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The Communal Veto Right: Reconstructing *Shuf'ah* to Counter Asset Grabbing

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Abstract: This article critiques the insufficiency of the classical concept of *shuf'ah*, which is traditionally limited to immovable property (*'iqār*) and formal partners (*sharīk*), in responding to the modern phenomenon of asset grabbing that threatens local economic sovereignty. The purpose of this research is to reconstruct *shuf'ah* from a private civil right into a public-transformative legal instrument capable of protecting collective interests. This study employs a normative-juridical approach using Fazlur Rahman's Double Movement theory to bridge classical jurisprudence with contemporary socio-economic challenges. The findings reveal that the foundational moral idea of *shuf'ah* is the principle of communal sovereignty and the elimination of systemic harm (structural *ḍarar*), as evidenced by a critical analysis of the *hadith* of *jiwār* and the maxim of *al-aqrab fa al-aqrab*. In conclusion, this research proposes the transformation of *shuf'ah* into a Communal Veto Right. This reconstructed framework extends the subject of rights to collective community entities and the object of rights to high-impact productive assets—such as natural resource concessions—within a resource sovereignty paradigm. This model offers a Sharia-based legal defense that provides a pragmatic pathway for institutionalizing community protection within national agrarian regulations to resist external exploitation.

Keywords: *Shuf'ah*; Communal Veto Right; Asset Grabbing; Double Movement, Resource Sovereignty

Introduction

The phenomenon of asset grabbing in various regions, especially through the transfer of management rights to coastal lands or large-scale productive assets to investors outside local communities, poses a real threat to economic sovereignty and social harmony (Abdurahman & Mubarok, 2024; Jaelani et al., 2024; Mahfud & Djohan, 2024). The control of these crucial assets often leads to structural losses (structural *ḍarar*; structural detriment), i.e. losses arising from the system and the scale of capital, rather than from individual crimes, which ultimately paralyze the livelihoods of communities (fishermen, farmers) and exacerbate inequality (Granet, 2024). Although Islamic law provides for the principle of *daf' al-ḍarar* or eliminate danger (Taha et al., 2019), classical *fiqh* mechanisms such as the right to buy priority (*shuf'ah*) proved ineffective due to its conceptual limitations in responding to these macro-scale losses (Arisaputra, 2015).

Previous studies of *shuf'ah* have been predominantly caught up in classical *fiqh* debates on the subject of rights (*sharīk* vs. *jiwār*) and the object of right (*'iqār* vs. *manqūl*). Discussions of contemporary Islamic law relevant to the issue of asset grabbing tend to focus on positive legal instruments (such as agrarian law or investment law), while discussions of the agrarian law as a public-economic legal solution are almost non-existent (Kontesa & Fernando, 2024; Satriya Aldi Putrazta et al., 2025). The main research gap identified is the absence of a conceptual model that dares to reconstruct *shuf'ah* from a mere individual civil right to a communal regulatory tool capable of addressing structural *ḍarar* in the modern era.

Based on these research gaps, this research aims to reconstruct the concept of classical *fiqh* into a transformative model of *shuf'ah* that is relevant to contemporary challenges. The main objective is to

formulate the concept of communal veto rights as a legally valid legal instrument under sharia, which is able to counter the seizure of assets by extending the subject of rights (to local/indigenous communities) and the object of rights (to high-impact productive assets), thereby strengthening local economic sovereignty.

The significance of this research is methodological and practical. Methodologically, this study demonstrates the strict application of Fazlur Rahman's double movement theory to produce legal innovations from classical *naṣṣ* sources, bridging *fiqh* discourse with global issues. In practice, the findings of communal veto rights offer a firm legal framework for local authorities and governments to issue policies based on the principle of communal *daf' al-ḍarar*. Thus, this research contributes not only to the development of Islamic law of property, but also to the strengthening of social and economic justice of local communities.

Literature Review

Shufʿah in Classical and Contemporary Scholarship: A Thematic Review and Research Gap

The majority of studies on *shuf'ah* it dwells on the internal debate of the *fiqh* school regarding the scope of the subject and the object of rights. The majority of scholars, Mālik, Šāfi'ī, Aḥmad, from an analysis of the *hadith*, conclude that the right to *shuf'ah* only applicable to formal partners (*sharīk*) and is limited to immovable property or *'iqār* (Al-Šaybānī, 2002). This argument is based on concerns *fuqahā`* (jurists) against potential conflicts and legal uncertainty if rights are extended to neighbours (*jiwār*). Meanwhile, Sābiq's search (1977) and the explanation of al-Kasānī (1989) mentioned that the Hanafi madhhab received the right to *jiwār* and shows the potential for expansion of the subject. However, the main focus of this entire cluster is the resolution of individual civil disputes (classic *ḍarar*). This literature fails to review *shuf'ah* within the framework of public law or attributing it to structural and large-scale problems such as threats to communal economic sovereignty.

