

# ISLAM AND GLOBAL ECOLOGY:

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**ISLAM AND GLOBAL ECOLOGY:  
FORMULATING THE FIQH AL-BI'AH BASED ON NATURALIST INTELLIGENCE  
(CASE STUDY OF BUNGIN ISLAND, SUMBAWA)**

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**Abstract-** The global environmental crisis, starting from global warming, climate change, depletion of the ozone layer, acid rain, exploitation of natural resources, illegal logging, desertification, floods, droughts, landslides, to the extinction of biodiversity is a global problem today. Humans and the environment are two elements that are interrelated and inseparable. Humans are considered as the main actors in environmental damage who are assumed to have greed, dissatisfaction, and irresponsibility so as to make the natural environment an object of value, economics and a pragmatic necessity of life. It is in this context that the significance of MUI fatwa relating to environmental preservation and efforts to reconstruct the fiqh al-bi'ah paradigm based on naturalist intelligence is caused by three factors. First, the objective condition of the environmental crisis is getting worse. Second, Muslims need a comprehensive framework for understanding fiqh al-bi'ah. Third, formulating the paradigm of fiqh al-bi'ah as an ontological, epistemological and operational axiological framework in a modern environmental perspective as a scientific discipline in the realm of Islamic studies

**Key Words:** *environmental crisis, MUI fatwa, paradigm of fiqh al-bi'ah, naturalist intelligence.*

#### I. INTRODUCTION

Issues of global environmental crises ranging from global warming, climate change, depletion of the ozone layer, acid rain, exploitation of natural resources, illegal logging, forest fires, floods, droughts, landslides, to the extinction of biodiversity are global problems today. Environmental damage is one of the global issues that is troubling the world community today.

This condition directly threatens human life. The level of environmental damage increases the risk of natural disasters. The cause of environmental damage is caused by two factors, namely due to natural disasters and due to human activities. This condition was acknowledged by the Walhi Institute, which said that today's environmental problems are already at the stage of a state of danger (water, soil, air, rivers and climate), but the handling of pollution and environmental damage is still carried out using a "business as usual" approach. . Therefore, it is necessary to have a new breakthrough to improve this situation so that in the future you will not face bigger environmental problems.<sup>1</sup>

<sup>1</sup>For the next, check the Wakhi Research. Look at <http://www.greeners.co/berita/hasil-riset-walhi-perlu-terobosan-sistematis-hadapi-isu-lingkungan/>, diakses tanggal 19 November 2015

Thus, the keyword to maintain environmental harmony necessitates a balance in managing nature and the environment as a condition for achieving human welfare. Life stability requires balance and sustainability in all fields, both material and those related to the soul, mind, emotions, passions and human feelings. Islam, as in several verses of the Qur'an and Hadith, also demands balance in this context.

Regarding environmental preservation, the Indonesian Ulema Council has issued several fatwas including: MUI Fatwa No. 30 of 2016, Concerning: Forest and Land Burning Laws and Their Control; MUI Fatwa No. 4 of 2014, Concerning: Preservation of Endangered Animals to Maintain Ecosystem Balance; MUI Fatwa No. 22 of 2011, Concerning: Environmentally Friendly Mining; and MUI Fatwa No. 47 of 2004, Concerning: Waste Management to Prevent Environmental Damage,

From the several fatwas, the MUI always states that humans were created by Allah SWT as caliphs on earth as bearers of the mandate and are responsible for the prosperity of the earth and everything in it. From this statement, it can be formulated that the role of humans on earth is as a caliph who has the mandate of responsibility in protecting Allah SWT's creation, including his duty to prosper the earth and preserve the universe.

However, the concept of caliph fil ardh has not been able to be inspired by every religious person. This is evidenced by the massive behavior that has the potential to disrupt the environmental balance in Pulau Bungin Village, West Nusa Tenggara. The people who inhabit the island are the Bajo tribe from Makassar. They are known to uphold the traditional values of their ancestors. One way is to maintain the preservation of the Nangung Rumah custom. This custom means that men who want to get married are required to prepare reclaimed land using dead coral material.<sup>2</sup>

The Bajo people require land or reclamation land for marriage based on the following considerations: First, land is a very crucial thing. Second, because of limited land. Third, it becomes a benchmark for the ability and responsibility of the prospective groom. However, the condition for providing this land is only required from customary elements, not based on

<sup>2</sup> Karlina, Dina (2020) *Tradisi Nangung Rumah dalam Penataan Kawasan Permukiman Desa Pulau Bungin Kabupaten Sumbawa NTB*. Undergraduate (S1) thesis, Universitas Islam Negeri Alauddin Makassar.

statutory provisions or religious provisions.<sup>3</sup> The activity of hoarding land using coral as a condition for marriage certainly has the potential to damage the balance of marine biota ecosystems.<sup>4</sup> Until now, the condition of coral cover in the southern region of Bungin Island is 38% in good condition and 62% in damaged condition.<sup>5</sup>

Based on this elaboration, this article intends to describe several Fatwas of the Indonesian Ulama Council related to environmental preservation and formulate the paradigm of *fiqh al-bi'ah* based on naturalist intelligence as a solution to overcome the environmental crisis that occurred in the reclamation area of Pulau Bungin Village, West Nusa Tenggara, Indonesia.

### Ecological Crisis and Human Spirituality

Environmental damage in various parts of the world, especially in Indonesia is caused by human actions. Whether we realize it or not, the damage that has occurred has disrupted the natural balance of the eco-system and in the end will threaten various sectors that should be used sustainably both now and in the future. Empirical reality shows that the environment is starting to be shifted from its balance. This is the result of various tendencies to over-exploit nature in order to quickly achieve physical satisfaction, without taking into account the environmental impacts and crises that will occur in the future which will make it difficult for the next generation.<sup>6</sup>

KH's view. Sahal Mahfudz, Chairman of the MUI for the 2000-2014 period, is in line with Sayyed Hossein Nasr's view that the ecological crisis is caused by the spiritual crisis of modern humans. Nasr stated that the various damages caused by science, technology, and capitalist economy are actually rooted in a spiritual crisis. Science, technology and economics which are human needs should not be separated from spiritual embrace as a check and balance. According to Nasr, due to the marginalized spiritual aspect, modern humans have the view that humans can use all natural assets without limits as an identity from the humanism-anthropocentric paradigm.<sup>7</sup>

<sup>3</sup> Ratnasari, Andi Indriani (2021) *Tanah Sebagai Syarat Perkawinan Bagi Pihak Laki-Laki Masyarakat Adat Suku Bajo Di Pulau Bungin*. Thesis-S2 Thesis, Universitas Hasanuddin.

<sup>4</sup> Khaerunnisa, Chintya (2022) *Reklamasi pesisir pantai di Pulau Bungin menurut undang-undang no 27 tahun 2007 dan perspektif fiqh lingkungan*. Undergraduate thesis, Universitas Islam Negeri Maulana Malik Ibrahim

<sup>5</sup> Usman, and friends. Analisis Struktur Ekosistem Terumbu Karang di Pulau Bungin Sebagai Bahan Pengenalan Ekosistem Terumbu Karang Bagi Masyarakat. *Jurnal Ilmiah Pendidikan Biologi "Bioscientist"*: Vol 5, no 1.

<sup>6</sup> Muhammad Ahmad Sahal Mahfudh, *Nuansa Fiqh Sosial*, (Yogyakarta: LKiS, 1994), p. 376.

<sup>7</sup> Sayyed Hossein, *Man and Nature, The Spiritual Crisis in Modern Man*, (London: George Allen & Unwin, 1976), h. 14.

