *Fieldwork in Religion* 16, no. 2 (2021): 258–76.

¹³ Mohsen Ghafory-Ashtiany, "Chapter 21 - View of Abrahamic Religions on Natural Disaster Risk Reduction," in *Hazards and Disasters Series*, ed. John F Shroder et al. (Boston: Academic Press, 2015), 373–90, <https://doi.org/https://doi.org/10.1016/B978-0-12-396451-9.00021-4>.

¹⁴ Kyoo-Man Ha, "The Role of Religious Beliefs and Institutions in Disaster Management: A Case Study," *Religions*, 2015, <https://doi.org/10.3390/rel6041314>; Adisaputri Gianisa and Loic Le De, "The Role of Religious Beliefs and Practices in Disaster," *Disaster Prevention and Management* 27, no. 1 (January 2018): 74–86, <https://doi.org/10.1108/DPM-10-2017-0238>.

framework comprising objectives, concepts, groups, universal laws, values, proofs, and commands.¹⁵ The **data collection** combines primary sources, including literature on the disaster fiqh of NU and Muhammadiyah and Law No. 24 of 2007 on disaster management, alongside secondary sources that discuss contemporary disaster responses and local wisdom within Indonesian communities. **Analytical procedures** follow five stages: identifying the purpose (aligning fiqh and policy), engaging in a reflective cycle on Qur'anic verses relevant to disaster, framing these reflections within the seven *maqāṣid* elements, conducting critical studies of disaster management policies, and analyzing practical realities. Through these stages, the study produces a comparative framework where Islamic principles and state policies can be evaluated and harmonized, ultimately offering a **solution-oriented perspective** that contributes to Indonesia's more integrated and spiritually grounded disaster risk reduction (DRR) strategies.

Maqāṣid Framework Application in Fiqh Disaster

Fiqh disaster of Muhammadiyah and Nahdlatul Ulama is the result of the *ijtihad* of each Islamic community organization following the steps of their *ijtihad*.¹⁶ The results of NU's *ijtihad*, it has explained the principles of *maṣlahah*, which refer to *al-daruriyah al-hamsah*¹⁷ as the basis for disaster management, namely *hifz al-nafs*, *hifz al-din*, *hifz al-māl*, *hifz al-'aql*, and *hifz al-nasl*,¹⁸ the indicators of its support are based on the *naql* argument which supports every maintenance effort, let's say in *hifz al-nafs* the rescue efforts carried out by the rescue team must be based on individuals who have standard knowledge of victim evacuation.¹⁹ Meanwhile, Muhammadiyah developed the concept of fulfilling victims' rights as a basis for the welfare that must be achieved in disaster management.²⁰ Although both have developed the concept of *maqāṣid al-shari'ah*, it won't be easy to extract the similarities in values that both want to be aligned in policy standards, so a more precise method of extracting elements is needed to produce values that can be held together in their implementation.

In this article, the steps to combine *fiqh* disaster and disaster management policy are carried out by equating the elements of the *maqāṣid* framework.²¹ Therefore, it is crucial to analyze the elements of concept, objective, value, command, universal laws, group, and proof contained in the *fiqh* disaster of Muhammadiyah²² and Nahdlatul Ulama²³. In the *maqāṣid* methodology, the steps for breaking down

¹⁵ Jasser Auda, *Re-Envisioning Islamic Scholarship: Maqasid Methodology as a New Approach*, First (Swansa: Claritas Books, 2021).

¹⁶ Ahmad Arief, Darussalam Syamsuddin, and Abdul Syatar, "Diskursus Illat, Hikmah Dan Sabab Serta Korelasinya Pada Konstruksi Hukum Islam," *Comparativa: Jurnal Ilmiah Perbandingan Mazhab Dan Hukum* 3, no. 1 (2022): 51–69, <https://doi.org/10.24239/comparativa.v3i1.35>.