A number of studies have attempted to reform *shuf'ah* to make it relevant to modern law, especially in the context of land or company law. For example, such as the Mirshekari & Alaei study (2020), Taha et al. (2019), and Ismail (2020) that focuses on comparison *shuf'ah* with concept pre-emption in other legal systems (such as common law or civil law) and its potential integration into national land law (such as Malaysia and Sudan). Their main focus is on the existing legal structure and existence. However, this literature has methodological and conceptual limitations. The proposed reforms tend to be incremental, adding only categories of subjects or objects, but not touching on the fundamental principles or moral ideas of *shuf'ah*. They did not use an adequate hermeneutic framework to break the attachment of *shuf'ah* from its status as a civil right. In other words, no research has dared to transform these rights into a mechanism of communal veto rights that actively targets structural *ḍarar*.

A review of Fazlur Rahman's methodology shows that the theory double movement has been successfully implemented by scholars such as Muttaqin (2013), Rofiah (2020), and Irawan (2022) in reconstructing other concepts of *fiqh*, namely polygamy and guardians. This success proves that double movement is an authentic tool to bridge the gap between contextual *fiqh* products and universal moral principles *naṣṣ*. Nonetheless, this literature shows a clear thematic gap. There has been no study that systematically applies the acuity of Fazlur Rahman's double movement methodology to reconstruct the *shuf'ah* specifically.

Based on the above critical review, this study fills the gap by becoming the first study that: (1) systematically uses Fazlur Rahman's double movement theory methodology to isolate the moral idea of *shuf'ah* as a principle of communal protection, and (2) transforms the findings into an explicit new legal concept, namely the communal veto right, as a firm regulatory instrument to counter asset confiscation and strengthening local economic sovereignty.

Classical *shuf'ah* in conceptual criticism

Shuf'ah (the right of priority purchase) in classical *fiqh* is fundamentally bound by its status as an individual civil right (al-Fayruzabâdî, 2005; al-Zabīdī, 1965). This conception is a socio-historical product designed to resolve simple disputes between partners (Al-Šaybānī, 2002) or, in the minority view,

neighbors. These restrictions, most of which only recognize rights to immovable property (al-Kasânî, 1989), creating serious conceptual inadequacies when faced with the economic challenges of the 21st century.

This conceptual critique can be summarized through two main limitations. First, the majority of scholars (*jumhur*) strictly limit the subject of rights to *sharīk*, rejecting the right of *jiwār* because it is considered to create legal uncertainty. Second, restricting objects to only *'iqār* (land and buildings) ignores other contemporary productive assets. As a result, the classical *shuf'ah* is only capable of dealing with individual *ḍarar*, losses arising from land boundary disputes or the entry of unwanted partners.

In order to free *shuf'ah* from these limitations, this study introduces and operationalizes the concept of structural *ḍarar* (*ḍarar ijtimā'ī*) as a necessary social-legal category. This concept severed the *shuf'ah* relationship from the micro classical *ḍarar*, while providing a new target for reconstruction.

Table 1. Conceptual Distinction: Classical *Ḍarar* and Structural *Ḍarar*

Aspects	Classical *Ḍarar* (*Fiqh* Coverage)	Structural *Ḍarar* (Reconstruction Scope)
Cause	Individual actions/transactions (land boundary disputes).	Macro policies, capital/corporate dominance, transfer of large-scale management rights.
Impact	Individual asset disputes, personal inconveniences.	Ecosystem damage, collapse of local economic sovereignty, loss of access to livelihoods (asset grabbing).
Solution Objectives	Restoring the integrity of personal property.	Communal protection and system stability.

The use of structural *ḍarar* serves as the main conceptual justification. Since classical *shuf'ah* conceptually and operationally lacks a framework to address structural *ḍarar*, a hermeneutic model is needed that is able to extract the moral idea of *shuf'ah* from its historical context. Only by breaking this bond can *shuf'ah* be reconstructed into a communal veto rights that targets systemic scale losses.