Furthermore, environmental experts concluded that there were three main factors that led to the birth of this environmental crisis. First, the fundamental-philosophical problem. This problem is rooted in the wrong perspective of humans towards themselves, nature, and human position in the whole ecosystem. The perspective of humans who consider themselves superior has encouraged humans to be hegemonic towards the priority of nature. As a result, human behavior patterns tend to be consumptive and exploitative towards natural resources. This understanding is supported by materialism, capitalism and pragmatism with the vehicle of science and technology which has accelerated and exacerbated environmental damage.<sup>8</sup>

Second, the problem of global economic politics. As a result of the notions of materialism, capitalism and pragmatism, developed countries (West) have established industrial factories which have caused pollution and environmental damage. Problems then arise when Western countries demand third world countries to take a positive role in maintaining this environment, especially neutralizing cases of forest fires, while poor and developing countries view the West as the party most responsible for the global environmental crisis.

Third, the problem of religious understanding. Among Muslims, there are still groups who adhere to the theocentric theology. People with such an understanding will understand natural disasters such as tsunamis, floods and so on as God's destiny, and do not see this ecological crisis as the result of a humanitarian crisis and a crisis of social morality and human failure to understand natural law (sunnatullah). They then face this disaster only by praying rituals, begging for forgiveness, *istigtsah*, holding national remembrance and so on and not using a scientific approach (science). Even though God himself ordered humans to understand natural phenomena and social phenomena based on scientific information and to coexist in harmony with nature by maintaining the balance of the ecosystems in it.

In this regard, the Indonesian Ulama Council has issued a fatwa that guides people to always preserve the environment. It aims to keep the beauty and beauty of the earth created by Allah SWT. The fatwa in question is the MUI Fatwa on: Population, Health and Development, which was stipulated on October 30, 1983 which considered that: "It is deemed necessary to increase the guidance and guidance of the Indonesian Muslim community in order to preserve development, especially in the fields of population, health and the environment."<sup>9</sup>

In the MUI fatwa it is explained that there is a need for guidance and guidance in the context of environmental preservation. The guidance in question can be carried out in various ways, for example by counseling and socializing the

<sup>8</sup> Hikmat Trimenda, "Islam dan Penyelamatan Lingkungan", <http://www.pikiran-rakyat.com/cetak/2007/022007/16/0902.htm>,

<sup>9</sup> Majelis Ulama Indonesia, *Himpunan Fatwa Majelis Ulama Indonesia*, (Jakarta: Bagian Proyek Sarana dan Prasarana Produk Halal, Direktorat Jenderal Bimbingan Masyarakat Islam dan Penyelenggaraan Haji, 2003), p. 182.

importance of protecting the environment for the preservation of living ecosystems, including in waste management so that it does not have a negative impact on the environment, as stated in MUI fatwa No. 47 of 2014 which stipulates that:

1. Every Muslim is obliged to maintain the cleanliness of the environment, use goods for benefit and avoid various diseases and acts of *tabdzir* and *israf*;
2. Disposing of waste carelessly and/or disposing of items that can still be used for the benefit of oneself or others is illegal;
3. The Government and Entrepreneurs are obliged to manage waste in order to avoid harm to living things; and
4. Recycling waste into goods that are useful for improving the welfare of the people is obligatory *kifayah*.<sup>10</sup>

The Qur'an informs people that natural disasters are often preceded by deviations in human behavior in society. In other words, according to Nasaruddin Umar, that the behavior of the macrocosm is often directly proportional to the behavior of the microcosm.<sup>11</sup>

Nasarudin further identified several examples of natural disasters informed in the Qur'an, such as Noah's people who were stubborn and colored by various tyranny (Q.Sal-Najm/53:52), were destroyed by a massive flood (Q.S. Hud/11 :40). The people of Prophet Shu'aib who were full of corruption and fraud (Q.S. al-A'raf/7:85/Hud/11:84-85) were destroyed by a thunderous and deadly earthquake (Q.S. Hud/11/94) . The people of the Prophet Salih who were *kufr* and were affected by hedonism and excessive love of the world (Q.S. Al-Syu'ara/26:146-149) were annihilated by the ferocity of an epidemic and earthquake (Q.S. Hud/11:67-68). The people of Prophet Lut who were hit by disobedience and sexual deviation (Q.S. Hud/11:78-79) were destroyed by a devastating earthquake (Q.S. Hud/11:82). The ruler of Yemen, King Abraha, whose ambition was to take over the Kaaba as part of his ambition to monopolize all economic resources, was also destroyed in a pathetic manner as described in sura Al-Fil (Q.S. al-Fil/105:1-5).

This condition is pointed out by the Qur'an as the cause of the environmental crisis, because human egoism and egocentrism are often the cause of damage to nature, as indicated by Allah in His word:

وَلَوْ اتَّبَعَ الْحَقُّ أَهْوَاءَهُمْ لَفَسَدَتِ السَّمَوَاتُ وَالْأَرْضُ وَمَنْ فِيهِنَّ بَلْ أَتَيْنَاهُمْ بِذِكْرِهِمْ فَهُمْ عَنْ ذِكْرِهِمْ مُعْرِضُونَ

Meaning: "If the truth indulged their desires, the heavens and the earth would surely perish, and all that is in them. Actually We have brought to them their pride but they turn away from that pride. (Q.S. al-Mu'minun/23:71).

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ

<sup>10</sup> Sudirman Asun, *Majelis Ulama Indonesia*, diakses dari:

[https://crpg.info/mwiki/images/9/94/'Sudirman\\_Asun' via Water JakartaWed\\_14\\_Jan\\_2015\\_041713\\_%2B0000\\_\(UTC\).pdf](https://crpg.info/mwiki/images/9/94/'Sudirman_Asun' via Water JakartaWed_14_Jan_2015_041713_%2B0000_(UTC).pdf).

<sup>11</sup> Nasaruddin Umar, *Islam Fungsional*, (Jakarta: Rahmat Semesta Center, 2010), h. 275

Meaning: "It has been seen that damage on land and at sea is caused by the actions of human hands, so that Allah will feel for them part of (the result of) their actions, so that they return (to the right path)". (Q.S. al-Rum/30:41).

Based on this, it can be emphasized that Islam is a religion that substantively teaches its followers to be environmentally friendly. Through the Qur'an, Allah has given spiritual information to humans to be friendly to the environment. This information gives a signal that humans are obliged to protect and preserve the environment so that it does not become damaged, polluted and even become extinct, because the management of nature and its contents is a mandate bestowed by Allah to humans as His representatives on earth.

#### Naturalist Intelligence: Natural Synergy For Human Energy

The Qur'anic indications of environmental intelligence are admirable. In the perspective of the Koran, people who are said to have naturalist intelligence not only lead people to pay attention, research, understand and love the universe, but this intelligence can bring people to realize that there is a God who creates and regulates everything in the universe with perfect alignment. With this understanding, naturalist intelligence not only brings humans to harmonious interaction with nature based on awareness and confirmation of monotheism, but also as a form of harmonious interaction within the framework of worship to Allah SWT.

With the embodiment of worship to God, a person with naturalist intelligence will certainly not commit an act that is deviated/prohibited by religious teachings, both in his interaction with the environment, especially towards God and humans. This is because people who have environmental intelligence will realize the unity and mutual relationship between God, nature and humans.

This understanding is certainly very different from naturalist intelligence in Gardner's version,<sup>12</sup> which only emphasizes understanding and the ability to interact harmoniously with the environment. This understanding is still very dry of spiritual value.<sup>13</sup>

The definition of naturalist intelligence in the Qur'an can be understood from the following Qur'anic signs:

إِنَّ فِي خَلْقِ السَّمُوتِ وَالْأَرْضِ وَاخْتِلَافِ اللَّيْلِ وَالنَّهَارِ لَآيَاتٍ لِّأُولِي الْأَلْبَابِ (١٩٥) الَّذِينَ يَذْكُرُونَ اللَّهَ قِيَامًا وَقُعُودًا وَعَلَىٰ جُنُوبِهِمْ وَيَتَفَكَّرُونَ فِي خَلْقِ السَّمُوتِ وَالْأَرْضِ رَبَّنَا مَا خَلَقْتَ هَذَا بَطْلًا سُبْحَانَكَ قِنَّا عَذَابَ النَّارِ (١٩٦)

Meaning: "Verily, in the creation of the heavens and the earth, and the alternation of night and day, there are signs (of

<sup>12</sup> Gardner states that human intelligence has seven semi-autonomous dimensions, namely: (1) linguistics, (2) music, (3) logical mathematics, (4) visual spatial, (5) physical kinetic, etc, (6) social interpersonal and (7) intrapersonal. Look at Gardner, Howard, *Intelligence Reframed: Multiple Intelligences for the 21st Century* (New York: Basic Books, 1999).