¹⁷ Heru Susanto and Agustina Kumala Dewi, "Abu Al-Ma'ali Al-Juwaini's Contribution to Maqashid Al-Shari'ah Thought in Kitab Al-Burhan Fi Ushul Al-Fiqh," *Bilancia: Jurnal Studi Ilmu Syariah Dan Hukum* 18, no. 2 SE-Articles (December 2024): 173–94, <https://doi.org/10.24239/blc.v18i2.3418>. Al-Juwaini contributed his thought in the field of maqashid al-shari'ah by formulating the formulation of ushul al-shari'ah. Al-Juwaini uses several terms that refer to the meaning of the shari'a objectives as follows: al-ma'ani, al-hikmah, murad al-shari', al-ghard and al-aghrad, al-mashalih, mahasin al-shari'ah, mathalib al-shari'ah, bughyah al-shari' and mabaghi al-shar', al-kulliyat and kulliyat al-shar', al-qa'idah al-kulliyah and qawa'id al-shari'ah. Second, Al-Juwaini divides ushul al-shari'ah into 5 (five

¹⁸ AbuHamid Muhammad ibn Muhammad Al-Ghazali, *Al-Mustashfa Min Ilm Al-Ushul*, vol. 2 (Jeddah: Shirkah al-Madinah al-Munawwarah, n.d.), 438.

¹⁹ Ahmad Fawaid Syadzili et al., *Penanggulangan Bencana Berbasis Masyarakat Dalam Perspektif Islam*, ed. M Ali Yusuf and Abdul Jamil Wahab, 1st ed. (Jakarta: CDBRM, 2007), 51.

²⁰ Pimpinan Pusat Muhammadiyah, *Fikih Kebencanaan Dan Tuntunan Shalat*, 1st ed. (Yogyakarta: Gramasurya, 2018), 90–108.

²¹ Ahmad Badri Abdullah, "Re-Envisioning Islamic Scholarship: Maqasid Methodology as A New Approach," *Journal of Contemporary Maqasid Studies* 2, no. 2 (2023): 103–8, <https://doi.org/10.52100/jcms.v2i2.117>.

²² Niki Alma Febriana Fauzi, "Muhammadiyah's New Fiqh Reasoning : Constructing a Holistic Islamic Law Paradigm," *Afkaruna* 15, no. 1 (2019), <https://doi.org/10.18196/aaijjs.2019.0094.32-54>.

²³ Tim PW LBM NU Jawa Timur, *Fikih Kebencanaan*, 1st ed. (Surabaya: PW LBM NU & PW LTN NU Jawa Timur, 2022).

the elements of the *maqāṣid* framework can be applied to each methodological phase, especially in the fiqh disaster of Muhammadiyah and Nahdlatul Ulama. The epistemological meanings of disasters in the texts are explained in the reflection cycle phase of the Qur'an and Sunnah contained in both. In NU and Muhammadiyah, there is an understanding of applying the Qur'anic arguments to form the *maqāṣid* values used in disaster management. Therefore, the methodological description of the *maqāṣid* framework elements as they relate to disasters in the Qur'an can be presented as follows:

Table 1: *Maqāṣid* Framework Analysis in *Fiqh* Disaster

No	Maqāṣid Framework	Keyword Elements	Pointer Verse (Surah No.: Verse No.)
1	Concept (<i>mafahim</i>)	<i>Muṣibah, Fitnah, Balā, 'Azab</i>	(2:156) (57:22,23) (40:30) (22:11) (7:168) (11:8) (7:1) (54:18)
2	Objective (<i>maqāṣid</i>)	<i>istirjā', Yarjī'ūn</i>	(2:156) (7:168) (8:4) (2:256) (31:21)
3	Group (<i>fi'at</i>)	All humans, previous nations, infidels, rulers, believers, hypocrites, prophets and messengers	(2:155) (11:24) (12:54)
4	Value (<i>qiyam</i>)	Patience, piety, goodness, blessings	(2:155) (2:117)
5	Command (<i>awamir</i>)	Prohibition of worshiping other than Allah, Prohibition of oppression and destruction, Allah SWT's command to the earth and sky, Command to build ships, command to save animals in pairs	(11:40) (11:44) (21:25)
6	Proof (<i>hujaj</i>)	Allah SWT's omnipotence as the regulator of life	(7:168) (2:155) (57:22)
7	Universal law (<i>sunan ilahiyah</i>)	Hunger, poverty, fear lack wealth, life and food, in pairs, damage earth	(2:155,156) (11:40) (30:41)

Source: Analysed from a primary resources

The analysis results of the first *maqāṣid* framework show the concept presented by the Quran regarding disasters. The illustration is conveyed by four Quran keywords: *muṣibah, fitnah, balā,* and *'azab*. These four keywords represent an illustration of the difficulties faced by humans in life.²⁴ Everything is related to the decree of Allah SWT. These four keywords are also related to the process of human acceptance of the perspective of disaster as explained in the Quran in the verses *muṣibah, fitnah, balā,* and *'azab* and the necessity to reflect on each incident as described in the word of Allah in QS Ghafir/ 40 verses to 21.²⁵

²⁴ Yevhen Leheza et al., "The Human Right to an Environment Safe for Life and Health: Legal Regulation, Contemporary Challenges and Comparative Perspectives," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (January 30, 2024): 138–50, <https://doi.org/10.18592/sjhp.v23i2.12257>.