Fazlur Rahman's double movement theory

To "liberate" moral principles from *naṣṣ* from the bonds of its socio-historical context. Theory double movement of Fazlur Rahman is the most suitable model, as it is operationally designed to bridge the gap between human legislation, the transient laws produced by man, with divine morality, the eternal ethics of revelation (Rahman, 1984). Double movement serves as a two-stage reconstruction tool (Irawan, 2022; Rofiah, 2020; Syauqi, 2022; Umair & Said, 2023): First movement (G-I): isolation of moral ideas (inductive phase). The main function of G-I is the inductive process of extracting universal principles from the specific context of the *Hadith* and the Qur'an. In this study, G-I is applied to:

a) Contextual analysis, i.e. reviewing the *hadith* of *shuf'ah* (especially the history of *jiwār*) and related *fiqh* rules (*al-aqrab fa al-aqrab*) in the social context of Medina, separates the essence from the accessories of historical law.
b) The formulation of moral ideas, the result of this G-I process is the formulation of the moral idea of *shuf'ah* as a principle of communal protection and the elimination of structural losses (*daf' al-ḍarar*) that is ethical and universal.

G-I is a critical methodological step that releases *shuf'ah* from the limitations of *'iqār* and *sharīk*, so that this principle is ready to be applied to modern reality.

Second movement (G-II): the reconstruction of the new law (deductive phase). G-II is a deductive process in which moral ideas that have been isolated are reapplied into contemporary contexts and challenges. In this study, G-II is applied to:

a) Diagnosis of *ḍarar,* which is the application of the moral idea of communal protection to diagnose cases of structural *ḍarar* that manifest in the phenomenon of asset confiscation.
b) New legal formulation, namely formulating a new legal product (transitional law) that functions as a solution. The end result of G-II is the reconstruction of *shuf'ah* into communal veto rights, harmonious and the conditions adjusted to deal with modern asset control mechanisms.

This double movement model is an appropriate framework because it does not simply interpret *naṣṣ* contextually, but systematically justifies the expansion of *shuf'ah* rights from private civil rights to public policy instruments rooted in higher Sharia ethical values. Thus, the double movement becomes a logical

bridge that guarantees that the concept of communal veto rights is not a contrived product of law, but an authentic result of strict hermeneutics

Method

This research employs a normative-juridical study (normative legal research) utilizing a critical and philosophical hermeneutic approach (Negara, 2023). As a library research, the study's focus is centered on the reconstruction of legal concepts through text analysis, rather than the testing of field data (Husni & Khairat, 2024; Ichsan, 2018; Trinanda et al., 2022). The central theoretical framework guiding this process is Fazlur Rahman's theory of double movement, which is applied specifically to critique the limitations of classical *shuf'ah* and subsequently reconstruct it. The study relies on two main categories of data sources. Primary data includes foundational *hadith* texts related to *shuf'ah*, such as *Ṣaḥīḥ* al-Bukhārī, *Ṣaḥīḥ* Muslim, *Sunan* Ibn Mājah, *Sunan* al-Tirmidhī, and *Mushannaf* Ibn Abī Shāibah, alongside their historical contexts. Secondary data comprises classical jurisprudence books—such as *Fatḥ al-Qarīb* al-Ghazzī and *Badā'i' al-Shanā'i'* al-Kāsānī—and contemporary legal literature.

The data analysis technique used is critical content analysis, operated precisely in two phases aligned with Rahman's double movement (Hamim, 2022): The first movement (G-I), the historical-inductive phase: This phase analyzes the *shuf'ah hadith* (including the *sharīk* and *jiwār* histories) to isolate the universal moral idea of *shuf'ah*. The aim is to go beyond context-bound interpretations and extract the core universal principle: communal protection and the elimination of structural *ḍarar*. The second movement (G-II), the deductive-transformative phase: This phase deductively reapplies the isolated moral idea to contemporary reality. The structural *ḍarar* manifested in asset grabbing is diagnosed, leading to the formulation of a new legal product, the communal veto right, which involves the expansion of both the subject and the object of the right to address systemic scale losses.

Results and Discussion

Discovering the Moral Idea of *Shuf'ah*: A First Movement Analysis

This section serves as a strict implementation of the first movement (G-I) in Fazlur Rahman's theory of double movement, which functions as an inductive process to isolate the universal moral principles of *shuf'ah* from its specific socio-historical context. This analysis demands a break from the narrow conceptual ties of *shuf'ah*—which classical jurisprudence often confined to the limits of *sharīk* (partnership) and *'iqār* (immovable property)—and a return to the foundational spirit of the *naṣṣ* (*hadith*).