<sup>13</sup> Nur Arfiah Febriani, *Wawasan al-Quran tentang Kecerdasan Naturalis sebagai Solusi Harmoni Dunia*, (Artikel Aicis ke-13 Mataram, 18-21 November 2013, makalah tidak diterbitkan)

Allah's greatness) for people of understanding, (namely) those who remember Allah while standing, sitting, or lying down, and they think about the creation of the heavens and the earth (saying), "O our Lord, you did not create all this in vain; Blessed be You, protect us from the torment of hell." (QS. Ali-'Imran: 190-191).

The term "Ulu al-Albab" in this verse can be understood as someone who has complete intelligence, in which there is no confusion of thought. This pure intelligence has no confusion in thinking about anything, because it always gets direct guidance from Allah SWT. So, whatever type of knowledge one has, it can be used for the benefit of mankind and nature, not to destroy it.<sup>14</sup> So because of that, not all intelligent people fall into the category of "Ulu al-Albab", because "Ulu al-Albab", requires a pure understanding based on monotheism and only gives positive effects from the results of his thoughts.<sup>15</sup>

"Ulu al-Albab" in the verse is also explained as a person who has gone through a process of remembrance and thought so that he discovers the nature of the creation of the universe, so that whatever he encounters and understands from everything in the universe makes him realize, there is nothing created by Allah in this universe as something useless. With this peak awareness, people who have naturalist intelligence will also praise the greatness of Allah and ask Allah SWT to save him from all forms of activity that can cause damage in the universe, which in the end will lead him to the punishment of hell..

This is an extraordinarily intelligent way of the Koran in summarizing major conclusions about the nature of people who are said to have naturalist intelligence, namely people who have an attitude of responsibility as an individual, social and spiritual being.<sup>16</sup>

Naturalist intelligence in Islam makes people fully aware that humans are actors who are responsible for managing nature, may benefit from it, but still have to maintain and maintain its sustainability, as the word of Allah SWT:

وَاتَّبِعْ فِيمَا أَنْتَ مِنَ اللَّهِ الذَّارِ الْآخِرَةَ ۗ وَلَا تَتَّبِعْ نَاصِيئَةَ مَنْ الدُّنْيَا ۗ وَأَحْسِنَ كَمَا أَحْسَنَ اللَّهُ إِلَيْكَ ۗ وَلَا تَتَّبِعِ الْفُسَادَ فِي الْأَرْضِ ۗ إِنَّ اللَّهَ لَا يُحِبُّ الْمُفْسِدِينَ

Meaning: "And seek what Allah has bestowed on you (happiness) in the hereafter, and do not forget your share of worldly (enjoyment) and do good (to others) as Allah has done good, to you, and do not do mischief in (face) of the earth.

<sup>14</sup>Muhammad Quraish Shihab, *Tafsir al-Mishbah, Pesan Kesan dan Keserasian al-Quran* (Jakarta: Lentera Hati, 2005).

<sup>15</sup>Lihat kajian tentang penyatuan antara sains dan tauhid dalam: Osman Bakar, *Tauhid dan Sains Perspektif Islam tentang Agama & Sains*, dalam edisi terjemahan oleh: Yuliani Liputo dkk (Bandung: Pustaka Hidayah, 2008), cet. I.

<sup>16</sup>Tema ini dibahas dalam kajian *ekoteologi*, Ilmu ini didefinisikan dengan konsep keyakinan agama yang berkaitan dengan persoalan dan permasalahan lingkungan yang didasarkan pada ajaran agama Islam. Lihat, Mujiono, "Teologi Lingkungan", Disertasi di Universitas Islam Negeri (UIN) Syarif Hidayatullah Jakarta, 2001, h. ix-xii.

<sup>2</sup> Verily, Allah does not like those who do mischief." (Q.S. al-Qashash [28]: 77).

Thus, it can be concluded that man has the most important position because he was chosen by God to be the caliph, the leader of the universe. In carrying out the important mission of this caliphate, humans are given the privilege that Allah SWT subdues the universe to humans. This relationship between humans and the universe in the Qur'an is known as the concept of taskhir, the submission of the universe to humans, as explicitly stated in His words:

وَسَخَّرَ لَكُمْ مَا فِي السَّمَوَاتِ وَمَا فِي الْأَرْضِ جَمِيعًا مِنْهُ ۗ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يُتَفَكَّرُونَ

Meaning: "And He has subjected to you all that is in the heavens and all that is on earth, (as mercy) from Him. Verily, in that there are signs (of Allah's power) for people who think. (Q.S. al-Jatsiyah/45:13).

However, the concept of taskhir is not an ability to treat the universe arbitrarily, but must be measurable, in accordance with other provisions stipulated in the verses of the Qur'an and the hadith of the Prophet. For example, in carrying out the mission of the caliphate, humans are not justified in doing something that exceeds the limit (israf), such as exploiting nature beyond its carrying capacity. If humans commit this violation, the impact will be felt by humans themselves, such as floods, unpredictable weather, global warming, and the destruction of ecosystems which will have fatal consequences for human life. Sooner or later it will seem as if the doomsday is also determined by human efforts and actions.<sup>17</sup>

Therefore, it is time to immediately evaluate the pattern of human relations and the universe. The pattern of relations that has existed so far places nature as the object and target. It's time to think about how to make this nature as a partner for humans, even if necessary as a spiritual friend for humans. Because they are also God's creatures, just like humans.

Related to the role of humans as caliphs on earth, the Indonesian Ulema Council established MUI Fatwa No. 4 of 2014, that "Therefore humans are obliged to maintain the balance of ecosystems and their sustainability so as not to cause damage (mafsadah)".<sup>18</sup>

<sup>2</sup> Then MUI Fatwa No. 22 of 2011 which weighs:

- That the earth, water and the natural resources contained therein, including mining, are gifts from Allah SWT which can be explored and exploited for the benefit of the welfare and benefit of society (mashlahah 'ammah) in a sustainable manner.
- That in the exploration and exploitation process as referred to in letter b, it is obligatory to maintain environmental sustainability and balance so as not to cause damage (mafsadah).
- Subsequently issued MUI Fatwa on Natural Resource Management (Fatwa Islamic Council on Natural Resources Management), MUI Region IV Kalimantan

<sup>17</sup> Nasaruddin Umar, *Islam Fungsional*, h. 278

<sup>18</sup> Fatwa Komisi Fatwa MUI, accessed from <http://mui.or.id/category/produk-mui/fatwa-mui/fatwa-komisi-fatwa-mui>.

Fatwa on Forest Burning and Haze (Edicts of Indonesia Islamic Council on Forest Fire and Haze) and MUI Fatwa on Illegal Logging and Mining Without Illegal Logging and Illegal Mining Permits (Edict on Illegal Logging and Illegal Mining).

The MUI fatwa decides and stipulates unequivocally that burning forests and land for forestry, agriculture, plantation, livestock and other activities that cause smog, damage the environment and interfere with human life is illegal. Furthermore, the MUI firmly also stipulates mandatory laws in the context of preserving nature and it is unlawful for its destroyers. Therefore, the role of humans in protecting the environment is at the top and most important.

### Building a Paradigm of Fiqh al-Bi'ah Based on Naturalist Intelligence

As previously elaborated, that the cause of the ecological crisis, one of which is the factor of religious understanding. Assuming that Islam is an environmentally friendly religion, this article will formulate environmental jurisprudence that is oriented towards protecting the environment. Therefore, therein lies the significance of formulating the fiqh al-bi'ah paradigm based on naturalist intelligence as a solution to addressing the environmental crisis.

