

THE ENVIRONMENTAL CRISIS IN THE PERSPECTIVE OF CONTEMPORARY ISLAMIC STUDIES IN INDONESIA

YUSDANI¹, JANUARIANSYAH ARFAIZAR²

¹Lecturer of Islamic Law Doctorate Program Faculty of Islamic Studies, Universitas Islam Indonesia Yogyakarta, Indonesia.

²Student of Islamic Law Doctorate Program Faculty of Islamic Studies, Universitas Islam Indonesia Yogyakarta, Indonesia - Lecturer of STAI Yogyakarta, Gunung Kidul Yogyakarta, Indonesia.

Email id yusdani@uii.ac.id¹

Email id januariansyaharfaizar@gmail.com²

Abstract - The following article discusses the phenomenon of the environmental crisis that has hit the world community. The discussion of this paper departs from the efforts made by various world scientists to solve this problem, but environmental problems have not produced the expected results. Indonesians the majority of the population are Muslim and many Islamic universities develop Islamic studies but still, limited studies of politics, gender, democracy, and others have not touched on the study of environmental crises. In this regard, the issue raised is how the contribution of Islamic studies to solving the environmental crisis problem. With studies like this, it is hoped that answers and solutions to the environmental crisis will be obtained. The theoretical framework used in this paper is that religion can influence and direct the behavior of its people in all actions and includes being able to provide insight and direct the behavior of its people towards environmental conservation. The analytical technique used in this paper is fiqh and Sufistic analysis. These two models of analysis are very helpful in solving the problem of the environmental crisis because both fiqh and the teachings of the Sufis both teach that the safety of human life in its various aspects is highly dependent on its friendliness and harmony with the universe. The results of the study in this paper can be found that there is an optimistic hope for the future of environmental conservation. Islam with fiqh and Sufi teachings can be used as considerations and alternatives in solving environmental crisis problems. This paper is limited to how to solve environmental problems from the perspective of Islamic studies in contemporary Indonesia. On this basis, it is necessary to consider and contextualize contemporary Islamic studies that are oriented to contribute to solving environmental problems, especially in Indonesia.

Keywords: environmental crisis, the contribution of Islam, Islamic studies and ummah behavior.

1. INTRODUCTION

Indonesia is nicknamed the world's lung because it has the third largest tropical forest in the world and is ranked first in the Asia Pacific with a total forest area of 133.6 million hectares.¹ Indonesia's natural wealth is not only on land but also in the oceans, history records that Indonesia has ancestors of reliable sailors who are known for their bravery in navigating the oceans. One of the existence of Indonesian marine utilization today is that there are 710 dive sites identified in Indonesia and more than 400 dive businesses operating throughout Indonesia.

The harmonious interactions between humans and nature in Indonesia in the use of their resources do not appear to be comparable to what nature has received. Forest fires, floods, and landslides are signs that nature is not being maintained according to its nature. This phenomenon occurs from the smallest community, namely the family to the large community, namely the state. Where from the smallest community, the household annually produces an average of 1.46 liters/person/day or 0.38 kg/person/day, equivalent to the SNI 19-3964-1994 category for medium / small municipal solid waste generation units. The composition of the waste consists of 47% organic waste, 15% paper, 22%

¹ Mega Putri Hanasyah, "Menilai Kelayakan Hutan Indonesia Sebagai Paru-paru Dunia", Menilai Kelayakan Hutan Indonesia Sebagai Paru-Paru Dunia - ITS News accessed 6 November 2009.

plastic, and 16% metal and so on. About 54.7% of households have a compartment, but only 9% do the sorting. The knowledge and application of the 3R (Reduce, Reuse and Recycle) concept is simply done by 35% of households.²

The emergence of environmental problems currently facing mankind is generally caused by two things. *First*, because natural events are events that must occur as a dynamic process of nature itself. *Second*, as a result of human actions that do not care about environmental sustainability. The two forms of natural occurrences above result in an imbalance in the life of living things, both humans, flora and fauna. This imbalance can be described as a disaster. The impacts of environmental damage can be in the form of water pollution, soil pollution, *biological diversity* crisis, forest destruction, clean water crisis, mining and environmental damage, air pollution, and so on.

One of the world's central issues recently related to ecology is global warming. This global warming is associated with economic globalization and the global financial crisis. All are related to the daily life of humans, related to the rituals of human life. Now it is as if humans face helplessness.³

[3] Global warming occurs when there are concentrations of certain gases called greenhouse gases. Global warming occurs because of human activity. The result that humans feel is the fluctuation of climate change. There was a transition. The earth is getting warmer, it is a fact that the Earth is increasingly uncomfortable as a place for living things to live. There was an increase in temperature. The polar ice is starting to melt, resulting in increased sea water volume and weather anomalies. There are fears of species extinction, even fear of an apocalypse coming. It is estimated that currently 50-150 Earth species are going extinct every day. About 50 percent of the estimated 10 million species that exist today will become extinct within the next 100 years. The rate of extinction needs to be reduced because it can have an impact on survival on Earth. One way is to foster cross-species solidarity, which is currently still very minimal, while the development of science and technology is more oriented toward human welfare.⁴

Natural damage is closely linked to poverty. When the world's attention is focused on overcoming environmental damage, at the same time it is still happening. Climate change as one of the consequences of natural damage has a global impact. The impact is more pronounced in developing countries so the challenge of responding to it must be global, as well as reminding about the extinctions that occurred, not only as a movement based on religion but also need to be passed through law, politics, and economy.⁵

The environmental crisis as stated above is one of the problems that is increasingly being recognized as a complex problem and is being faced by humankind. Not only in one area but almost all over the world shown evidence that the current condition of the earth is alarming.⁶ The only way is that the state must be forced to make such changes through significant popular pressure. However, today's reality shows that collective and massive awareness has not yet been built to make environmental issues the nation's main issue.⁷

In response to the various environmental problems mentioned above, Indonesia has enacted various laws and regulations, including Law of the Republic of Indonesia No. 23 of 1997 concerning Environmental Management, Law of the Republic of Indonesia Number 22 of 2001 concerning Oil and Gas, Law of the Republic of Indonesia Number 7 of 2004 concerning Water Resources, Law of the

² Chairil Nizar, "Komposisi dan Karakteristik Sampah", KOMPOSISI DAN KARAKTERISTIK SAMPAH - ilmusipil.com accessed 6 November 2009.

³ Loekman Soetrisno, *Menuju Masyarakat Partisipatif*, (Yogyakarta: Penerbit Kanisius, 1995), p. 21.

⁴ St. Sularto, "Pemanasan Global Asketisme Lingkungan VS Musuh Besarnya", <http://cetak.kompas.com/read/xml/2009/11/06/03131421/asketisme.lingkungan.vs.musuh.besarnya> accessed 6 November 2009.

⁵ Ibid.

⁶ Loekman Soetrisno, *Menuju...*, p. 21.

⁷ Ahmad Arif, "Perjuangan Kritis untuk Lingkungan Hidup", <http://cetak.kompas.com/read/xml/2009/11/18/03020242/perjuangan.kritis.untuk.lingkungan.hidup> accessed 18 November 2009.