²⁵ Agung Danarta, "The Implementation of Disaster Mitigation Based on Qur'anic Interpretation: Muhammadiyah Case Study," *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 23, no. 1 (2022): 125–44.

On the side of the final goal (objectives), natural and non-natural disasters from the perspective of fiqh disaster have a purpose for their existence, namely *Istirja'* which is interpreted in QS. Al-Baqarah 2/156: "Indeed we belong to Allah, and indeed to Him we will return." This sentence reveals that disaster events are part of the universal law that will result in hunger, poverty, and fear of losing property. In every disaster, humans must remember their position as caliphs. Allah SWT commands a caliph as the command element is emphasized not to worship other than Allah, not to oppress humans and the surrounding environment, and not to damage the earth. All three of these are a betrayal of the task of the caliphate. Allah SWT's command is also in every disaster. Believers must make preparations, such as the order to build a ship in the disaster of Noah's flood or maximize their knowledge to overcome disasters. The *maqāṣid* framework element also explains that disasters provide value for all creatures, both believers and non-believers, for humans and other creatures; even prophets and apostles are not immune from disasters that Allah SWT has determined.

The discussion of the elements of the *maqāṣid* framework aligns with the anthropocentric theological paradigm offered by Fatimah Syam as a bridge connecting the concept of theology and the implementation of Law No. 24 of 2007. In her writing, Fatimah rejects full human resignation in accepting the consequences of disasters, so the functional anthropocentric offer is used as the main view for building pro-human disaster management planning.²⁶ However, the *maqāṣid* methodology in the Quranic reflection cycle provides a deeper explanation than just the theological concept, which can be seen from the fragmentation of the seven framework elements. The fragmentation of each element of the *maqāṣid* framework in fiqh disaster narrows down to four main discussion lines to adjust fiqh disaster that is following *maqāṣid*, namely: (1) The meaning of disaster is oriented towards the goal of *maqāṣid al-sharī'ah*, namely *istirja'*; (2) Mitigation activities based on faith are *maqāṣid al-sharī'ah* for disaster management; (3) The mitigation *waṣā'il* adjusts to disaster vulnerability; (4) The leading sector of mitigation is the government/ruler.

The four adjustments above are a reflection of the relevance of *maqāṣid al-sharī'ah* in every disaster case that must be resolved according to the instruments of fiqh. For example, in the accusation that disaster victims are sinners who deserve punishment in the form of disasters. This assumption is a socially common assumption that occurs in every disaster case and has negative implications for the reluctance to provide assistance or to sort and choose those who want to be helped according to their religion.²⁷ This labeling problem can be solved by re-establishing the meaning of disaster in the *maqāṣid* fiqh disaster, namely the meaning of *istirja'*, which becomes the objective of the disaster. The meaning of *istirja'* will make us aware that all humans and nature are basically in the power of Allah SWT so that if something happens, returning to the nature of Allah SWT is out. Reinforcement of disaster mitigation activities by including the values of faith as expressed in the repetition of warnings of punishment through disasters in the Qur'an, the command to build a boat is a mitigating command for the punishment to all the people of Prophet Noah, but the faithful then respond to the mitigating command of Allah SWT and carry out his orders under the command of Prophet Noah. The existence of the ruler also plays a central role in mitigation, as illustrated by the principle of "*taṣarruf al-imam ala al-ra'iyah manūnun bi al-maṣlahah* (the ruler's policy for his people must be based on the

²⁶ Fatimah Syam, "Pengintegrasian Pengurangan Resiko Bencana Dan Pendekatan Mazhab Antropisentris," *Substantia* 20, no. 1 (2018): 49-65.