The science of fiqh was chosen, because it is one of the Islamic sciences (al-'Ulum al-Syar'iyah) which is very dominant in the life of Muslims, the science of fiqh is basically a factual and detailed explanation of the values of Islamic teachings contained in the Qur'an and Sunnah, which are explored continuously by experts who are familiar with its laws and are well acquainted with developments, needs, and the benefit of the people and their environment within the space and time frames that encompass them.

Thus, fiqh is an applicable formulation of Islamic law which is formulated as a set of religious rules that regulate the life of Muslims in all its aspects, both individually and collectively. It is this all-encompassing characteristic that places it in an important position in the eyes of Muslims. Even from the beginning, Islamic law has been regarded as knowledge par excellence – a position that theology has never reached. That is why western orientalist and Islamists consider that “it is impossible to understand Islam without understanding Islamic law”<sup>19</sup>

As it is understood that fiqh material contains provisions for managing all human activities, starting from purely religious rites issues to propane issues, both social, political, economic, cultural and contemporary problems, including environmental crisis issues. that threatens the existence of ecosystems. It's just that the division of fiqh material into various fields has never surfaced in Islamic law discourse. So far, Fiqh has always been seen as a unit, because during the codification of fiqh in the classical and medieval eras it did not differentiate between ritual and propane aspects, and was still within the scope of a simple civilization..

<sup>19</sup> Joseph Schacht, *An Introduction to Islamic Law*, (Oxford: Clarendon Press, 1971), h. 1

Therefore, this is where the significance lies in formulating specifically the paradigm of fiqh al-bi'ah. In this context, the author will begin by explaining some operational definition keywords related to this.

First, Paradigm is defined as the basic assumptions about reality according to a particular worldview. The world view can be rooted in culture, philosophy, religion, beliefs, social values or other beliefs of a person or a nation. In other words, as al-Attas argues, knowledge is not value-free, but value-laden).<sup>20</sup>

*Second*, Fiqh al-bi'ah is environmental fiqh which is part of contemporary fiqh issues which is oriented to address various environmental issues from a more practical perspective by providing legal and regulatory standards related to the environment. The environmental fiqh approach has advantages over other approaches, such as environmental philosophy,<sup>21</sup> because Muslims need more practical rules with evidence of a bayani mindset (such as the tendency of fiqh reasoning) whose basis is text (nas) which is more dominant than other mindsets ('irfani and burhani).<sup>22</sup> Thus, it can be said that fiqh al-bi'ah is a constructive frame of mind of Islamic law in understanding the macrocosmic and microcosmic natural environment as a place for human life and life.

*Third*, Naturalist intelligence is environmental intelligence which concerns the mindset that will influence the pattern of human interaction with the earth as a place and source

<sup>20</sup>This view of al-Attas is not accepted by some Muslim scholars themselves, such as Fazlur Rahman and Pervez Hoodboy, who are influenced by the Western worldview and say that knowledge is value-free. They see that the knowledge produced by the West does not contain values that are contrary to the Islamic world view. Al-Attas' view that science is value laden is in line with many other scientists such as Thomas S. Kuhn in *The Structure of Scientific Revolution* dan Edward Said dalam bukunya *Orientalism* dan *Culture and Imperialism*.

<sup>21</sup> Mustafa Abu-Sway, “Towards an Islamic Jurisprudence of the Environment (Fiqh al-Bi'ah fil-Islam)”, in <http://www.homepages.iol.ie/~afifi/Articles/environment.htm>. According to Abu-Sway, professor of Islamic philosophy at al-Quds University, the term environmental fiqh is easier to accept in the minds of Muslims than environmental philosophy (philosophy of environment), which is still associated with metaphysical abstract thought. The environmental philosophy referred to by Abu-Sway is part of natural philosophy, such as the issue of the origins of natural events.

<sup>22</sup> Muhammad 'Abid al-Jabiri, *Bun-yan al-'Aql al-'Arabi: Dirasah Tahliliyyah Naqdiyyah li Nuzhum al-Ma'rifah fi al-Tsaqafat al-'Arabiyyah* (Beirut: al-Markaz al-Tsaqafi al-'Arabi, 1993).

of facilities where humans live.<sup>23</sup> The naturalist intelligence carried by the Koran synergizes the spiritual dimension of humans to God as the Center. By obedience to Allah and His teachings, humans are expected to be able to reconstruct an anthropocentric paradigm which in turn can influence their pattern of interaction with the environment. Naturalist intelligence requires humans to be religious, egalitarian, empathetic, logical, progressive, creative, cooperative and harmonious with the entire ecosystem in their lives.

### Ontological Paradigm of Fiqh al-Bi'ah

Generically, fiqh al-bi'ah is interpreted as the result of the scholar's *ijtihad* regarding the law governing the behavior of *amukallaf* in its interactions with the environment. In the context of environmental awareness, it seems that fiqh is not enough to be understood solely in the context of fiqh *an sich*, but requires the involvement of other disciplines, namely the science of *aqidah/monotheism* and the science of *tasawuf/ethics* as guardians. Tawhid emphasizes the awareness that God is the creator of the universe, both the microcosm and the macrocosm. This environmental awareness in the monotheistic perspective is discussed in the theme of *ecothology*. Meanwhile, the discipline of *Sufism/ethics* has an important role in building a very high awareness in carrying out God's teachings. This environmental awareness in the perspective of *Sufism* is discussed in the theme of *ecosophy*.

<sup>23</sup> Dalam perkembangan konsep kecerdasan / inteligensi terjadi perubahan dari konsep tunggal sampai dengan inteligensi majemuk. Kecerdasan/inteligensi majemuk (*multiple intelligence*) dikembangkan oleh Gardner yang pada awalnya menyatakan bahwa inteligensi manusia memiliki tujuh dimensi yang semi otonom, yaitu: (1) linguistik, (2) musik, (3) matematik logis, (4) visual spasial, (5) kinestetik fisik, (6) sosial interpersonal dan (7) intrapersonal. Kecerdasan majemuk menurut Gardner lebih bersifat manusiawi dan lebih dapat dipercaya karena teori ini lebih mencerminkan secara memadai tingkah laku kecerdasan manusia. Pada tahun 1996, Gardner menambahkan satu lagi kecerdasan yang dimiliki manusia, yaitu kecerdasan naturalis/kecerdasan lingkungan. Lihat: Gardner, Howard, *Intelligence Reframed: Multiple Intelligences for the 21st Century* (New York: Basic Books, 1999). Lihat juga pembahasan ini dalam: Gulap Shahzada, dkk, "Differences Between Self-Perceived Multiple Intelligences of Urban & Rural Schools Students", *Mediterranean Journal of Social Sciences*, Vol.2, No.2, May 2011; LeeAnn Griggs, dkk, *Varying Pedagogy to Address Student Multiple Intelligences*, *Human Architecture: Journal of The Sociology of Self Knowledge*, VII, 1, Winter 2009, 55-60; Ian J. Deary. W. Johnson. L. M. Houlihan, "Genetic foundations of human intelligence," *Hum Genet* (2009) 126:215-232; dan Gulap Shahzada, *Mother's Education and Students' Multiple Intelligences*, *Mediterranean Journal of Social Sciences* Vol.2, No.2, May 2011.

The emergence of awareness regarding the urgency of fiqh al-bi'ah is the fruit of Islamic teachings which are very concerned about the environment. Since the beginning, Islam has encouraged its adherents to carry out two patterns of just and balanced interactions, between the pattern of interaction between humans and God (*hablun min Allah*) and humans with humans and nature (*hablun min al-nas*). The first pattern is framed by fiqh al-'ibadat, while the second pattern is accommodated by fiqh al-mu'amalat by incorporating new studies such as fiqh al-bi'ah, fiqh al-siyasah and others..