Republic of Indonesia Number 18 of 2004 concerning Plantations, Law of the Republic of Indonesia Number 25 of 2007 concerning Investment.⁸

In the various laws above, it is stated that the Indonesian environment as a gift and grace of God Almighty to the people and nation of Indonesia is a space for life in all aspects in accordance with the Archipelago Insight; that in the framework of making use of natural resources to advance public welfare as mandated in the 1945 Constitution and to achieve life happiness based on Pancasila, it is necessary to carry out sustainable development that is environmentally sound based on an integrated and comprehensive national policy taking into account the needs of the present generation and the generations. future; that it is deemed necessary to carry out environmental management to conserve and develop a harmonious, harmonious and balanced environmental capacity in order to support the implementation of sustainable development with an environmental perspective.

The implementation of environmental management in the framework of environmentally sustainable development must be based on legal norms by taking into account the level of public awareness and developments in the global environment as well as international legal instruments relating to the environment. It is further stated that people's awareness and life in relation to environmental management have developed in such a way.

Even though the aforementioned law has stipulated, the earth of Indonesia, which is the land where the people live with all its natural luxuries, is now badly damaged. The green land was bald. Dirty water. Garbage builds up, disturbs the view, and poses a health threat. The slightest movement will certainly be useful. This is felt by the need for a mutual bond as owners and inhabitants of the Earth. In this regard, religion⁹ is believed to be a source of great and contributive strength to restore integrity and curb the rate of extinction. In addition, religion is considered capable of inviting various parties to unite, inspire, and provide external reinforcement.⁹

These movements are expected to become a collective enlightenment and education movement, carried out by raising awareness to as many people as possible through public education, environmental education in the school curriculum through local content and religious education, as well as through sermons at religious events. Build a willingness for a simple lifestyle that is oriented towards respect for nature (*back to nature*). The ultimate goal, to build together a world as a dream home.¹⁰

In Indonesia, prophetic affirmation related to environmental issues, among others, was seen in a meeting of Islamic boarding school ulama in Sukabumi, in 2004, about environmental fiqh. During the meeting, there was a desire to build a determination to realize the need for real and continuous efforts to curb the pace of natural destruction, restore the damaged and protect what is left.

Islam, as interpreted so far, still experiences difficulties and obstacles in responding to the environmental problems mentioned above. Islam is still too Allah-centric, less anthropocentric and less ecocentric. In fact, what is being faced is natural damage that has had bad consequences, including actual problems such as Merapi which is starting to run out of water and threatening the city of Yogyakarta, and the marginalization of water that is no longer clean, but sewage, these are two examples of damage to the environment that is a habitat Merapi community.¹¹

The change or development of Islamic law in ushul fiqh is called ijtihad, which it is related to people's lives. The social changes faced by Muslims in the modern era and the methods developed by reformers in responding to problems are still unsatisfactory. This is because the methods generally developed by Islamic reformers in dealing with legal issues still rely on a disaggregated approach.

The demand for renewal of Islamic law by referring to the reality of social change in society in an effort to make ijtihad creates an interaction that, whether consciously or not, both have the same purpose for the benefit of the ummah. Islam has the aim of realizing the benefit of mankind in the

⁸ Michael Faure and Nicole Niessen (editor), *Environmental Law in Development Lesson from the Indonesian Experience*, (Cheltenham UK MA USA: Edward Edgar, 2006), p. 81.

⁹ Loekman Soetrisno, *Menuju...*, p. 21.

¹⁰ Ibid.

¹¹ Ibid.

world and happiness in the hereafter.¹² Although it is clear that the source of Islamic religious law is the Koran and hadiths, to realize the harmonization of the relationship between humans, the law, and the problems that occur, it is necessary to have a deep understanding of unsolved problems using *maqashid shari'ah*.

Efforts to revitalize religious texts that have emerged to the present day many scientists or scholars offer methodologies in interpreting them, one of which is the *Maqasid al-Shariah* theory, a methodological tool that seeks to present laws that are scattered in religious texts to be relevant in the realities of modern life with taking universal messages or values.

The *maqashid shari'ah* approach used in establishing law has been a longstanding one in Islam. This is implied from several provisions of the Prophet SAW at the event when the Prophet SAW forbade Muslims to keep sacrificial meat except within a certain limit, just a provision for three days. However, a few years later the rules laid down by the Prophet SAW were violated by several companions. The problem was conveyed to the Prophet SAW. He justified the actions of the companions while explaining that the prohibition on keeping sacrificial meat was based on the interests of *al-daffah* (guests consisting of poor people who came from villages around Medina).¹³

Maqâshid al-Sharî'ah is the final goal that must be realized by the application of *syarî'at* or Islamic law. The application of *syarî'at* in real life (world), is to create benefit or goodness for the creatures on earth, which then impacts on benefit or goodness in the hereafter. In Islamic law, the jurisprudence framework for responding to and solving the complexity of problems surrounding the environment needs to be based on and starting from the *maqasid sharia* as a framework and basic values that include guaranteeing the safety and survival of humans fundamentally in five ways., maintain and maintain the safety of religion, soul, mind, descent, and property.

As it is known, classical *fiqh* books written by scholars are dominated by talks about the issue of *mahdah worship*, *mu'amalah*, *jinayah*, *munakahah*, and so on. Meanwhile, environmental issues (ecology) have not yet received a proportional place in the realms of classical Islam.¹⁴ Likewise, current *fiqh* has not been able to become a bridge that delivers Islamic norms to the behavior of people who are aware of the environment.¹⁵

Until now, there has been no *fiqh* that comprehensively and thematically talks about environmental issues. For this reason, the formulation of environmental *fiqh* (*fiqh al-bi'ah*) in general and especially in Indonesia is a necessity that cannot be negotiated any longer. *Fiqh al-bi'ah* is *fiqh* which describes a rule regarding the ecological behavior of Muslim communities based on Islam with the aim of preserving the environment. Thus, environmental *fiqh* is part of contemporary *fiqh* which is intended to address environmental issues from a more practical perspective by providing benchmarks (laws, regulations) interacting with and managing/maintaining the environment.¹⁶

2. MAQASHID SHARIA APPROACH

Maqasid Sharia was introduced by Abu Ishaq asy Syatibi through the book *Al Muwafaqat* which until now he is known as the father of the *maqasid* of *sharia*. However, there is something unique about Abu Ishaq asy Shatibi, namely that he did not clearly define the *maqasid* of *sharia*. He thought that those who had brought his book would understand the *maqasid* of *sharia* without him explaining what it was.

¹² Wulan Rahma Fadhila, "Pembaharuan Hukum Islam di Indonesia", *Pembaharuan Hukum Islam di Indonesia* - Kompasiana.com accessed 10 November 2009.

¹³ Debu Yandi, "Penetapan Hukum Masa Nabi, Asas Tasyri' dalam al-Quran, Penetapan dan Sumber Hukum Masa Sahabat Generasi Pertama", *Penetapan Hukum Masa Nabi, Asas Tasyri' dalam Al Qur'an, Penetapan dan Sumber Hukum Masa Sahabat Generasi Pertama* (bloggerkalteng.id) accessed 10 November 2009.