²⁷ Mochammad Nur Ichwan, "Eko Teologi Bencana, Aktivisme Sosial Dan Politik Kemaslahatan," in *Agama, Budaya, Dan Bencana :Kajian Integratif Ilmu Agama Dan Budaya*, 1st ed. (Yogyakarta: Mizan Pustaka & ICRS, 2012), 25.

benefit),”²⁸ the role of government mitigation specifically for disasters can begin with environmental protection by completing each regulation and providing a deterrent effect to violators. One of the implementations that can be carried out per the previous principle is to emphasize the benefits of permitted things. Recognition of individual rights is a collaboration of two rights, namely the right to use for oneself and the general right for benefits in society, and the third is the enforcement of *ta’zīr* law for criminals who damage the environment.²⁹

Maqāṣid Methodology Application on Indonesia Disaster Management Policy

The application of critical studies of literature and reality in Indonesian disaster management policies is the third methodological step, and it is by trying to integrate *maqāṣid al-sharī‘ah* in Indonesian government policies by breaking down the basic elements that must exist in every scientific system³⁰. The process is similar to the analysis process in the previous *fiqh* disaster. Auda determines several meaningful terms to explore *maqāṣid* elements in non-Islamic sciences: desired goals, prevailing terms, classified groups, general laws, normative ethics, logical proof, and followed rules.³¹ This change in terminology reflects that non-Islamic sciences are grounded in intellectual and practical realities developed through empirical experience; therefore, it is inappropriate to equate their terminology with Islamic terms directly.

Table 2: *Maqāṣid* Framework Non-Islamic Knowledge

No	Maqāṣid Framework Non-Islamic Knowledge	Keyword Elements	Article of Law / Presidential Decree / PP
1	Desired goal	<ul style="list-style-type: none"> - Community protection - Harmonization of laws - Planned, integrated, and coordinated disaster management - Appreciation of local culture - Public and private participation and partnership - Encourage the spirit of mutual cooperation, solidarity, and generosity - Creating peace in the life of society, nation, and state 	Article 4 of Law Number 24 of 2007, Attachment to the Objectives of Presidential Decree No. 87 of 2020

²⁸ Harwis Alimuddin, Syaifuddin, and Sucipto, “The Comparison of Marital Property Division Between Indonesia and Malaysia from the Perspective of Fiqh Rules,” *PAREWA SARAQ: JOURNAL OF ISLAMIC LAW AND FATWA REVIEW* 4, no. 1 SE-Articles (May 2025): 1–13. while in Malaysia it refers to Act 303 Islamic Family Law (Federal Territories)

²⁹ Quṭb Rishuny, “Qā’idat Taṣarruf Al-Imām ‘alā Al-Ra’iyyah Manūṭ Bi Al-Maṣlaḥah Wa-Aṭ-Ṭbiqātuhā Al-Mu’āṣirah Fī Al-Majāl Al-Bī’ī,” *Journal of College of Sharia & Islamic Studies* 29, no. 1 (2011), <https://doi.org/http://hdl.handle.net/10576/4060>.

³⁰ Ikhwan Fikri and Muhammad Al Kautsar Subroto, “Maqāṣid Shari‘ah Paradigm in Wealth Preservation and Regional Stability Through Local Currency Protection within ASEAN,” *Mazahibuna: Jurnal Perbandingan Mazhab*, no. SE-Articles (June 2024): 98–112, <https://doi.org/10.24252/mazahibuna.vi.42845>.

³¹ Jasser Auda, *Al-Manhajiyah Al-Maqasidiah: Nahwa l’adah Siyagah Al-Mu’asir Li Al-Ijtihad Al-Islami*, 1st ed. (Dar al-Maqasid, 2021), 113.

No	Maqāṣid Framework Non-Islamic Knowledge	Keyword Elements	Article of Law / Presidential Decree / PP
2	Prevailing term	<ul style="list-style-type: none"> - Disaster management - Disaster preparedness - Disaster mitigation - Disaster prevention - Disaster emergency response - Disaster recovery 	Article 1 of Law No. 24 of 2007
3	Classified groups	<ul style="list-style-type: none"> - Central Government - Regional Government - National Disaster Management Agency - Regional Disaster Management Agency - Business Institutions - International Institutions - Foreign Non-Governmental Institutions 	Article 5, 10, 18, 28, 30 of Law No. 24 of 2007, Article 5 of Presidential Decree No. 87 of 2020
4	General law	<p>The principles of disaster management are carried out by:</p> <ul style="list-style-type: none"> - Fast and Precise - Priority - Coordination and Integration - Efficient and effective - Partnership - Empowerment - Non-discriminatory - Non-proletarian 	Article 3 of Law No. 24 of 2007
5	Normative ethics	<ul style="list-style-type: none"> - Humanity - Justice - Equality in law and government - Balance, harmony, and compatibility - Order and legal certainty - Togetherness - Environmental sustainability - Science and technology 	Article 3 of Law No. 24 of 2007
6	Logical proof	The success of disaster management is demonstrated by strengthening disaster management.	General explanation of Law No. 24 of 2007
7	Followed rule	The 1945 Constitution of the Republic of Indonesia, Pancasila, Sendai Framework for disaster risk reduction, Paris Agreement	Presidential Regulation 87 of 2020, Law No. 24 of 2007