If studied further, this interaction pattern is actually built on the basis of the concept of *tawhid*. Literally, *tawhid* means unity which in absolute terms means the oneness of Allah and at the same time distinguishes him from creatures. However, *tawhid* can also be interpreted broadly as the unity (unity) of all creation – both humans and nature – in the relations of life. In other words, *tawhid* implies the unity between God, humans and nature.<sup>24</sup>

In the book *Major Themes of The Quran*, Rahman explains the world view of the Koran regarding the relationship between God-humans-nature in three main ideas. First, God is the only existence that created nature and humans. Second, God created nature as an orderly cosmos or order that is not static, but develops dynamically. Third, nature is not a game in vain, but it has a purpose and humans must learn these natural laws which are part of God's behavior (*sunnatullah*) and make them the stage of human activity.<sup>25</sup>

Such is the integrative relationship between God-man-nature in the Islamic view. This integrative relationship will then become the ontological basis for the formulation of the fiqh al-bi'ah paradigm based on naturalist intelligence. In this relationship, humans and nature both occupy an equal position. Humans are given the right to manage nature, but at the same time Allah commands humans to maintain the balance of nature as well as possible.

### Epistemological Paradigm of Fiqh al-Bi'ah

This God-human-nature relationship will then become the ontological-theological basis for the development of the paradigm of fiqh al-bi'ah, and furthermore fiqh al-bi'ah is built on the basis of a complementary relationship between humans and nature in which neither side dominates the other. over the others. This ontological-theological basis is then used as the basis for the following epistemological-methodological development of the fiqh al-bi'ah paradigm:

#### 1. Sources of Law (masadir al-ahkam) in Islam

In the study of fiqh it is explained that there are four sources of Islamic law agreed upon by the scholars including the Koran, *sunnah*, *ijma'* (consensus) and *qiyas* (analogical reasoning). The logic of *shari'ah* as a system of religious legislation shows clearly that it is legislation that is first spelled

<sup>24</sup> Nurcholish Madjid, *Islam: Kemodernan dan Keindonesiaan* (Bandung: Mizan, 1998), cet. XI, h. 276.

<sup>25</sup> Fazlur Rahman, *Major Themes of The Quran* (Chicago: Bibliotheca Islamica, 1980), h. 2-3.

out directly from the Koran and sunnah of the Prophet as well as from the actions of individuals and communities who live according to the revelations and traditions of the Prophet and qiyas (analogical reasoning) taken from the spirit of Allah's word QS. al-Nisa (59).

"The order to obey Allah and His Messenger" as stated in the verse can be interpreted as an order to follow the Koran and Sunnah, while the order to obey ulil amri is interpreted as an order to follow the laws that have been agreed upon by the mujtahidin, because they are the ulil amri of the Islamic community in the formation of laws Islam. Then the order to return the disputed events between Muslims to Allah and His Messenger is interpreted as an order to follow qiyas when there is no text or ijma'.

The definition of obeying and returning this problem is returning the disputed problem to Allah and His Messenger because qiyas is making adjustments between events that are not contained in the law in the text because of the similarity of 'illat Hukum between the two types of events. So this verse is an argument for following the four sources of Islamic law that have been recognized by Muslims.<sup>26</sup>

In addition to the four primary legal sources, there are other secondary legal sources, including; first, istihsan which is defined as an effort to move a mujtahid from the demands of qiyas jali (real) to qiyas khafi (hidden) or from kulli law (general) to the law of exceptions because there are arguments or indicators that show this transfer.<sup>27</sup> Second, maslahah mursalah (general welfare) is a maslahah that is not prescribed by al-Syari' to realize that maslahah and there is no evidence showing its recognition and cancellation, such as the decision to create a prison system for criminals or to print money as a medium of exchange.<sup>28</sup> According to Ahmed An-Na'im, the concept of mashlahah is very similar to the idea of "public policy" or "the policy of the law" in the Western tradition.<sup>29</sup>

## 2. Maslahah: The Methodological Framework of the Fiqh al-Bi'ah Paradigm

Among the sources of Islamic law development methodology, maslahah is a methodological tool that can be used as a guide in developing the paradigm of fiqh al-bi'ah. The concept of maslahah was originally used as the basis for the jurists to formulate the concept of maqashid al-shari'ah which would become the basis for establishing Islamic law. In contrast to the linguistic approach to the sources of Islamic law which focuses on deepening the terms of linguistic principles to find a certain meaning from the sacred texts, in the approach through maqashid al-syar'ah the study focuses more on efforts to see the

values in the form of benefit human beings in every taklif sent down by Allah.<sup>30</sup>

The concept of maqashid al-shari'ah is interpreted as the purpose or objective or principle of the law in Islam, because of that the main discussion is about the issue of wisdom and 'illat al-hukm.<sup>31</sup> This concept departs from the assumption that all obligations (taklif) are created in order to realize human welfare in this world and the hereafter,<sup>32</sup> and that all obligations (taklif)

<sup>30</sup>The term Maqashid al-shari'ah which means the purpose of establishing this law was popularized by an ushul fiqh expert from the Maliki school, Abu Ishaq al-Syathibi, especially since the circulation of the book "al-Muwafaqat fi ushul al-Syari'ah", but from the point of view, actually these points of maqashid al-shari'ah have been put forward by ushul fiqh scholars before such as the word al-maqashid himself according to Ahmad Raisuni, was first used by at-Turmudzi al-Hakim, a scholar who lived in the 4th century. He was the first to voice Maqashid al-Syariah through his books, al-Shalah wa Maqashiduhu, al-Haj wa Asraruhu, al-'Illah, 'Ilal al-Syari'ah, 'Ilal al-'Ubuliyah and also his book al-Furuq which was later adopted by al-Qarafi became the title of his book. After al-Hakim, Abu Manshur al-Maturidi (d. 333) appeared with his work Ma'khad al-Syara' followed by Abu Bakar al-Qaffal al-Syasyi (d.365) with his book Usul al-Fiqh and Mahasin al-Syari'ah. After al-Qaffal appeared Abu Bakr al-Abhari (d.375) and al-Baqilani (d. 403) each with his work, including, Mas'alah al-Jawab wa al-Dalail wa al-'Illah and al-Taqrib wa al-Irsyad fi Tartib Thuruq al-Ijtihad. After al-Baqilani's death, al-Juwaini appeared in the book al-Burhan, al-Ghazali in the book al-Mushtashf al-Razi in the book al-mahsul, al-'Amidi in the book al-Ihkam, Ibn Hajib, al-Baidlawi, al-Asnawi, ibn Subuki, ibn 'Abdissalam, al-Qarafi, al-Thufi, ibn Taimiyyah and ibn Qayyim. The sequence above is Ahmad Raisuni's version, whereas according to Yusuf Ahmad Muhammad al-Badawi, the history of maqashid al-shari'ah is divided into two phases, namely the phase before ibn Taimiyyah and the phase after ibn Taimiyyah. Meanwhile, according to Hammadi al-Ubaidi, the person who first discussed maqashid al-syari'ah was Ibrahim an-Nakha'i (d.96H), a tabi'in and teacher of Hammad ibn Sulaiman, teacher of Abu Hanifah. After that came al-Ghazali, 'Izzuddin' Abdussalam, Na'uddin at-Thufi and finally al-Syathibi. Even though there are various versions, it can be concluded that before al-Syathibi, maqashid al-shari'ah already existed and was known, it's just that the arrangement was not systematic. See, Imam Syathibi: Father of the First Maqashid al-Shari'ah, <http://islamlib.com>.

<sup>26</sup> Abdul Wahab Khaalaf, *'Ilm Ushul Fiqh*, (Mesir: Darul Qolam, t.t), p. 21.

<sup>27</sup> Khaalaf, *'Ilm. Ushu>l.*, p. 80-82

<sup>28</sup>Khaalaf, *'Ilm Ushu>l.*, p. 84

<sup>29</sup> An-Na'im, *Dekonstruksi...*, h. 51.