¹⁴ Wardani, "Memformulasikan Fikih al-Bi'ah (Prinsip-prinsip Dasar Membangun Fikih Lingkungan)", *al Mustawa*, No. 1 Februari 2009, p. 25.

¹⁵ Ibid.

¹⁶ Ibid. p. 11.

Maqasid al-Shariah is the wisdom and secret of legal provisions (Magribi al-1993). Meanwhile, contemporary scholars interpret the universal value of Maqāsid al-Shari'ah, namely: a moral message from God that will be conveyed to humans through law or shari'ah (Daraini al-2012) From the description above about the meaning of Maqāsid al-Shari'ah, it can be concluded that Allah SWT who sent Shari'ah has a purpose, namely for the benefit of humans and preventing humans from harm both in the world and in the hereafter.

Maqasid sharia is one of the new disciplines that emerged from the development of the science of ushul fiqh. But even though it is relatively new, friends have used it in taking legal istinbat in fiqh matters. Even so, maqasid sharia has not been recognized as a scientific field in itself and is still based in the field of ushul fiqh.

The phases of the development of Maqasid al-Shariah science become 3 (three) periods or phases, namely: the first period: the period of the emergence of the essence of Maqāsid in the early days of Islam, the second period: the codification period of the Maqāsid initiated by the scholars, the third period: at this time as a period of refinement and development of the Maqāsid discipline and made it a separate discipline in the modern era.

In more modern times, Maqasid al-Shariah got a place for shari'ah scholars by collaborating and improvising knowledge such as that developed by Jasser Auda with the concept of Maqāsid al-Shari'ah. Auda developed the maqasid sharia as a system of legal philosophy involving many disciplines. Not only taking a religious scientific point of view, Jasser Auda is also more about contemporary issues and problems.

3. ENVIROMENTAL JURISPRUDENCE BIBLIOGRAPHICAL

Written works related to the environment from an Islamic perspective such as that done by Richard Foltz (University of Florida)¹⁷ show that awareness of *al-bî'ah fiqh* is an agenda that is considered very urgent. This phenomenon appears mostly in the 1980s until now, such as in *Islam: the Environment and Health* and "Toward an Islamic Jurisprudence of the Environment (*Fikih al-Bî'ah fil-Islam*)" by Mushthafâ Abu-Sway, *Fikih al -Bî'ah* by Muhammad al-Amîn, *Islam and the Environmental Crisis* by Akhtharuddin Ahmad, *Environmental Protection in Islam* by Abou Bakr Ahmed Ba Kader, and others. This brief description shows that environmental stewardship is in perspective fiqh is a relatively new consciousness.¹⁸

Similar works written systematically on Islamic perspectives on the environment are *Islam and Ecology*,¹⁹ an anthology that contains quotations from the Koran and the Prophet's hadiths regarding Islamic perspectives on the environment, such as ethics towards the environment, natural resources, trade, and nature conservation. However, some articles have been partially written earlier than this book. Later, in 2001, Shaykh Yûsuf al-Qaradhâwî has written a book, *Ri'âyat al-Bî'ah fî Syari'at al-Islâm*.²⁰

In Indonesia, awareness of the need to maintain ecosystem balance is also relatively new,²¹ 20 although in the last decades there have been frequent natural disasters. *Fikih al-bî'ah* was initiated by and originated from a meeting organized by the *Indonesia Forest and Media Campaign* (Inform) and the Jakarta Center for Community Empowerment and Education Studies (P4M), with the theme of *Menggagas Fikih Lingkungan (Fikih al-Bî'ah) (Fikih al-Bî'ah)* in Lido, Sukabumi, West Java on 9-12 May 2004.²²

The above meeting was attended by more than 30 scholars from Islamic boarding schools in Java, Lombok, Sumatra, Kalimantan and Sulawesi. The delegates included Pondok Pesantren Langitan (Tuban), al-Munawwir (Krapyak, Yogyakarta), Bahrul Ulum (Rice Pond, Jombang), al-Amin (Prenduan,

¹⁷ Lihat <http://environment.harvard.edu/religion/religion/islam/islam/pdf>.

¹⁸ Ibid. p. 9.

¹⁹ Fazlun M. Khalid dan Joanne O'Brein, *Islam and Ecology*, (New York: Cassel, 1992), p. 83.

²⁰ Yusuf al-Qardawi, *Ri'ayat al-Bî'ah fî Syari'at al-Islam*, buku ini diterjemahkan ke Bahasa Indonesia oleh Abdul Hakim Shah et.al. *Islam Agama Ramah Lingkungan*, (Jakarta: Pustaka al-Kautsar, 2002), p.59.

²¹ Michael Faure and Nicole Niessen, *Enviromental...*, p. 85.

²² Tim Penyusun, "Menggagas Fikih Lingkungan". www.nu.or.id.php accessed 10 November 2009.

Madura), al-Masthuriyyah (Tipar, Sukabumi), Darunnajah (Jakarta), al-Haramain (NTB), HM Lirboyo (Kediri), al-Khairat (Palu), Hidayatullah (Kaltim), as-Salam (Solo), al-Musthafawiyah (Mandailing Natal, North Sumatra), and Daarut Tauhid (Bandung). The results of the meeting, among others, recommended the scholars as the right figure to spread the need for environmental care to the community and function as agents of environmental preservation by including environmental education in educational materials at Islamic boarding schools so that they can provide a "snow-ball effect".²³

Apart from that, the meeting also produced a formulation that was presented in a book entitled *Environmental Jurisprudence (Fikih al-Bî'ah)* which was published in 2005. On 8-9 February 2006, a Workshop on "Towards Good Governance was held in Banda Aceh." : Islam and Nature Conservation "funded by the World Wide Fund (WWF) -Indonesia and the Islamic Foundation for Ecology and Environmental Sciences (IFEES) (UK), an international organization founded by Fazlun M. environmental issues based on Islamic values. Although this workshop was aimed at the context of reconstruction and rehabilitation of Aceh, in general it also reminded us of the importance of environmentally friendly Islamic values in environmental management.²⁴

Regarding the work of Islamic scholars or scholars on the environment in Indonesia, in 1980, Prof. Dr. Emil Salim (at that time as Minister of Population and Environment), wrote "Islam dan Lingkungan Hidup".²⁵ In 2001, M. Bahri Ghazali wrote *Pendidikan Pesantren Berwawasan Lingkungan Kasus Pondok Pesantren An-Nuqayah Guluk-Guluk Sumenep, Madura*.²⁶ 25 In September 2006, Prof. KH. M. Ali Yafie, former chairman of the MUI, launched his book, *Merintis Fikih Lingkungan Hidup*²⁷ and Prof. Dr. Maman Abdurrahman with his book, *Eco-Terrorisme: Membangun Paradigma Fikih Lingkungan*,²⁸ Community-Based Disaster Risk Management - NU publishes *Membangun Ketahanan Masyarakat Menghadapi Bencana Perspektif Islam tentang Pengurangan Risiko Bencana dan Da'i Siaga Bencana Panduan Praktis Dakwah Pengurangan Risiko Bencana*,²⁹ Wardani, "Memformulasikan Fikih al-Bî'ah (Prinsip-prinsip Dasar Membangun Fikih Lingkungan)",³⁰ and Ahmad Syafii, SJ. "Fikih Lingkungan: Revitalisasi Ushul al-Fikih Untuk Konservasi dan Restorasi Kosmos".³¹