Source: Author interpretation

The table above shows the results of critical studies in Indonesian disaster management policies regarding the objectives (desired goals) of Indonesian disaster management policies, which

have seven specific objectives stated in Law No. 24 of 2007. Several objectives align with disaster management science, namely community protection, maintaining civilization, and maximizing the quality of human life, which is one of many, although there are differences in the background and orientation of each community regarding how to realize it.³² The values of Pancasila are also one of the goals that must be realized in disaster management policies, which should encourage the spirit of cooperation and solidarity and the goal of maintaining peace. Departing from the goals to be achieved, disaster management laws and regulations have realized the most basic *maqāṣid* values, such as maintaining human souls together with reason, property, and the continuation of human life.

Furthermore, using prevailing terms, Indonesia's disaster management policy has accommodated all the terminology used in the disaster management phases, starting from the preparation, mitigation, emergency response, and recovery phases.³³ Although it must be acknowledged that the implementation of each phase has not been fully implemented, one of the effects of disaster mitigation in Indonesia carried out by BNPB and BPBD is still less effective, particularly in communication, coordination, collaboration, and synchronization.³⁴ All phases of disaster management must be implemented by all parties classified in the law as mandatory implementers of disaster management in Indonesia, which are specifically regulated starting from the central and regional governments, BNPB, BPBD, business institutions, international institutions, and foreign non-governmental institutions.

The coordination of all existing parties must be implemented from preparation to recovery to realize common goals in disaster management policies. The existence of all these parties is also still an obstacle because all parties are not directly involved in the regulation planning, resulting in the fulfilment of logical proof that is realistically difficult to realize effectively.³⁵

The government has gradually covered this obstacle with efforts to align with the following rules in Presidential Regulation No. 87 of 2020, such as implementing the Sendai Framework for Disaster Risk Reduction and the Paris Agreement. However, it should be noted that two critical elements must be simultaneously considered by the parties appointed as the person in charge of disaster management in Law No. 24 of 2007, scilicet the General Law and Normative Ethics elements.

One crucial point is the partnership, which is one of the critical keys to disaster management, for instance in the implementation of disaster management regulations in Japan, the partnership of all interested parties has been regulated in their competence, like in a disaster at the local level then it is based on local disaster management, all partners in the cooperation start from the police, firefighters, community groups, schools, and other related parties.³⁶ Even though there are still many essential points in the two elements that have not been implemented, it can be understood that regulations have met the basic disaster management standards implemented today.

³² Laurie Pearce, "Disaster Management and Community Planning, and Public Participation: How to Achieve Sustainable Hazard Mitigation," *Natural Hazards* 28, no. 2-3 (2003): 211-28, <https://doi.org/10.1023/A:1022917721797>.

³³ Coppola, *Introduction to International Disaster Management*.

³⁴ Janiscus Pieter Tanesab, "Institutional Effectiveness and Inclusions: Public Perceptions on Indonesia's Disaster Management Authorities," *International Journal of Disaster Management* 3, no. 2 (2020): 1-15, <https://doi.org/10.24815/ijdm.v3i2.17621>.

³⁵ Titie Yustisia Lestari, Rahmia Rachman, and Adiesty Septhiany Prihatiningsih Syamsuddin, "Comparative Analysis of Disaster Management Between Indonesia and Japan from Regulatory and Institutional Aspects," *MATEC Web of Conferences* 331 (2020): 01007, <https://doi.org/10.1051/mateconf/202033101007>.

³⁶ Yustisia Lestari, Rachman, and Septhiany Prihatiningsih Syamsuddin.