<sup>31</sup> Khalaf, *'Ilm Ushul...*,p. 199

<sup>32</sup> Abu Ishaq al-Syat}ibi, *Al-Muwafaqat*, (Beirut: Dar al-Ma'rifah, t.t.), Juz II, p.195.



carried out by every human being cannot be separated from the aspect of benefit, either explicitly or implicitly. In al-Syatibi's view, a law that does not have the goal of benefiting will cause the law to lose social legitimacy in human society, and this is something that cannot possibly happen to God's law.<sup>33</sup>

Based on al-Syatibi's understanding of the verses of the Koran, he concluded that maqashid al-syar'ah in the sense of benefit can be found in legal aspects as a whole.<sup>34</sup> The meaning is, if there are legal issues where the dimensions of mashlahah are not clear, then they can be analyzed through maqashid al-syar'ah which can be seen from the spirit of shari'ah and the general goals of Islamic religious revelation. According to al-Syatibi, the nature or initial purpose of enacting shari'ah is to realize and maintain the five main elements; religion (al-din), soul (al-nafs), family (al-nasl), reason (al-aql), and wealth (al-mal). While Ibn 'Asyur stated, that mashlahah is the nature of an act that produces a continuous benefit and is determined based on the opinion of the majority of scholars.<sup>35</sup>

Based on this description, it can be concluded that mashlahah has a significant relationship with shari'ah in several formulations including: First, shari'ah is built on the basis of mashlahah and rejects any damage in this world and the hereafter, Allah gives commands and prohibitions with reasons of mashlahah; Second, Shari'ah is always related to goodness, so Rasulullah SAW encouraged his people to do good and stay away from damage; Third, there is no possibility of conflict between syari'ah and maslahah; and Fourth, Shari'ah always points to mashlahah even though the whereabouts of the mashlahah are not known, and Allah gives certainty that all the mashlahah contained in shari'ah will not cause damage.<sup>36</sup>

Thus, it can be formulated that mashlahah is a legal act that contains benefits for all human beings as a standard in interpreting Islamic law universally, so that mashlahah is able to provide wider space for Islamic legal thought in responding to environmental problems and issues and issues - other contemporary issues.

However, neither al-Syathibi nor Rahman mentioned hifdz al-bi'ah or hifdz al-'alam (preserving the environment) as part of maqashid al-shari'ah. Shari'ah does not directly address issues of environmental management and maintenance, while fiqh itself is a science that guides Muslims in determining which human decisions relating to contemporary issues are justifiable and which are not.

<sup>33</sup> Konsep *maqashid al-syar'ah* dalam pemikiran al-Syatibi ini bertujuan mengekspresikan penekanan terhadap hubungan kandungan hukum Tuhan dengan apresiasi hukum manusia. Lihat Wael B. Hallaq, "The Primacy of The Quran in Syatibi Legal Theory", (Leiden: E.J. Brill, 1991), p. 89

<sup>34</sup> al-Syathibi, *Al-Muwafaqat*, p. 6-7.

<sup>35</sup> Muhammad Thahir bin 'Asyur, *Maqashid al-Syar'ah al-Islamiyyah* (Beirut: Muassasah Fuad, 2004), Juz II, p., 297.

<sup>36</sup> Muhammad bin Abu Bakar bin al-Qayyim al-Jauziyah Abu Abdullah, *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin*, (Beirut: Dar al-Jail, tt.), Juz III, p., 3.

It's just that, although neither al-Syathibi nor Rahman mentioned hifzh al-bi'ah (preserving the environment) as part of maqashid al-shari'ah, the moral spirit of the Koran - as shown by Rahman in the concept of monotheism and social justice - will provide an open space for scholars or jurists to formulate concepts, environmental maintenance laws, and Islamic scientific theories that are in accordance with space and time as well as certain social situations and conditions, including theories related to fiqh al-bi'ah.

As a scientific discipline, the formulation of fiqh al-bi'ah will be dynamic with maqashid al-shari'ah as its guide line which will close the possibility of the birth of static, standard and standard Islamic scientific formulations. On the other hand, the freedom possessed by Islamic thinkers is not absolute freedom, because the concepts, laws and theories they produce must not conflict with the teachings of monotheism and social justice in the Qur'an.<sup>37</sup>

Thus, it can be formulated that preserving the universe (hifdz al-'alam) is a universal moral message that has been conveyed by Allah to humans, even protecting the environment is an obligation and an integral part of one's faith.

The principle underlying the last consideration is human welfare. In the Maliki school, something which, although not explicitly stipulated by the text, has benefits, is recommended, even obligatory, because of its precise objective (al-muhdatsat al-mahmudah fi al-ma'na). Moreover, if maintaining the environment is related to the implementation of obligations, then maintaining the environment becomes mandatory, because there are rules::

ملايتم الواجب الابه فهو واجب

"Something that can determine the perfection of the implementation of an obligation will also be obligatory". And there are other rules that mention:

حكم المقاصد للوسائل

"Means have the same legal status as the action that is the goal".

Once again, these two methods are appropriate on the basis of the assumption that environmental preservation is only a complement from the point of view of religious jurisprudence. On the other hand, if protecting the environment becomes a crucial issue, then its legal status is not as a complement, but as a goal that has basic texts, as is the case for worship, which is obligatory.<sup>38</sup>

Based on these considerations, there are two things that need to be conveyed regarding the maintenance of the universe (hifdz al-'alam). First, maintenance of the universe (hifdz al-'alam) is seen as part of maqashid al-shari'ah, in addition to maintaining religion (al-din), soul (al-nafs), family (al-nasl), reason (al-aql), and wealth (al-mal). Second, without changing

<sup>37</sup> Ahmad Thohari, "Epistimologi Fikih Lingkungan: Revitalisasi Konsep Mashlahah", dalam *Jurnal Az Zarfqa*, vol. 5, No. 2, Desember 2015.

<sup>38</sup> Wardani, "Menformulasikan Fiqh Al-Bi'ah: Prinsip-Prinsip Dasar Membangun Fiqh Ramah Lingkungan", dalam *Jurnal Al-Mustawa* Vo.1 No. 1/ Februrari, 2009, DPPAI UII.

the structure (al-kulliyat al-khamsah), as initiated by al-Syatibi, the ushul fiqh rule can be used which says "ma la yatimmu al-wajib illa bihi fahua obligatory" (something that mediates the implementation of something that is obligatory then it is mandatory). With this argument it can be explained that even though the maintenance of the universe (hifdz al-'alam) is not included in the category of al-kulliyat al-khamsah, al-kulliyat al-khamsah itself cannot be carried out properly if the maintenance of the universe (hifdz al-'alam) is ignored. For example, efforts to care for the soul (al-nafs) will not work well if one ignores the care of the universe (hifdz al-'alam). Efforts to maintain the family (al-nasl) will not work perfectly if someone ignores the maintenance of the universe (hifdz al-'alam) and so on.

### Axiological Paradigm of Fiqh al-Bi'ah

Discourse on the paradigm of fiqh al-bi'ah, axiologically, it contains norms that regulate and control the maintenance of this universe through two concepts or instruments; i.e. Halal and Haram. An action or action is considered lawful, if it contains elements of goodness, is beneficial, reassuring, or has good consequences for a person, society or the environment. On the other hand, an action or action is considered unlawful, if it contains elements of ugliness, endangers or damages a person, society and the environment.

The concept of halal and haram as initiated by fiqh al-bi'ah is actually rooted in a theological basis related to the concepts of monotheism, khilafah and trust. Theologically, the concept of tawhid has implications for the concept of humans, which in the Qur'an are described as theomorphic creatures. The Qur'an refers to humans as the caliph of Allah fi al-ardl (representative of Allah on Earth) as well as his servant ('abd). Humans in the caliph concept are managers of resources on earth. Whereas humans as 'abdullah (servants of Allah) mean humans - even though they have material needs, but are also aware of eschatological realities so that they must also be responsible for what they do before Allah.<sup>39</sup> In his capacity as caliph, humans are given the mandate to make the best use of nature and be responsible.

Therefore, mankind must utilize this nature in an accountable way. Protecting nature from damage not only has positive implications for present and future human beings, but at the same time as a means of maintaining human dignity as God's creation by being grateful for His blessings in the form of positive-constructive actions.