The attempt to uncover the moral idea begins with tracing the linguistic and historical origins of the concept. Linguists such as al-Qutaybī have noted that *shuf'ah* was well known during the period of *Jāhilīyah* (al-Zabīdī, 1965; Ibn Manẓūr, 1993), where geographical proximity (*jiwār*) served as the primary basis for a person to apply (*shafa'a*) priority purchase rights. This historical root indicates that the original spirit of *shuf'ah* was strongly associated with communal relations and social stability within a shared space, rather than a mere formal ownership bond (Ibn Fāris, 1986).

This conceptual foundation is further reinforced by a critical analysis of the *shuf'ah* traditions. While most classical scholars limited these rights to formal partners, the *hadith* literature explicitly recognizes the rights of neighbors, most notably in the narration stating that "the neighbors of the house have more rights to the neighbor's house" (al-Buḥārī, 1993; al-Dāruquṭnī, 2004). This assertion is supported by other *naṣṣ* that emphasize honoring one's neighbor as a measure of the perfection of faith (al-Ḥākim, 1990; Muslim, 1991). From an analytical standpoint, this suggests that neighborly relations are not merely private affairs but are theological-social matters that require a guarantee of communal security. Consequently, the idea of *daf' al-ḍarar* (prevention of harm), which was traditionally applied to shared property, must be extended to the broader concept of *jiwār*. The underlying purpose of the Sharia here is not to settle a dispute over individual assets, but to prevent the entry of external parties that could potentially disrupt social cohesion (al-Ġazzī, 2005).

This principle of communal protection is further strengthened by various fiqh maxims that transcend the specific chapter of *shuf'ah*, affirming that the welfare of the nearest region must be prioritized.

The rules of "proximity must be considered" (*li al-qurb 'ibrah*) (al-Saraḫsī, 1989) and "those who are closer have higher priorities" (*al-aqrab fa al-aqrab*) prove that communal priority is a pervasive spirit in Islamic law, appearing in chapters ranging from *iḥyā` al-mawāt* (land cultivation) to the distribution of zakat (al-Burnū, 2003). By isolating this core value, we can see that "nearness" in the prophetic vision is a proxy for vulnerability; those most affected by a change in their environment are granted the primary right to intervene.

The internal tension within classical *shuf'ah* jurisprudence further highlights the necessity of this first movement analysis. While the Shafi'i and Maliki schools strictly limited *shuf'ah* to co-owners (*khulatā'*), the Hanafi school extended it to neighbors sharing a common path or wall (*jār al-mulāṣiq*). This classical disagreement indicates that the scope of *shuf'ah* has never been a static concept, but rather a subject of judicial expansion based on the shifting perception of proximity. However, this study argues that the historical impasse between these schools occurred because the debate remained confined to the "form" of ownership rather than the "substance" of the detriment. The classical jurists were entangled in defining whether a "shared wall" or a "shared title" was the legitimate trigger for *shuf'ah*, thus overlooking the deeper moral objective of social stability.

By applying Rahman's framework, we move beyond this methodological stalemate. We argue that the Hanafi school's inclusion of the neighbor was not merely a minor legal extension, but a proto-communal recognition that physical proximity creates a shared vulnerability. If a shared wall or a private path justified a legal veto in the agrarian society of the 8th century, then in the complex global economy of the 21st century, a shared ecosystem—which provides water, livelihood, and social identity—provides an even more compelling legal and moral ground for a communal veto (Brahim et al., 2025; Nasrullah et al., 2025). The "shared path" of the past has now evolved into the "shared economic fate" of the present.

This synthesis of critical analysis of *hadith*, linguistic origins, and the rules of jurisprudence inductively leads to the conclusion that the moral idea of *shuf'ah* cannot be reduced to a simple civil right. It is universally formulated as: "a communal veto right legitimized by the Sharia to prevent the entry of foreign parties that have the potential to cause structural and widespread *ḍarar*, threaten social harmony, and undermine the community's sovereignty over crucial assets."

Reconstruction of *Shuf'ah*: The Communal Veto Right as a Second Movement

The second movement of Rahman's methodology involves the re-projection of the isolated moral idea into the contemporary socio-historical context. This stage reconstructs the legal form of *shuf'ah* into a communal veto right, moving from a private preemptive right to a systemic safeguard for social justice.