Aligning Fiqh Disaster and Indonesia's disaster management policy

After determining the fragmentation of the two variables in this writing, the final stage in the *maqāṣid* methodology step is forming theories and principles. This process is in line with the process of aligning the two variables that have been discussed previously. The *maqāṣid* methodology views this final stage as an adaptation involving three key orientations of a concept: future-oriented, critical, and comprehensive in scope.³⁷ Disaster management, which has become a global problem since the establishment of the International Decade for Natural Disaster Reduction (IDNDR) by the United Nations, has attempted to formulate global policies in the field of disaster management and disaster risk reduction.³⁸ This policy was adopted by its member countries, one of which was Indonesia, as of coming up with several disaster management policies. Islam with Fiqh disaster originated from Muhammadiyah, and Nahdlatul Ulama tried to answer the disaster management problem. Both literatures have elements that can be harmonized. The process is carried out by comparing the two elements formed by two variables, as shown in the image below:

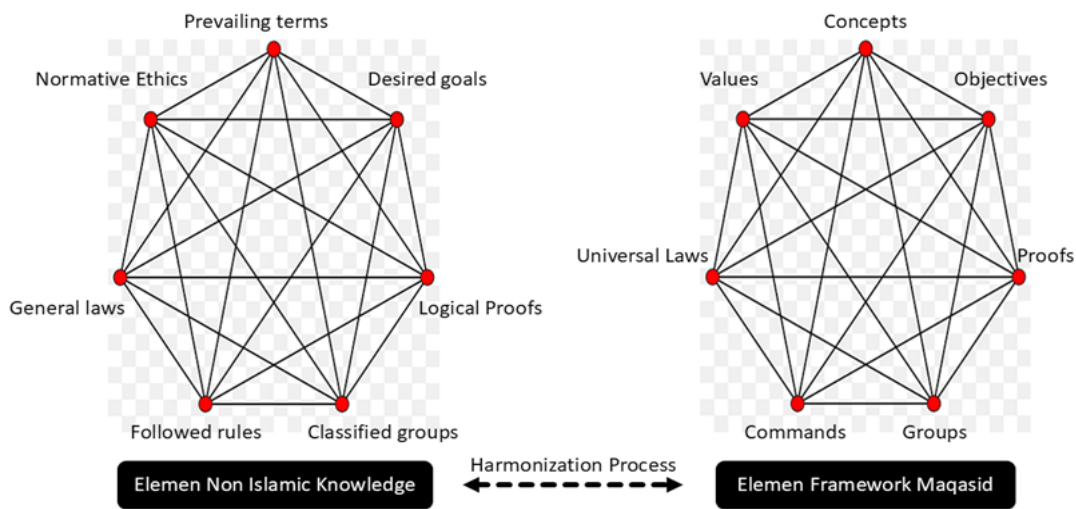


Figure 1 Harmonization Process through Comparing framework maqasid and framework non-Islamic knowledge

The harmonization process intended in this paper aims to internalize the value of *maqāṣid* to strengthen Indonesia's disaster policy. In this case, it must start by strengthening the concept or term disaster. The disaster concept contained in the *maqāṣid* framework, there are four interrelated concepts: videlicet *muṣibah*, *fitnah*, *balā*, and *'azab*. These four vocabularies contain justifications for religious values whose final attribution is always linked to "God's anger" or "God's love." This problem was then answered by Muhammadiyah in its fiqh disaster, which explains that the meaning of disaster is not a form of God's anger or injustice but a form of kindness and compassion towards humans, as the meaning of *istirjā'*, which is the meaning of *maqāṣid* in disasters.³⁹ *Istirja* is a human introspection attitude towards every action that brings about events that are detrimental to themselves. Internalization of the concept of *istirjā'* is a depiction of increased religiosity in Muslim individuals.

³⁷ Auda, *Re-Envisioning Islamic Scholarship: Maqasid Methodology as a New Approach*.
³⁸ United Nations, "The UN and Disaster Risk Management | UN-SPIDER Knowledge Portal," May 2023.
³⁹ Pimpinan Pusat Muhammadiyah, *Fikih Kebencanaan Dan Tuntunan Shalat*.