A brief exploration of the various literature above generally provides an overview and explanation that until now there is no form of environmental *fiqh* (*fiqh al-bî'ah*) that is methodically and systematically studied in Islamic education institutions, both in formal educational institutions. such as Islamic religious colleges (PTAI), madrasas, and non-formal schools such as Islamic boarding schools, let alone *fiqh in old fashion* in community recitations, except only systematic jurisprudence. although there are differences (such as the systematics of Ibn 'Âbidîn: *ibâdah*, *mu'âmalah*, and *uqûbah*, and al-Ghazâlî with *rubu'ât* or the four parts of *fiqh*), it remains absent from the discussion of the environment as a *fiqh* handler with its own discussion.³² As a result, the environmental crisis in the midst of the Muslim community even when various natural disasters occur is still being addressed theologically. The mindset of "disaster theology" then assumes that natural phenomena of natural

²³ Ibid.

²⁴ Muhtarom Ilyas, "Lingkungan Hidup Dalam Pandangan Islam", *Jurnal Sosial Humaniora*, Vol. 1 No. 2 November 2008, p. 154.

²⁵ Emil Salim, "Islam dan Lingkungan Hidup", *al-Jami'ah* No. 24 1980, p. 1.

²⁶ M. Bahri Ghazali, *Pendidikan Pesantren Berwawasan Lingkungan Kasus Pondok Pesantren an-Nuqayah Guluk-guluk Sumenep, Madura*, (Jakarta: Pedoman Ilmu Jaya, 2001), p. 35.

²⁷ M. Ali Yafie, *Merintis Fiqh Lingkungan Hidup*, (Jakarta: Yayasan Amanah dan Uluk Press, 2006), p. 128.

²⁸ Wardani, "Memformulasikan Fikih...", p. 25.

²⁹ Tim Penyusun, *Membangun Ketahanan Masyarakat Menghadapi Bencana Perspektif Islam tentang Pengurangan Risiko Bencana dan Dai Siaga Bencana Panduan Praktis Dakwah Pengurangan Risiko Bencana*, (Jakarta: Community Based Disaster Risk Manajemen – Nahdlatul Ulama, 2008), p. 41.

³⁰ Wardani, "Memformulasikan Fikih...", p.25.

³¹ Ahmad Syafii, "Fiqh Lingkungan Revitalisasi Ushul al-Fiqh Untuk Konservasi dan Restorasi Kosmos", *Makalah*, dipresentasikan pada Annual CConference of Islamic Studies Direktur Pendidikan Tinggi Islam Depag R.I., Surakarta 2-5 November 2009.

³² Wardani, "Memformulasikan Fikih...", p. 25.

disasters are always considered to be the "hand" of God's absolute power and elevates ordinary natural phenomena (*profane*) to a sacred level, even though there are indications of human hand negligence. The mindset of "religious" figures whose *afterlife* is justified hastily by the verses of the Koran, such as the interpretation of *al-fasâd*,³³ is narrowed down to "abstract corruption" (religious morals violated by ritual immorality in the literature- literature of interpretation, whereas it covers all forms of "imbalance, *disorder*, in all respects, including environmental imbalances")³⁴ makes Muslims always see a neglect of worship as a major factor in natural disasters. This mindset ensnares Muslims in the shackles of fatalism (*jabariyyah*) when responding to various disasters in the country, such as floods and landslides, which were actually caused by themselves.³⁵

Furthermore, if we examine the jurisprudence learning curriculum in the country so far, from non-formal recitation *matters* in rural communities to the jurisprudence of Islamic universities in big cities, it is sufficient to illustrate the lack of systematic fiqh response to crucial environmental issues. A survey of fiqh literature in Indonesia conducted by Martin van Bruinessen in *Kitab Kuning*³⁶ shows that fiqh books that show Middle-Eastern influences, such as *l'ânât ath-Thâlibîn* and *al-Muhadzdzab*, are more representative of the jurisprudence book of *mahdah* worship with the addition of a little about *munâkahah*, *mu'âmalah*, and *jinâyah*. In fact, some of the literature of jurisprudence is more accurately described as the fiqh of worship, such as *Sabil al-Muhtadin* by Muhammad Arsyad al-Banjari. With such fiqh systematics, the epistemology of fiqh has been moving only in relation to patterns: human-god and human-human relations, not human-natural relations. If there is a discussion of jurisprudence on human-natural relations, it is only raised in the context of religious fiqh, such as the discussion of water in the chapter *thahârah* (purification). This fiqh mindset causes *jurisprudence al-bî'ah* to be scattered from the attention of the *fuqahâ*.³⁷

With such conditions, it is natural that the awareness of the need for harmony with the environment in the Islamic world is too late compared to the awareness in the West. Since 1969, for example, America has had the *National Environmental Policy Act* (NEPA) 1969, which is the American law on the environment.³⁸ As a law, the law of course contains sanctions.³⁹ Meanwhile, in Muslim countries,

³³ Hal ini, antara lain, disebutkan dalam QS. al-A'râf: 56 dan 86 (terjemhannya) sebagai berikut: (Dan janganlah kamu membuat kerusakan di muka bumi, sesudah (Allah) memperbaikinya dan berdoalah kepada-Nya dengan rasa takut [Tidak akan diterima] dan harapan [akan dikabulkan]. Sesungguhnya rahmat Allah amat dekat kepada orang-orang yang berbuat baik.) dan (Dan [Kami Telah mengutus] kepada penduduk Mad-yan saudara mereka, Syu'aib. Ia berkata: "Hai kaumku, sembahlah Allah, sekali-kali tidak ada Tuhan bagimu selain-Nya. Sesungguhnya telah datang kepadamu bukti yang nyata dari Tuhanmu. Maka sempurnakanlah takaran dan timbangan dan janganlah kamu kurangkan bagi manusia barang-barang takaran dan timbangannya, dan janganlah kamu membuat kerusakan di muka bumi sesudah Tuhan memperbaikinya. Yang demikian itu lebih baik bagimu jika betul-betul kamu orang-orang yang beriman".)

³⁴ Tentang *Al-fasâd*: khurûj asy-syai' 'an al-i'tidâl qalîlan kâna al-khurûj 'anhu aw katsîran wa yudhâdduhu ash-shalâh wa yusta'mal dzâlika fi an-nafs wa al-badan wa al-asyâyâ al-khârijah 'an alistiqâmah" baca *Ar-Râghib al-Ishfahânî*, *Mufradât Alfâzh al-Qur`ân*, (Beirut: Dâr al-Fikr, t.t.), p. 393.

³⁵ Wardani, "Memformulasikan Fikih...", p.25.

³⁶ Martin van Bruinessen, *Kitab Kuning, Pesantren, dan Tarekat: Tradisi-tradisi Islam di Indonesia*, (Bandung: Mizan, 1995), p. 77.

³⁷ Wardani, "Memformulasikan Fikih...", p.25.