First, regarding the moral transition and collective obligation, the moral idea of *shuf'ah* that is rooted in the principles of *jiwār* and *daf' al-ḍarar* finds crucial relevance in Islamic economic ethics. The Prophet's condemnation of individuals who sleep full while their neighbors are hungry (al-Bayhāqī, 2003; al-Ḥākim, 1990) clearly demonstrates that the fulfillment of basic needs and economic well-being is a collective responsibility (*farḍ kifāyah*), transcending individual obligations. This spirit is supported by the *fiqh* principle of communal solidarity—*al-umūr al-shāqqah idhā 'ammat khaffat* (al-Rāzī, 1999)—and encouraged through institutions like zakat and the obligation of *iḥsān*. These collective actions have found simple yet profound implementation in movements such as #BelanjaDiWarungTetangga, proving that local solidarity is a responsive mechanism to economic difficulties (Fitriani, 2022). However, this research argues that such collective obligations now require structural support and explicit state policies to address large-scale economic threats, shifting the focus from "protecting a property boundary" to safeguarding a shared economic destiny.

Second, in the identification of structural and relevant cases, it is necessary to dissect the forms of *ḍarar* that classical jurisprudence cannot address. On a medium scale, the competition between modern franchises and local MSMEs represents a form of structural *ḍarar*. In this case, *shuf'ah* can be analogized as a regulatory priority right. An example is the Padang City Government's policy requiring retail partnerships with local MSMEs for at least 30% of supermarket areas (Peraturan Wali Kota Padang, 2021). Such regulations prove that communal priority can be embedded in positive legal policies to preserve local livelihoods.

On a large scale, the threat manifests as asset grabbing—the acquisition of strategic land or resources by large investors who exploit power imbalances. This often causes fishers or farmers to lose access to key economic resources, creating poverty and widening the gap in inequality. This is a form of structural *ḍarar* that the limitations of classical *shuf'ah* fail to avoid. In this case, *shuf'ah* should be transformed into communal veto rights at the macro level.

To understand the gravity of this phenomenon, asset grabbing must be contextualized within the global framework of "accumulation by dispossession" (Arango et al., 2025; Hall, 2013). As theorized by David Harvey, modern capital expansion often thrives by forcibly or legally alienating local communities from their means of production to create new arenas for profit (Ashman & Callinicos, 2006; Cáceres, 2015; Harvey, 2003; Raju Das, 2017). In this context, the structural *ḍarar* identified in this research is not merely an accidental side effect of development; it is a systemic erasure of communal rights. When a state or corporation acquires vast tracts of coastal land or forest, the local community does not just lose a "plot" of property—they lose their sovereignty over the commons.

This process creates a condition of "social death" where the community's traditional knowledge, social identity, and economic autonomy are rendered obsolete by the arrival of external capital. The detriment (*ḍarar*) is therefore multidimensional: it is economic (loss of livelihood), ecological (destruction of the shared environment), and social (fracturing of communal bonds). By reconstructing *shuf'ah* as a communal veto, Islamic law provides a counter-hegemonic tool that challenges this dispossession. This analysis asserts that the "social function" of land, which is a core principle in Sharia property theory, must override the "exchange value" prioritized by global markets (Association Internationale de Techniciens Experts et Chercheurs (AITEC), 2014; El-Ghonemy, 1990). Consequently, the transformative *shuf'ah* acts as a proactive legal fortress, ensuring that the *mustad'afīn* are not sacrificed at the altar of capital accumulation.

Third, the formulation of communal veto rights is reconstructed through the extension of classical pillars. Regarding the subject of rights (*al-shāfi'*), the right is extended to local communities or indigenous peoples based on "impact proximity." Eligible communities are those with an inseparable geo-ecological link to the transferred assets and a dependence on them for their primary livelihood. This definition ensures the veto power is granted to those who are substantially the "closest neighbors" and most vulnerable. To be operationally effective, this right should be exercised through legitimate collective institutions, such as Village-Owned Enterprises (BUMDes) or traditional customary councils (*Majelis Adat*), ensuring a transparent deliberative process (*shūrā*).

Regarding the object of rights (*al-mashfū' fīh*), the scope is radically expanded from immovable property (*'iqār*) to high-impact productive assets, such as natural resource concessions or majority corporate shares. This expansion aligns with Elinor Ostrom's theory of "the commons," which emphasizes that resources essential for communal survival must be subject to communal oversight to prevent external exploitation (Brennan, 2017; Ostrom, 1990; Williams, 2018).