Based on research, religiosity directly affects group resilience (especially families) in facing disasters, with an influence index value of 86 percent. The magnitude of religiosity is a significant positive value in determining how much influence it has in disaster management strategies.⁴⁰ This support further strengthens the inclusion of religious and spiritual values in every phase of disaster management. Other elements in the *maqāṣid* framework have also shown the fundamental role of Islam as a religion in every disaster rescue preparation effort to adjust the vulnerability of each region, which can be seen clearly in the command element. Look at the great flood in Noah, when Allah ordered a boat to be made as a disaster rescue medium. This element can also be aligned by interested parties in implementing disaster management functions in empowerment actions during disaster phases so that the community can be made aware more quickly to pay attention to the surrounding conditions and adjust to their region's vulnerability.

On the other hand, religious attributions in some conditions can hinder the implementation of disaster management, especially related to the value of resignation to disasters that occur, thus hindering mitigation programs.⁴¹ Another reality is that disasters in several places, religious issues, and their attributions still cause conflict, including the earthquake disaster in Cianjur, West Java, in 2022, where the victims refused assistance based on specific religious attributes.⁴² To counter the negative understanding of religious attribution to every disaster event, Muhammadiyah's and Nahdlatul Ulama's fiqh disaster chose to associate the definition of disaster according to the meaning of Law No. 24 of 2007.⁴³ In their explanations, Muhammadiyah and NU still mention the various meanings in the Quran that describe disasters, and they prefer to take a positive perspective on the existing meanings.

Returning to the context of aligning the meaning of disaster, according to the law, the meaning of disaster must be aligned with the elements of objectives derived from fiqh disaster. To strengthen the fundamental role of aligning the objectives of the *fiqh* disaster, it must be included by adding the aspect of "religion" to Article 31 Point a of Law No. 24 of 2007, which explains that the implementation of disaster management is carried out based on social, economic, and cultural aspects of the community. As happened in the 2009 Padang Earthquake, where religious knowledge and practices carried out at all times can shape the community's views on risk and disaster.⁴⁴ The view in question is expressed by value elements that can increase patience, piety, goodness, and blessings so that no apathy and surrender leads to negative things, such as simply accepting the fate that will happen. Seeing the reality that occurs, starting from research results that strengthen the role of religion in disasters, a series of activities of Islamic community organizations such as NU and Muhammadiyah support spiritual strengthening through religious texts in every disaster event. It is ironic when the religious aspect is not considered to strengthen Indonesia's main disaster management policy, especially in Law No. 24 of 2007.

⁴⁰ Eko Yulianti Siroj et al., "Resilience of Families Surviving the Cianjur Earthquake Disaster: Relation to Economic Pressure, Religiosity and Coping Strategies," *Multidisciplinary Science Journal* 7, no. 6 (November 2024): 2025267, <https://doi.org/10.31893/multiscience.2025267>.

⁴¹ Becca R Levy, Martin D Slade, and Padmini Ranasinghe, "Causal Thinking after a Tsunami Wave: Karma Beliefs, Pessimistic Explanatory Style and Health among Sri Lankan Survivors," *Journal of Religion and Health* 48 (2009): 38–45; Judith Schlehe, "Anthropology of Religion: Disasters and the Representations of Tradition and Modernity," *Religion* 40, no. 2 (2010): 112–20.

⁴² Syeihana Aulia Rizkiadi et al., "Minimnya Pemahaman Toleransi Antar Umat Beragama Pasca Terjadinya Bencana Di Cianjur," *IJM: Indonesian Journal of Multidisciplinary* 1 (2023): 154–62.

⁴³ Pimpinan Pusat Muhammadiyah, *Fikih Kebencanaan Dan Tuntunan Shalat*.

⁴⁴ Gianisa and Le De, "The Role of Religious Beliefs and Practices in Disaster."

Article 34 of Law No. 24 of 2007 has explained that there are two further stages in pre-disaster: a situation with no disaster and a situation with potential for a disaster.⁴⁵ The pre-disaster stage is also the primary focus when looking at the elements of the *maqāṣid* framework of fiqh disaster. In a *fiqh* disaster, the steps for handling it begin with a reminder to return to Allah SWT, accompanied by supporting facilities to mitigate disaster risks. Because of the importance of the pre-disaster stage as a preparation and mitigation stage, the synergy of the parties that support the strengthening of disaster management must be genuinely considered.

Disaster management policies have determined that BNPB and BPBD are the directors and implementers of disaster management at the central and regional levels. Other supporters are business institutions and international humanitarian institutions. When compared to the group elements in the fragments of the *maqāṣid* framework, apart from the government, some religious leaders have an essential role in disaster management in protecting their followers. In fact, religious leaders played an essential role in providing knowledge and awareness of the disaster in one study on the earthquake disaster in Yogyakarta. They even played an important role in providing psychological reinforcement to victims through religious activities.⁴⁶ Therefore, disaster management policies should add supporting parties, such as religious leaders or religious organizations, as one of the pillars of disaster management.