³⁸ James F. Berry dan Mark S. Dennison, *The Environmental Law and Compliance Handbook*, (New York: McGraw-Hill, 2000), p. 23.

³⁹ Untuk kasus Indonesia lihat Undang Undang No. 23 Tahun 1997 Tentang : Pengelolaan Lingkungan Hidup (JAKARTA) LN 1997/68; TLN NO.3699, undang-undang ini merupakan penyempurnaan terhadap Undang-undang Nomor 4 Tahun 1982 tentang Ketentuan-ketentuan Pokok Pengelolaan Lingkungan Hidup (Lembaran Negara Tahun 1982 Nomor 12, Tambahan Lembaran Negara Nomor 3215). Penyempurnaan ini dilakukan untuk mencapai tujuan pembangunan berkelanjutan yang berwawasan lingkungan hidup. Lebih lanjut tentang perkembangan undang-undang lingkungan hidup di Indonesia Undang-Undang Republik Indonesia Nomor 22 Tahun 2001 Tentang Minyak dan Gas Bumi, Undang-Undang Republik Indonesia Nomor 7 Tahun 2004 Tentang: Sumber Daya Air, Undang-Undang Republik Indonesia Nomor 18 Tahun 2004 Tentang Perkebunan, Undang-Undang Republik Indonesia Nomor 25 Tahun 2007 Tentang Penanaman Modal baca Michael Faure and Nicole Niessen (editor), *Environmental Law in Development: Lessons from the Indonesian Experience* (Cheltenham, UK • Northampton, MA, USA: Edward Elgar, 2006).

a similar awareness in the last decade is a pioneering attempt to explain that *fiqh al-bî'ah* exists. the substance in Islamic teachings.⁴⁰

4. THE CONCEPTUAL FRAMEWORK OF FIQH AL BI'AH

The framework for drafting environmental fiqh from various existing works, especially works published in Indonesia, can briefly state several things that have been discussed, namely:

4.1 Reconstruction of the meaning of the caliph.

In the Koran, it is emphasized that being a caliph on earth is not to do destruction and bloodshed. But to build a life that is peaceful, prosperous, and full of justice. Thus, humans who do damage on this earth will automatically tarnish the human attributes as caliph.⁴¹ Because, although nature was created for the benefit of humans,⁴² it is not allowed use arbitrarily. Thus, the destruction of nature is a form of denial of the verses (majesty) of Allah, and will be kept away from His grace.⁴³ For this reason, the understanding that humans as caliphs on this earth are free to do anything to their surroundings really has no theological foundation. In fact, all forms of exploitation and destruction of nature are serious violations. Because, nature was created in the right way,⁴⁴ no kidding,⁴⁵ and not falsely.⁴⁶

4.2 Ecology as a doctrine

That is, placing the discourse on the environment not in a branch (*furu'*), but including the main doctrine (proposal) of Islamic teachings. As explained by Yusuf Qardhawi in *Ri'ayah al-Bi'ah fi Syari'ah al-Islam* (2001), maintaining the environment is the same as maintaining the five basic goals of Islam (*maqashid al-shari'ah*). This is because these five basic goals can be realized if the environment and the universe support them. Therefore, maintaining the environment is the same as *maqashid al-shari'ah*.

4.3 A person's faith is imperfect if he does not care about the environment

A person's faith is not only measured by the number of rituals in places of worship. However, also protecting and preserving the environment is very fundamental in the perfection of one's faith. The Prophet said that cleanliness is part of faith. The hadith shows that cleanliness as an element of environmental care (*ri'ayah al-bi'ah*) is part of faith. Moreover, deep qiyas aulawi review, take care of the environment as a whole, really really which is very praiseworthy before Allah.

4.4 Enviromental destroyers are ecological infidels (*kufr al bi'ah*)

Among the signs of Allah's greatness is the existence of this universe (universe). For this reason, destroying the environment is the same as denying (disbelieving) the greatness of Allah.⁴⁷ This verse tells us that understanding nature in vain is the view of the disbelievers.

Moreover, he has committed the destruction and rape of nature. And, the word *kafir* is not only addressed to people who do not believe in Allah but also denies all the blessings that He gives to humans, including the existence of this universe.⁴⁸

In addition, there is also a desire to fight for green politics, a movement to assist development with an ecological perspective. Political policies that are anti-ecological, mechanistic, and materialistic are directed towards political policies that are aware of the environment (*ecological politics*). This is important because such severe natural damage cannot only be resolved through a religious

⁴⁰ Wardani, "Memformulasikan Fikih...", p. 25.

⁴¹ Departemen Agama RI Al-Hikmah, *Al-Qur'an dan Terjemahnya*, (Bandung: Diponegoro, 2011), p. 13.

⁴² Departemen Agama RI Al-Hikmah, *Al- Qur'an...*, p. 655.

⁴³ Departemen Agama RI Al-Hikmah, *Al- Qur'an...*, p. 230.

⁴⁴ Departemen Agama RI Al-Hikmah, *Al- Qur'an...*, p. 745.

⁴⁵ Departemen Agama RI Al-Hikmah, *Al- Qur'an...*, p. 497.

⁴⁶ Departemen Agama RI Al-Hikmah, *Al- Qur'an...*, p. 736.

⁴⁷ Ibid.

⁴⁸ Departemen Agama RI Al-Hikmah, *Al- Qur'an...*, p. 380.

approach. However, it needs a comprehensive approach. Starting from religion, economy, politics, culture, and society to unite to handle this ecological crisis.⁴⁹

The explanation of the basic conceptual framework of *fiqh al-bi'ah* above also explains the harmony of the environment as *cosmological*, *anthropological*, *theological*,⁵⁰ and *eschatological* dimensions.⁵¹ In summary, each dimension is described in the description below.

4.4.1 Cosmological dimension

The cosmological dimension in the environment is the harmony of the natural system in the cosmos which consists of nature as natural phenomena such as: wind, air, rain, including water, which mutually support its continuity.⁵²

4.4.2 Antopological dimension

The anthropological dimension is the involvement of humans in the existence of the environment both in nature (physical environment) and in the biological environment (plants and animals) as well as in the context of human relationships (socio-cultural environment), in this case the clash of behavior among humans that forms a safe and secure society. The benefits of peace are felt by fellow humans in all aspects of life.⁵³

4.4.3 Theological dimension

The theological dimension is the relationship between the creature in its position as a creature and the Creator, in which case Allah is the creator. Further understanding that without Allah's appearance, the possibility of the creation of that creature itself is impossible. This means that Allah's role towards creatures is dominant, therefore being and the Creator are two very closely related forms.⁵⁴

4.4.4 The eschatological dimension

The eschatological dimension is that environmental management carried out by humans in the life of this world must be accountable to Allah in the hereafter. Thus, all human activities related to the environment, including deeds in addition to worldly dimensions, also have a spiritual dimension.⁵⁵

Environmental jurisprudence as a scientific discipline in Islam, is fundamentally and globally as stated in the previous description, that *fiqh al-bi'ah* already has a basic framework even though the formulation is not yet detailed and comprehensive. The writings produced by experts have provided initial basic frameworks, although they are scattered and not systematic.⁵⁶ To strengthen the scientific position of environmental jurisprudence, it is necessary to continuously develop it, especially in the field of methods in order to answer current needs which increasingly emphasize the importance of protecting the environment.