In addition, in an effort to take advantage of this nature, humans must also consider the principles of justice, balance, harmony, and the benefit of the ummah. If the concepts of monotheism, caliph, trust, halal and haram are then combined with the concepts of justice, balance, harmony and benefit, a complete and comprehensive framework for environmental ethics from an Islamic perspective is built. The concept of environmental ethics contains a very high respect for nature,

<sup>39</sup> Seyyed Hossein Nasr, *Islam Tradisi di Tengah Kancah Dunia Modern*, terj. Luqman Hakim (Bandung: Pustaka, 1987), hlm. 103-105.

respect for the interrelationships of every component and aspect of life, recognition of the unity of creation and the brotherhood of all beings. It is this concept of environmental ethics that must be the foundation of every human behavior and reasoning.<sup>40</sup>

Based on these environmental ethics, no one, either individually or as a group, has the absolute right to control natural resources. The concept of "conquest or domination of nature" as pioneered by the secular and materialistic Western view is not recognized in Islam. Islam emphasizes that the one who has the right to control and regulate nature is Allah, the Creator and Supreme Ruler, namely Rabb al-'Alamin, to Allah SWT. Humans are obliged to maintain the trust or mandate that has been given by Allah. In this context, nature, especially the earth where humans live, is a test arena for humans. In order for humans to succeed in their tests, they must be able to read "signs" or "verses" of nature addressed by the Supreme Ruler of Nature. One of them is that humans must have adequate knowledge and knowledge in managing the universe.

According to Seyyed Hossein Nasr, the significance of nature is equivalent to the significance of the Koran. If the Koran is a revelation that was revealed with symbols of written language and words collected (the recorded Qur'an), then in fact nature is also an expanse of revelation or the Qur'an of creation which has the same value as the recorded Qur'an. Therefore, both are equally referred to as God's verses. The verses here can refer to parts of the letters of the Koran, but they can also refer to the greatness of God that is spread out in the universe and in humans.<sup>41</sup>

In Islamic society, it is believed that God is the preserver of the environment. This belief has the opportunity to raise awareness that in managing the environment, humans must be responsible to God, the Supreme Preserver, namely Allah SWT. Ecosystem balance is an environmental sunnah, the objective of environment, as the actual expression of God's Supreme Preservation for the environment. Therefore, caring for the environment is one of the conditions for the perfection of one's faith.<sup>42</sup>

Therefore, every human being has a great responsibility in the context of management and utilization of the natural environment, which can be realized by the following examples of attitudes and behavior:

1. Maintain environmental cleanliness, such as not littering. As stated in the MUI fatwa No. 47 of 2014, "Waste management is a systematic, comprehensive and

<sup>40</sup> Hikmat Trimenda, "Islam dan Penyelamatan Lingkungan", <http://www.pikiran-rakyat.com/cetak/2007/022007/16/0902.htm>,

<sup>41</sup> Seyyed Hossein Nasr, *Ideals and Realities of Islam*, (London: Unwin Paperbacks, 1979), h. 55.

<sup>42</sup> Mujiono Abdullah, *Agama Ramah Lingkungan*, (Jakarta: Paramadina, 2001), h.10.

sustainable activity which includes the reduction, utilization and handling of waste.<sup>43</sup>

2. Do not exploit nature excessively, given the limited natural resources available. Excessive exploitation of natural resources without regard to aspects of the role and function of nature on the environment can bring about various kinds of natural disasters such as landslides, floods, smog, global warming which are very detrimental to society.
3. Using environmentally friendly technology so that cleanliness and environmental sustainability are well maintained. Environmentally friendly, meaning that it does not cause damage to the environment as a human habitation. In a simple way, environmentally friendly technology, namely technology that was created to facilitate human life but does not cause damage or have a negative impact on the surrounding environment.
4. Preserving the environment by increasing the use of energy sources that will not run out as a substitute for oil or coal, for example the use of solar energy, wind, geothermal, hydropower, sea tides, and so on.

The Indonesian Ulema Council alludes to the issue of human responsibility for the environment in the Fatwa on Population, Health and Development which reads:

"Muslims have a responsibility to Allah SWT in all aspects of life activities and have an obligation to preserve development, especially in the fields of population, health and the environment".<sup>44</sup>

Responsibility for the environment is closely related to human obligations on earth. Therefore, we as Muslims are obliged to protect and preserve nature and be responsible for it. The Indonesian Ulema Council (MUI) is a reference for Indonesian people (in particular) in all matters relating to the legal status of halal-haram including in the context of environmental preservation.

#### Overview and History of Population Growth in Island of Bungin Village

Bungin Island Village is located in the administrative area of Alas sub-district, Sumbawa district, West Nusa Tenggara, Indonesia. Bungin Island is inhabited by the Bajo Tribe. The first resident of this island was named Jarimin or Mbo Salino who was descended from a royal family in Southeast Sulawesi. He and his entourage fled from the land of Sulawesi because of the political upheaval that occurred. The people of Sumbawa call him Dea Papen Puti Geti.<sup>45</sup> Another reference states that the first

<sup>43</sup>Sudirman Asun, *Majelis Ulama Indonesia*, diakses dari [https://crpg.info/mwiki/images/9/94/'Sudirman\\_Asun'\\_via\\_Water\\_Jakarta.,](https://crpg.info/mwiki/images/9/94/'Sudirman_Asun'_via_Water_Jakarta.,) h. 7.

<sup>44</sup>Himpunan Fatwa Majelis Ulama Indonesia, (Jakarta: Bagian Proyek Sarana dan Prasarana Produk Halal Direktorat Jenderal Bimbingan Masyarakat Islam dan Penyelenggaraan Haji, 2003), p.184.

<sup>45</sup> *Dea Papin Puti Geti*, bahasa Sumbawa yang bermakna seorang Haji berdarah putih

person to inhabit Bungin Island was Commander Abdullah Mayu. But the people of Bungin Island Village believe that Panglima Mayu is a generation from Jarimin or Mbo Salino.<sup>46</sup>

At the time of their initial arrival to Bungin Island, Bungin was still a 2.5-3 hectare sand dune that rose and sank to the surface based on the tides. Bungin comes from the word Bubungin which means mound of white sand. They only use Bungin as a place to dry fish and fishing equipment.<sup>47</sup> At that time, the Bajo people inhabited Saring Island. Due to the lack of clean water supply, they decided to move to another area, namely in Nange and Bajorai. In both areas, women whose father and husband left them to go out to sea at night were disturbed by robbers. This is evidenced by the rampant arrest of pirate ships. Considering the high crime rate, in the end the entire Bajo tribe living in the two areas decided to move to Bungin Island. They work together to build homes for all communities. This is the forerunner to the practice of land hoarding on Bungin Island to this day<sup>48</sup>

At that time, in 1818 AD, Bungin Island was a military base for the Sumbawa sultanate which stretched from Seteluk to the border of Sumbawa district and Dompu district. The Sultan of Sumbawa who served at that time also appointed commander Mayu as commander of the Sumbawa sultanate. He is the only commander recorded from the Bajo Tribe.<sup>49</sup>

In addition, Bungin Island became one of the special areas within the territory of the Sumbawa sultanate. The war flag originating from Bungin Island still continues to fly in front of the Dalam Loka Palace which is the Palace of the Sumbawa sultanate. In fact, at the time of the coronation of the 30th Sultan of Sumbawa, Sultan Muhammad Kaharuddin IV on April 15 2011, the Bungin Island war flag became one of the main requirements for holding this traditional ritual. In addition to the Bungin Island flag, it is also mandatory to raise a flag with the symbols of the Fire Tiger and Fire Centipede. Currently, the Tana Samawa Traditional Institute (LATS) has duplicated the three heritage flags.<sup>50</sup>