Finally, the transaction reasons for *shuf'ah* must encompass any legal action that threatens economic sovereignty, including concession permits or large-scale land conversions. This veto serves as a "preemptive regulatory tool"—a defensive legal mechanism that ensures local communities have the first judicial power. Legally, this gives authorities the legitimacy to halt or cancel a transfer if it causes structural harm, or to demand that the rights be transferred to a communal entity at a fair market price. Through this reconstruction, transformative *shuf'ah* is integrated into agrarian law and spatial planning as a guardian of economic sovereignty and distributive justice.

The theoretical reconstruction of *shuf'ah* as a communal veto right requires a pragmatic bridge to existing legal systems. Transitioning from a classical private right to a modern public regulatory tool involves navigating complex jurisdictional boundaries and constitutional mandates (Cordes, 1999; Mandelker, 1981). The primary challenge lies in the legal standing (*persona standi in judicio*) of the community as a collective subject. While classical *fiqh* recognizes the neighbor (*jār*), modern civil and agrarian laws often prioritize individual titles or state authority. To overcome this, the communal veto right must be institutionalized through recognized legal entities, such as Village-Owned Enterprises (BUMDes) or Customary Law Communities (*Masyarakat Hukum Adat*). By granting these institutions the

mandate to exercise *shuf'ah*, the state acknowledges that the "right to the environment" is a collective human right that necessitates a Sharia-based protection mechanism.

Furthermore, the implementation of this veto must be governed by a transparent and measurable procedure to prevent it from becoming an arbitrary barrier to investment. This research proposes the integration of a Social and Economic Impact Assessment (SEIA) as a prerequisite for any strategic asset transfer. In this framework, the communal veto is not an absolute, unconditional block; rather, it is a "conditional preemptive right." When a corporate entity or external investor proposes an acquisition, the community institution is given a statutory period to assess whether the transfer causes structural *ḍarar*—such as environmental degradation or the marginalization of local MSMEs. If the assessment proves a significant threat to communal sovereignty, the veto is activated. This ensures that the *shuf'ah* right serves as a sophisticated regulatory filter that promotes "just investment"—economic growth that does not necessitate the extinction of local social ecologies.

Finally, the success of this transformative *shuf'ah* depends on its harmonization with national agrarian policies. In the Indonesian context, for instance, this model aligns with the principle of the "social function of land" as enshrined in the 1960 Basic Agrarian Law (UUPA). By interpreting the social function through the lens of *shuf'ah*, the law can move beyond mere land redistribution toward asset-governance sovereignty. The state's role must therefore shift from being the sole grantor of concessions to becoming a mediator that protects the communal preemption right. This path ensures that Islamic law remains a living, transformative force capable of providing a counter-hegemonic legal defense against the tides of global capital expansion, ultimately fulfilling the Qur'anic mandate of distributive justice and the protection of the *mustad'afīn*.

Conclusion

This study demonstrates that the classical concept of *shuf'ah*—long confined to the narrow limits of co-ownership (*sharīk*) and immovable property (*'iqār*)—fails to address the modern reality of structural *ḍarar*, specifically the systemic seizure of assets by external capital. By utilizing Fazlur Rahman's double movement methodology, this research successfully isolates the moral idea of *shuf'ah* as a universal principle of communal sovereignty and the elimination of structural disadvantages. This objective is rooted in the prophetic traditions of *jiwār* and the hierarchical priority of *al-aqrab fa al-aqrab*, which prioritize the security of the immediate social fabric over the absolute freedom of private transaction. Consequently, *shuf'ah* is reconstructed into a Communal Veto Right, a transformative legal mechanism that extends the subject of rights to collective entities and the object of rights to high-impact productive assets.

The implications of these findings are twofold. Theoretically, this reconstruction bridges the gap between classical jurisprudence and contemporary socio-legal challenges, proving that Sharia principles can provide a counter-hegemonic framework against "accumulation by dispossession." It reaffirms the relevance of Rahman's hermeneutics in transforming private law rules into progressive public legal solutions. Practically, the communal veto right offers a Sharia-based regulatory tool that justifies state intervention to protect communities from economic marginalization. By institutionalizing this right through village-level entities and social impact assessments, it provides a robust juridical basis for strengthening resource sovereignty, allowing local communities to act as the primary guardians of their economic destiny in the face of global market expansion. Despite its contributions, this study is limited by its normative–juridical focus, offering a conceptual framework without empirical testing or comprehensive comparison with positive law, including the Omnibus Law. Future research should therefore address technical legal drafting for integration into agrarian and spatial regulations and conduct comparative empirical studies to assess the effectiveness of communal preemption rights.

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Conflict of Interest

The author declares that there is no conflict of interest.

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