5. THE DEVELOPMENT OF THE ASPECTS OF THE METHOD OF ENVIRONMENTAL FIQH IN INDONESIA

To develop a *fiqh* study of environmental issues in Indonesia, a choice of strategies and study models can be proposed. Study - a study in question can be classified into three levels, namely level (1) fundamentals, (2) policy of the state /government, and (3) praxis.⁵⁷

Included in the category of fundamental level studies is the prescriptive norm level *fiqh* study model), while the jurisprudence review of environmental legislation that has become a regulation in

⁴⁹ Tahir, "Kerusakan Lingkungan Hidup dan Penyebabnya", KERUSAKAN LINGKUNGAN HIDUP DAN PENYEBABNYA | DINAS LINGKUNGAN HIDUP (luwuutarakab.go.id) accessed 10 November 2009.

⁵⁰ M.Amin Abdullah, *Falsafah Kalam di Era Postmodernisme*, (Yogyakarta:Pustaka Pelajar,1995), p.177.dan M. Bahri Ghazali, *Pendidikan Pesantren Berwawasan Lingkungan Kasus Pondok Pesantren An-Nuqayah Guluk-Guluk Sumenep, Madura*, (Jakarta:Pedoman Ilmu Jaya, 2001), p.3-4.

⁵¹ Musa Asy'arie, *Filsafat Islam Sunnah Nabi dalam Berpikir*, (Yogyakarta: Lesfi, 2002), p.239.

⁵² M.Bahri Ghazali, *Pendidikan Pesantren...*, p.4.

⁵³ Ibid.

⁵⁴ Ibid. dan Harun Nasution, *Falsafat dan Misticisme dalam Islam* (Jakarta: Bulan Bintang, 1987), p.35.

⁵⁵ Musa Asy'arie, *Filsafat Islam...*p.239-240.

⁵⁶ Ibid.

⁵⁷ Muchtar Buchori, "Ilmu Pendidikan di Indonesia Dewasa ini", *makalah* disajikan dalam Seminar di FIP IKIP Yogyakarta, 14 Maret 1991.

Indonesia,⁵⁸ is included at the state/government policy study level and explores local wisdom that is living in a society in Indonesia related to environmental problems and then developing them can represent practical studies.⁵⁹

5.1 Prescriptive Model of Environmental Jurisprudence Study

The *prescriptive* fiqh study aims to explore the norms of Islamic law at the *das sollen* level, namely norms that are considered ideal to be able to regulate human behavior and organize good social life. The proposal of al-fiqh is included in the field of jurisprudence in a prescriptive manner, which aims to find sharia norms to respond to various problems from a normative point of view,⁶⁰ including responding to various environmental problems.

In the wrong view of many Muslims, fiqh usually only refers to a collection of concrete rules in the form of halal, haram, makruh, permissible, or circumcision. When it is called Islamic law, they only imagine these categories. This definition is clearly inaccurate. Besides consisting of evaluation categories such as halal or haram, fiqh also consists of relational categories. More importantly, fiqh actually consists of a tiered (*graded / layered*) norm.⁶¹

In the past this layering consisted of two levels of norms: concrete rules (*al-ahkam al-far'iyah*), and general principles (*al-zaman al-kuliyyah*). These general principles in the view of classical Islamic jurists cover broad categories so that they also include the basic values (*al-qiyam al-Asasiyah*) of Islamic law. Therefore, for practical, purposes these norms are divided into three levels, namely (1) *concrete rules*, (2) *general principles*, and (3) *basic values*.⁶²

The basic values of fiqh (Islamic law) also come from the basic values of Islam. In the Koran textually and implicitly there are many basic Islamic values which are also the basic values of fiqh (Islamic law). For example *monotheism, justice, equality, freedom, tasamuh, taawun*, and so on. From these basic values, general principles of Islamic law are derived and from general principles, concrete rules are derived. In other words, it can be said that a concrete legal rule is based on or is overshadowed by general principles, and general principles are overshadowed by basic values. For example, from the basic value of equality, the general principle in political life can be derived that men and women have the same political rights. From this principle, a concrete regulation (*al-hukm al-far'i*) was *derived* that *states* that women can become president.⁶³

From the basic value of freedom, a legal principle is derived in the law of engagement, namely the principle of freedom of contract (*mabda hurriyah al-ta'aqud*) and from this principle, concrete regulations are derived in the form of, for example, commodity futures contracts are subject to the law.⁶⁴

In a fiqh study, the use of the al-fiqh proposal as it has been so far has focused more on research on concrete legal regulations: what is the law of bank interest? What is the law of marriage between couples of different religions? What are credit card laws? What is the law for women to become heads

⁵⁸ Seperti Undang Undang Republik Indonesia No. 23 Tahun 1997 Tentang: Pengelolaan Lingkungan Hidup, Undang-Undang Republik Indonesia Nomor 22 Tahun 2001 Tentang Minyak dan Gas Bumi, Undang-Undang Republik Indonesia Nomor 7 Tahun 2004 Tentang: Sumber Daya Air, Undang-Undang Republik Indonesia Nomor 18 Tahun 2004 Tentang Perkebunan, Undang-Undang Republik Indonesia Nomor 25 Tahun 2007 Tentang Penanaman Modal

⁵⁹ Jill Forshee, *Culture and Customs of Indonesia*, (Westport, Connecticut • London: Greenwood Press, 2006), p.207-214.

⁶⁰ Syamsul Anwar, *Membangun Good Governance dalam Penyelenggaraan Birokrasi Publik di Indonesia: Tinjauan dari Perspektif Syariah dengan Pendekatan Ilmu Usul Fikih*, Pidato Pengukuhan Guru Besar Ilmu Usul Fikih pada Fakultas Syari'ah di Hadapan Rapat Senat Terbatas UIN Sunan Kalijaga Yogyakarta tanggal 26 September 2005, (Yogyakarta:UIN Sunan Kalijaga, 2005), p, 3.

⁶¹ Ibid.hlm.3-4. dan Padmo Wahjono, "Budaya Hukum Islam dalam Perspektif Pembentukan Hukum di Masa Datang", dalam Amrullah Ahmad dkk, *Dimensi Hukum Islam dalam Sistem Hukum Nasional Mengenang 65 Th Prof. Dr. H. Busthanul Arifin, SH*, (Jakarta: Gema Insani Press, 1996), p.172-176.

⁶² Ibid, p.4

⁶³ Ibid, p.4-5

⁶⁴ Ibid, p.5

of state? etc. The study of Islamic law should also be directed to the exploration of principles by considering the norm ranking approach so that it is easier to respond to various developments in society from the point of view of sharia law⁶⁵ including to answer environmental problems in Indonesia today. This prescriptive model of the fiqh study can be used as a major premise to examine various environmental problems in various aspects. This prescriptive model of fiqh study is a study of concrete norms, norms of principles and norms of value simultaneously.