#### The Crisis of the Balance of Marine Ecosystems in the Bungin Island Reclamation Area

Basically, there are 3 materials used by the Bajo people to stockpile land, namely: the top layer is sand, the middle layer is rock, and the bottom layer is sand. To increase the volume of landfills, people usually add plastic waste to the middle layer. The material used is dead coral. However, due to scarcity, people are forced to use live coral. In addition, the shift from the quantity of coral needs is now decreasing. The community only uses coral as a support for the pillars of the house. Meanwhile, to

<sup>46</sup> Interview with the fifth correspondent

<sup>47</sup> Interview with the seventh correspondent

<sup>48</sup> Interview with the fifth correspondent

<sup>49</sup> Interview with the fifth correspondent

<sup>50</sup> Interview with the fifth correspondent

fulfill the volume of land, the community uses uruk land on the land closest to Bungin Island.<sup>51</sup>

The demand for coral from the people of Bungin Island greatly influences the condition of the balance of marine and coastal ecosystems. Both live and dead corals have a very fundamental role. Living coral has coral animals in it. These coral animals are the main producers that are able to carry out photosynthesis to produce their own food. Coral animals are also the main producers in the food chain in marine ecosystems. So if the main producers die, then the entire food chain in the sea will become extinct. Furthermore, coral animals function to produce coral limestone which becomes the forerunner of new coral rocks.<sup>52</sup> Meanwhile, dead coral also has a very crucial function for coastal balance, namely preventing coastal abrasion and blocking the west monsoon winds that will hit the beach directly.<sup>53</sup> In addition, both live and dead coral reefs also serve as a habitat for various marine animals and plants as well as colonies for new coral larvae.<sup>54</sup>

The habit of the people of Bungin Island who use live coral and dead coral excessively and exploitatively will certainly cause an environmental crisis.<sup>55</sup> This will cause the extinction of marine biota and the potential threat of big waves hitting Bungin Island is a necessity.

In addition to the problem of coral reefs, limited land also affects the quality of life of livestock. Trees and grass are hard to find on Bungin Island, so people use the waste as animal feed.<sup>56</sup> The mountain of garbage has made the people of Bungin Island live side by side with garbage. Many people throw the remains of domestic waste and daily activities into the sea. This is because the quantity of latrines and trash disposal sites is minimal. In addition, the limited number of latrines was not maximized properly. As a result, many coral reefs have been covered with plastic waste that has stagnated in the sea. In fact, the majority of fish around Bungin Island Village are reef fish commodities. Thus, this has affected the decline in the breeding of reef fish around the Bungin Island area.<sup>57</sup>

Responding to this environmental problem, various stakeholders from the marine and fisheries service, the environmental service, and the relevant government have attempted to overcome it. Among the methods that apply are negotiations with the community to be relocated to a more appropriate place. But the people of the Bajo tribe are figures who uphold the values of local wisdom and ancestral customs. They don't want to leave the Bungin Island area. In addition,

<sup>51</sup> Interview with the seventh corespondent

<sup>52</sup> Interview with the first corespondent

<sup>53</sup> Interview with the first corespondent

<sup>54</sup> Interview with the fourth corespondent

<sup>55</sup> Interview with the seventh corespondent

<sup>56</sup> Interview with the fourth corespondent

<sup>57</sup> Interview with the fifth corespondent

related to the waste problem, the local government has made efforts to be able to recycle waste that has potential and aesthetic value. However, because there was no clear evaluation and follow-up plan, all these efforts were fruitless.<sup>58</sup>

#### Exploration of the Concept of Fiqh al-Bi'ah Based on Naturalist Intelligence Against Environmental Conditions on Bungin Island

The environmental balance crisis that occurred in the Bungin Island reclamation area is very relevant to the fatwa that has been released by the Indonesian Ulema Council, namely in MUI fatwa No. 47 of 2014 concerning waste management to prevent environmental damage in points 2,3, and 4. Furthermore, in point 2 it is stated that: Disposing of waste carelessly and/or disposing of items that can still be used for personal or other people's interests is illegal. The content of the fatwa in point 2 is directly proportional to the behavior of the people on Bungin Island who throw waste into the sea. If the community is able to implement the fatwa, preventive efforts against potential damage to ecosystems and marine biota will undoubtedly be avoided. The same concept has also been applied in other non-Muslim countries. Namely by integrating the concept of Green Reform into criminal regulations on the environment.<sup>59</sup> Even though the nash argument does not explicitly explain the punishment for the perpetrators of environmental destruction, Islam has provided space for the government to design legal products related to the imposition of sanctions (ta'zir).<sup>60</sup> For the sake of maintaining the benefit of nature and the benefit of the human soul itself.

In addition, on points 3 and 4 of the MUI fatwa No. 47 of 2014 concerning waste management to prevent environmental damage states that: 3. The Government and Entrepreneurs are required to manage waste in order to avoid harm to living things; and 4. Recycling waste into goods that are useful for improving the welfare of the people is obligatory kifayah. If you look back at the local government's efforts in Bungin Island village, the government has actually implemented policies that are in accordance with the provisions of the fatwa above.

The above is in accordance with the word of Allah swt.

Related to the problems of coral reefs and coral reefs, the relocation efforts of various stakeholders is a very targeted policy. This is done solely to maintain the benefit of God's other creatures, namely marine life. In Islam, it is known as the Ihya al-Mawat system, which means the act of reviving dead land to

<sup>58</sup> Interview with the seventh corespondent

<sup>59</sup> Ju Tianyu, Wu Ruijia. 2021. Analysis on the Green Reform of Criminal Legislation of Environment in China. The Frontiers of Society, Science and Technology, vol 3, no.5. p 71-73

<sup>60</sup> Nita Triana, Farah Nuril Izza. 2020. The Perspective of Islamic Law on The Application of The Polluter Pays Principle in Indonesian Environmental Law. *Al-adalah*, vol 17, no 2. p. 359.

be used again.<sup>61</sup> Utilization can be in the form of processing into agricultural land, drying, settlements, and others. Even if the land is only used as a place to herd livestock, it may be sufficient for the Ihya al-Mawat category.<sup>62</sup>

The hadith of the Prophet PBUH said:

عن جابر رضى الله ان النبي صلى الله عليه وسلم قال من أحيأرضاً ميتة فهي له  
(رواه أحمد والترمذى)

Meaning: From Jabir r.a, that Rasulullah SAW. said: Whoever manages dead land, the land becomes his private property (HR Ahmad and At-Turmudzy)

But because of the personnel, not all people understand the correlation between religious paradigms and naturalist-based intelligence. Thus, efforts are needed to provide an understanding regarding the meaning of the concepts of tawhid, caliph, mizan, and problems. Because in essence the concept of monotheism means to unite God and is interpreted to be integrated with all of His creation, including humans and nature. Meanwhile, the concept of caliph fil ard is a very fundamental concept for humans as God's representative to His other creatures. The concept of al-Mizan in religion obliges humans to always preserve the balance between all of Allah's creations, including humans and their surroundings. While the Maslahah concept is oriented towards caring for the sustainability of future generations.<sup>63</sup>

Thus among the Islamic values that must be understood by every individual in Bungin Island Village. This is solely to increase ecological awareness as a solution to ecological damage in the Bungin Island reclamation area.

## II. Conclusion

Based on the elaboration of the lengthy discussion on the significance of the MUI fatwa and efforts to formulate the paradigm of fiqh al-bi'ah, it can be concluded that the Indonesian Ulama Council has issued a fatwa that guides humans to always preserve the environment. This fatwa can be used as an operational basis for formulating environmentally friendly fiqh.

Fiqh al-bi'ah is the regulation of Islamic legal norms that govern human behavior and actions related to environmental conservation. Thus, the MUI's fatwa on the environment and the formulation of the fiqh al-bi'ah paradigm are the norms that regulate and control the maintenance of the universe through two

instruments; namely Halal and Haram. The concept of halal and haram as initiated by fiqh al-bi'ah is built on the basis of the concepts of monotheism, caliph and trustworthiness as well as the principles of justice, balance, harmony and the benefit of the ummah, so that an environmental ethical framework from an Islamic perspective can be compiled in a complete and comprehensive manner.

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