Religious organizations in Indonesia have also played a perfect role in disaster management. Muhammadiyah, for example, has the Muhammadiyah Disaster Management Center (MDMC). MDMC is a tool for Muhammadiyah to emphasize that disasters must be prevented and minimized, not just waiting for disasters to occur.⁴⁷ Although religious organization programs such as disaster-resilient communities, disaster-safe schools, and disaster-safe hospitals have been run independently without policy support from the government,⁴⁸ this does not mean that this should be left as it is. The existence of this study shows the importance of adding elements that have been important but forgotten even though their existence is significant in society. Programs from religious organizations can be inserted and maximized in disaster management plans so that the maximization of the pre-disaster stage as the focal point of disaster management can be further improved.

The Ministry of Religion of the Republic of Indonesia can also play the same role as one of the supporting elements of the performance of the Disaster Management Agency both nationally and regionally. The existence of religious instructors at the KUA can be given standardized disaster management education and training so that the points of organizing, counseling, training, and rehearsals on emergency response mechanisms in Article 45 of Law No. 24 of 2007 can be implemented perfectly and touch all levels of society, especially in disaster-prone areas.

⁴⁵ Republik Indonesia, Undang-undang No. 24 Tahun 2007 Tentang Penanggulangan Bencana.

⁴⁶ Erin P. Joakim and Robert S. White, "Exploring the Impact of Religious Beliefs, Leadership, and Networks on Response and Recovery of Disaster-Affected Populations: A Case Study from Indonesia," *Journal of Contemporary Religion* 30, no. 2 (2015): 193–212, <https://doi.org/10.1080/13537903.2015.1025538>.

⁴⁷ Zakiyuddin Baidhaw, "The Role of Faith-Based Organization in Coping with Disaster Management and Mitigation Muhammadiyah's Experience," *Journal of Indonesian Islam* 9, no. 2 (2015): 167–94, <https://doi.org/10.15642/JIIS.2015.9.2.167-194>. Muhammadiyah perceives disaster in a positive way. As a consequence, it promotes awareness and on the importance of environment protection and management of risk and vulnerability. Second, Muhammadiyah establishes Muhammadiyah Disaster Management Center (MDMC).

⁴⁸ Danarta, "The Implementation of Disaster Mitigation Based on Qur'anic Interpretation: Muhammadiyah Case Study."

Conclusion

This study concludes that Indonesia's disaster management policies have significant potential to be aligned with Islamic disaster jurisprudence (*fiqh al-kawāriṭh*) by integrating religious values, particularly the concept of *istirjā'*, which instills patience and faith in the face of calamities. The predominantly physical and material understanding of disasters can be complemented with spiritual dimensions, fostering greater environmental awareness and faith-based mitigation efforts. A key finding is the importance of incorporating the "religious aspect" into national disaster policies to strengthen public understanding of disaster risks. Moreover, optimizing the role of religious organizations such as Nahdlatul Ulama, Muhammadiyah, and the Ministry of Religious Affairs through the involvement of religious leaders, volunteers, and counselors in mitigation education, victim support, and post-disaster psychological recovery can significantly enhance Indonesia's disaster policy framework. The strength of this research lies in its use of Jasser Auda's maqāṣid methodology, which provides a systematic and comprehensive approach through its seven analytical elements, allowing for an integrative mapping between scriptural texts and policy realities. This framework creates a space for harmonizing Islamic law with state regulations, offering a religiously grounded and practically relevant model. The analysis is also strengthened by using primary sources from NU and Muhammadiyah disaster fiqh, alongside Law No. 24 of 2007 on disaster management. However, the study does have limitations. It has yet to explore all aspects of disaster jurisprudence, such as specific models of mitigation education or the detailed fulfillment of victims' rights from a Sharia perspective, which requires further elaboration. Additionally, the research remains conceptual without incorporating empirical field data, leaving the practical implementation at the local level less illustrated. Therefore, future research is encouraged to develop religious-based disaster education modules and assess the effectiveness of religious institutions in post-disaster recovery, ensuring that the integration of fiqh principles into national disaster policy becomes more comprehensive and applicable.

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