In the jurisprudence study of the prescriptive model above, it is also necessary to consider two approaches, namely the *genetivus subjecttivus* approach, namely the approach that places jurisprudence or Islamic law as the subject (the subject here is used as a starting point for thinking).⁶⁶ From this point of view, issues related to the environment will be used as material/object of study. Meanwhile, the second approach, *genetivus objecttivus*,⁶⁷ is to place environmental issues as the subject (as the starting point of thought) which discusses Islam as the object of study.

Of the two approaches offered above, it seems that the first approach is more appropriate, namely the *genetivus subjecttivus* approach.⁶⁸ The reasons that can be put forward include: problems or environmental science as a result of human thoughts, do not intend to interpret Islam, but the goal is, how to obtain knowledge about the environment, environmental science methodology, how the nature of the environment, etc. concerning the environment. Thus, Islam or jurisprudence itself examines how environmental knowledge is according to a fiqh perspective, how the methodology is, and what is the truth about the environment that humans obtain from a fiqh perspective.

Another reason, if environmental issues are used as the starting point of thought, it means discussing Islam or jurisprudence using an environmental science analysis knife, will produce two possibilities. First, to produce Islamic religious environmental science, and second, to Islamic religious knowledge about the environment. Another reason, that why not choose environmental science as a starting point for thinking, the fact shows that the source of knowledge in an explicit view of Islam is the Koran, the truth of the Koran. absolutely no doubt.⁶⁹ One example of an environmental fiqh study model like this is as done by Prof. KH Ali Yafie in his book *Merintis Fiqih Lingkungan Hidup*.

5.2 Environmental Jurisprudence Study, Policy Study Model

Especially with regard to studies that are a fiqh review of various laws and regulations relating to the environment in Indonesia or comparative studies between fiqh and laws and regulations related to the environment in Indonesia, it is necessary to use an academic paradigm. Academically, three basic elements must be met in the formulation of a law, namely:⁷⁰

5.2.1 Philosophical Elements

A statutory formula must contain (a) the ontology aspect in the sense that is legally regulated in it. This is related to the social goals (teleological wisdom) that will be achieved by a law, (b) the epistemological aspect, in the sense that the formulation of law must be within the framework of the methodology correctly, and (c) the axiological aspect, in the sense that the content is fulfilled. universal ethical and moral values so that laws can work on their guidelines.

5.2.2 Sociological Elements

The idea or formulation of law must reflect sensitivity and responsiveness to the realities of society to be directed towards a new social order that is shared and based on common interests, not the interests of the ordering or the formulator.

5.2.3 Juridical Elements

⁶⁵ Ibid, p.5-6.

⁶⁶ Miska Muhammad Amien, *Epistemologi Islam Pengantar Filsafat Pengetahuan Islam*, (Jakarta: UI Press, 1983), p.10

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Muh. Busyro Muqoddas, "Menakar Draft Akademik RUU tentang Keistimewaan Provinsi Daerah Istimewa Yogyakarta (Tinjauan Filsafat Hukum dan HAM)", *makalah*, disampaikan pada diskusi public tentang mengkritisi RUU Keistimewaan Propinsi DIY, tanggal: 8 Agustus 2002.



The fundamental principle in law is that *social justice* must be measured transparently and logically, starting from the weighing part (*philosophical* content), the attention section (*phenomenological* content), the remembering part (the contents of the legislation that is referred to), to the contents of the chapters, articles of articles. and verse by verse systemically.

In addition to the three elements above, it is also important to note the existence of a *hermeneutic* approach in the sense that law clearly describes a comprehensive philosophical, sociological, and juridical interpretation of what is substantially oriented in the long-term perspective of the application of laws. What kind of order and model of society do you aspire to and achieve gradually. In context, This law, whose spirit is justice, requires a law to contain values such as equality and human rights.

The logical consequence is that every law is legally bound to academically open space and broad opportunities for the public to be proportionally respected and accommodated by their public rights, besides of course the need to be oriented towards the future, not on the contrary leading to the strengthening of culture and power. quo.⁷¹ In addition to the policy study model as above, an analysis of legal cases in the environmental sector in Indonesia reveals that the first lawsuits against environmental damage were filed by Walhi in the 1990s. At that time, Walhi took the government and PT Inti Indorayon Utama to court because they were judged to have damaged the environment in the Portsea area. By the court, Walhi was declared defeated. Other cases that are being sued by Walhi are PT Freeport Indonesia, PT Newmont Minahasa Raya, and PT Lapindo Brantas. In all these claims, Walhi was declared defeated.⁷² Legal analysis related to the environment in Indonesia can be carried out on three legal aspects at once, namely the *legal content* or *content of the law*, the *legal culture*, and the *legal structure*. In the structural aspect, inequality is indicated by the low ecological sensitivity within the law enforcement environment, especially among the police, prosecutors, and judges. Then, in the aspect of legal culture, it is also very much influenced by values that lack an ecological perspective.

On the other hand, a fiqh study can also be carried out that looks at the products of environmental legislation in Indonesia from the point of view of global economic interests. In this context, John Perkins stated that in order to build global empires, transnational corporations, and international financial institutions, developed country governments join forces to unite their financial and political powers to force the world community to follow their will. The strength of corporatocracy is evident today in Indonesia. The process of the birth of various laws and regulations, such as the Water Resources Law, the Investment Law, the Oil, and Gas Law, and the Plantation Law, cannot be separated from the "intervention" of lending institutions and transnational companies. The most obvious evidence is the issuance of a state act that allows protected forest areas to be mined openly even though the 1999 Forestry Law explicitly prohibits this.⁷³

5.3 Environmental Jurisprudence Study, Descriptive Model of Praxis

The descriptive study of fiqh looks at fiqh as a social phenomenon that interacts with other social phenomena. In this connection, fiqh can be seen both as an independent variable (free) that affects society and as a dependent variable (bound) influenced by society.⁷⁴ In the study of this model, various approaches developed in the social sciences and humanity (humanities) are usually used, such as the historical (*historical*) approach. This *historical approach* is widely used by Western Islamic law

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid

⁷⁴ Syamsul Anwar, Membangun Good Governance dalam Penyelenggaraan Birokrasi Publik di Indonesia: Tinjauan dari Perspektif Syariah dengan Pendekatan Ilmu Usul Fikih, Pidato Pengukuhan Guru Besar Ilmu Usul Fikih pada Fakultas Syari'ah di Hadapan Rapat Senat Terbatas UIN Sunan Kalijaga Yogyakarta tanggal 26 September 2005 (Yogyakarta:UIN Sunan Kalijaga, 2005), p.2

reviewers.⁷⁵ Sociological approach.⁷⁶ Political Approach,⁷⁷ Anthropological approach).⁷⁸ In connection with fiqh studies of environmental problems with this descriptive model, this indicates the need for a multidisciplinary or at least multi-disciplinary approach. This inter or multi-disciplinary approach can be used by jurisprudence to examine the factors that influence (internal and external) the application/ implementation of environmental jurisprudence in the area of praxis. In this regard, the study of the culture or local wisdom of the community can be an important instrument in implementing environmental fiqh in people's lives in Indonesia.

To support the development of environmental jurisprudence in this practice area, it is necessary to re-explore "local wisdom" with a cultural background. Environmental fiqh and local wisdom need to be combined harmoniously and dynamically. Usually, awareness raising using "local wisdom" is more effective than using a structural approach or a system of sanctions or fines. Although this model approach requires patience and a long time.⁷⁹

One way that can be done in this regard is to examine various local cultures of the community related to preservation and preservation of the environment around them, one of which is cultural wisdom because community culture is to make it easier not to do environmental damage.⁸⁰ In environmental studies, fiqh studies like this are called human ecology.⁸¹ One example in this connection is M. Bahri Ghazali's research on environmentally friendly Islamic boarding schools at Pondok Pesantren An-Nuqayah Guluk-Guluk Sumenep Madura.⁸²

Apart from that, in the realm of Islam, there is also what is known as Sufistic wisdom (a Sufi story that, when contemplated, will reap the wisdom of how the environment needs to be the foundation of love). One day, Abu Yazid al-Bushtami and his friend were washing clothes in the middle of the field. When it was time to dry the sun, the friend said, "Just hang these clothes on the wall in a circle". Hearing his friend's suggestion, Abu Yazid immediately replied that he disagreed, "Don't tuck clothes on people's walls". Because he was not approved, the friend gave him another option, "Then, just dry it in the tree." Abu Yazid again prevented, "No, the branch will break later." Getting rejected the second time, the friend began to wonder, "Are we drying it on the grass?". Again, Abu Yazid expressed his displeasure, "No, the grass is forage for animals." Immediately, Abu Yazid put the wet clothes on his back. As soon as one side of the garment is dry, he returns it to the other side to dry

⁷⁵ Harald Motzki, *The Origin of Islamic Jurisprudence: Meccan Fiqh before the Classical Schools*, (Leiden-Boston-Koln: Brill, 2000), p. 110.

⁷⁶ Martha Mundy dalam tulisannya "The family, Inheritance and Islam; a Reexamination of Sociology of Fara'id Law," dalam Aziz al-Azmeh (ed.), *Islamic Law Social and Historical Contexts* (London-New York: Routledge, 1988), p. 1-123; M. Atho Mudzhar telah mengkaji pendekatan sosiologi dalam penelitian hukum Islam melalui tulisannya "Studi Hukum Islam dengan Pendekatan Sosiologis," pidato pengukuhan Guru Besar Madya pada IAIN Sunan Kalijaga Yogyakarta tanggal 15 September 1999.

⁷⁷ Daniel S. Lev, *Islamic Courts in Indonesia*, (Berkeley-California-London: University of California Press, 1972), p. 45.

⁷⁸ Ziba Mir Hosseini dalam bukunya *Marriage on Trail: A Study of Islamic Family Law, Iran and Morocco Compared*, (London-New York: I.B. Tauris & Co. Ltd, 1993), dan Syamsul Anwar, "Fatwa, Purification and Dynamization: A Study on Tarjih in Muhammadiyah," *Islamic law and Society*, Vol. 12 No. 1 (2002), p. 27-44.

⁷⁹ Jill Forshee, *Culture and Customs of Indonesia*, (Westport, Connecticut • London: Greenwood Press, 2006), hlm. 207-214. dan Muchsin al-Fikri "Fikih Lingkungan dan Kearifan Lokal diunduh dari <http://74.125.153.132/search?q=cache:DjBcxzpBkt8J:agamadanekologi.blogspot.com/2007/09/fikih-lingkungan-dan-kearifan-lokal.html+fiqh+lingkungan&cd=70&hl=id&ct=clnk&gl=id> accessed 11 Nop 2009, dan Arif Sulfiantono, *Kearifan Lokal Menopang Mitigasi Bencana* diunduh dari <http://www.kr.co.id/web/detail.php?sid=206148&actmenu=39> accessed 16 November 2009.

⁸⁰ Jill Forshee, *Culture and Customs of Indonesia*, (Westport, Connecticut • London: Greenwood Press, 2006), hlm. 207-214. Mikdat Musa Mubarak, "Fiqh Lingkungan Sesajen Kali dan Kearifan Lokal (Study kasus di Muneng, Munengwarangan, akis, Magelang)" *FIQH LINGKUNGAN SESAJEN KALI DAN KEARIFAN LOKAL - PDF Free Download* (adoc.pub) accessed 10 November 2009.

⁸¹ D.A. Fennell, *Ecotourism Programme Planning*, (New York: CABI Publishing, 2002), p. 31-32.

⁸² M. Bahri Ghazali, *Pendidikan Pesantren Berwawasan Lingkungan Kasus Pondok Pesantren AnNuqayah Guluk-Guluk Sumenep, Madura*, (Jakarta: Pedoman Ilmu Jaya, 2001), p. 73.

completely and puts it on again.⁸³ For Sufis, everything in the universe is a creature of Allah who must be cared for and protected. Humans are a part of nature. Humans occupy a very special position in the overall order of the cosmic universe. Humans are seen as the ultimate goal of creation and also as the caliph of Allah on earth. For this reason, humans have been given the right to manage nature.⁸⁴

6. CONCLUSION

In closing and ending the entire discussion of this paper, it is necessary to put forward the following conclusions:

1. The harmony of the environment in Islam has four dimensions that are interrelated with one another. The four dimensions referred to are the theological, anthropological, cosmological, and eschatological dimensions. Although classical jurisprudence does not discuss environmental preservation as a separate study, it does not mean that environmental themes are not discussed at all. On the other hand, classical fiqh is in a discussion which, although not intact, fragmental, and not entirely in perspective environmentally friendly, the discussion about the environment is still being found. Therefore, *turâs fiqhî* is part of the *al-bî'ah fiqh* construction which is built by reexamination. The results of a review of the classical jurisprudence treasures are very useful to strengthen the position of environmental fiqh studies in Indonesia, especially studies that are prescriptive in nature.
2. To develop a fiqh study of environmental issues in Indonesia, a choice of strategies and study models can be proposed. These studies can be classified into three levels, namely (1) fundamental level, (2) state policy/regulation/legislation, and (3) praxis. Included in the category of fundamental level studies are prescriptive fiqh studies (norm leveling), studies that are fiqh reviews of environmental legislation that have become regulations in Indonesia, and comparative studies (comparison) between the material of laws in Indonesia which related to the environment with jurisprudence (Islamic law), including at the level of state / government policy studies and exploring local wisdom that lives in society in Indonesia regarding environmental issues. and then develop it to represent a descriptive study of praxis.


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⁸³ Said Aqiel Siroj, *Tasawuf Sebagai Kritik Sosial Mengedepankan Islam Sebagai Inspirasi bukan Aspirasi*, (Bandung: Mizan dan Yayasan Khas, 2006). p.52-54, dan Said Aqiel Siroj, "Kata Pengantar " buku *Membangun Ketahanan Masyarakat Menghadapi Bencana Perspektif Islam tentang Pengurangan Risiko Bencana dan buku Da'i Siaga Bencana Panduan Praktis Dakwah Pengurangan Risiko Bencana*, (Jakarta: Community Based Disaster Risk Management – Nahdlatul Ulama, 2008), p. vii – xi and p.vii – ix.

⁸⁴ Ibid.

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