

## Environmental Jurisprudence; Environmental Preservation Efforts In Islam

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**Abstract:** Fiqh (Islamic law) regulates the pattern of human relations with God and each other and discusses the relationship between humans and their environment. This research examined environmental fiqh issues. To formulate environmental jurisprudence that is comprehensive, systematic and accountable, and able to deal with the problem of global warming. Where in the data analysis with descriptive qualitative research. Moreover, the data collection technique is a library or library research. This study concluded that fiqh contributes to the problem of maintaining environmental harmony by providing rules or codes of ethics for human relations with their environment, such as the prohibition of destroying the environment and the obligation to preserve the environment. This arrangement of environmental law is based on tafsiliy arguments, namely the Qur'an-al-Hadith, and the general principles of legal legislation. When jurisprudence takes part in environmental preservation, it is hoped that there will be a new awareness for all Muslim leaders, especially about environmental issues. They have a great concern for the environment.

**Keywords:** *environment, Fiqh, Islamic Law*

**Abstrak:** Fikih sebagai hukum Islam yang mengatur tentang pola hubungan manusia dengan tuhan dan sesamanya, ikut andil dalam membicarakan hubungan manusia dengan lingkungannya. Penelitian ini mengkaji persoalan fikih lingkungan hidup. Dengan tujuan untuk merumuskan fikih lingkungan yang komprehensif, sistematis dan akuntabel serta bisa menangani persoalan pemanasan global. Dimana dalam analisa datanya dengan penelitian Kualitatif Deskriptif. Dan Teknik pengumpulan data yang adalah pustaka atau library research. Dalam penelitian ini disimpulkan bahwa fikih turut andil dalam persoalan upaya menjaga keharmonisan lingkungan dengan cara memberikan aturan atau kode etik hubungan manusia dengan lingkungannya. Seperti larangan merusak lingkungan dan kewajiban menjaga kelestarian lingkungan. Penataan hukum lingkungan ini di dasarkan kepada dalil-dalil tafsiliy, yakni al-Qur'an-al-Hadist, dan prinsip-prinsip umum legeslasi hukum. Ketika fikih ikut andil dalam pelestarian lingkungan, sangat diharapkan adanya kesadaran baru bagi seluruh mukallaf khususnya kesadaran yang terkait dengan masalah lingkungan. Mereka memiliki kepedulian tinggi terhadap lingkungan.

**Kata Kunci:** *Lingkungan Hidup, Fikih, Hukum Islam*

## Introduction

Empirically acknowledged the Qur'an and Hadith as the first source of Islamic knowledge, not science. It is hoped that it will be able to discuss the problems in this world thoroughly. Moreover, problems of natural science and technology (including environmental problems).<sup>1</sup> However, in essence, the Qur'an and al-hadith do not impede the development of science.<sup>2</sup> We find in several places the verses of the Qur'an and al-Hadith encouraging people to continue seeking knowledge to find the truth.<sup>3</sup> Even the general principles of science have been laid out in the Qur'an, and science and scientific discoveries are not contradictory to the Qur'an.<sup>4</sup> However, this does not mean that Islam is silent on environmental issues. Al-Qur'an<sup>5</sup> and al-hadith repeatedly focus their attention on disaster issues. The word calamity is found 10 times in the Qur'an in addition to other forms of words that have meaning 76 times.<sup>6</sup>

However, all commentators have linked the disaster with disobedience, tyranny, and disbelief. Still not found in the interpretation literature, interpreters (interpreters) link a disaster with a loss of ecological (environmental) stability or natural balance.<sup>7</sup> Even though the Koran says from the start that disasters happen not because of God's tyranny but because of humans' own ignorant hands. As in his words:

وَمَا أَصَابَكُمْ مِنْ مُصِيبَةٍ فَبِمَا كَسَبَتْ أَيْدِيكُمْ وَيَعْفُو عَنْ كَثِيرٍ (الشورى/ ٣٠)

*"And whatever calamity befalls you is due to the deeds of your own hands, and Allah forgives most (of your wrongdoings)."*<sup>8</sup>

In detail, Dzunnun al-Mishry explains that human actions that can cause calamities include (1) weak commitment to doing good deeds, (2) human actions are always enslaved by their lusts, (3) like to wish and forget about the hereafter when the end is almost here (4) prioritizing their interests and desires rather than getting the pleasure of Allah (5) Abandoning the teachings of the Prophet by obeying the whispers of their lusts (6) humans follow the mindset (*hujjah*) of misguided shaytans, while the truth is abandoned and even covered up. In another verse, Allah also relates calamities to human actions.<sup>9</sup> In the form of sinful acts, destruction of nature, and other wrongdoings. Allah says

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ (الروم/ ٤١)

*"There is corruption on land and in the sea because of the deeds of men, that Allah may give them a taste of what they have done, that they may return to the right path."*<sup>10</sup>

Islam is a religion of mercy for the entire universe. Islam is concerned with ukhrawi (hereafter) issues and worldly issues (world).<sup>11</sup> Islam encourages humans to achieve the happiness of both (world-afterlife) in balance. To achieve this happiness, Islam requires its adherents to worship Allah (ritual) diligently and always do good deeds (good deeds). Good deeds are not only towards fellow humans but also towards ecology.<sup>12</sup> Islam's concern for environmental harmony can be seen in the Qur'an and Hadith. In the Hadith, cleanliness is connected with something essential, namely faith. People who believe will always keep the environment (land, sea, and air) clean. If the cleanliness of the environment can be maintained, it will create a cool and pleasant atmosphere. The air and

<sup>1</sup> Khairudin, "The Practice of Buying and Selling Black Market Goods on The Perspective of Islamic Economic Law," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (2022): 77–85.

<sup>2</sup> Mujiono Abdillah, *Agama Ramah Lingkungan Perspektif Al-Qur'an*, (Jakarta: Paramadina, 2001), 127

<sup>3</sup> M. Quraish Shihab, *Tafsir Al-mishab*, jld. 12, (Jakarta: Lentera Hati, 2005), 138

<sup>4</sup> Dwi Astuti Wahyu Nurhayati and Novi Tri Oktavia, "Relevance Of Al Mawardi's Reflection In The Development Of Islamic Economic Activities," *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 48–58.

<sup>5</sup> Abdul Wahhab Khallaf, *Ilmu Ushul al-Fiqh*, (Bairut: Dar al-'Ilm, 1978), 23

<sup>6</sup> M. Quraish Shihab, *Menabur Pesan Ilahi*, (Cet.I, Jakarta Selatan: Lentera Hati, 2006), 32

<sup>7</sup> Yusi Tasika and Giyarsi Giyarsi, "The Effectiveness of the Discussion Method to Increase Students' Understanding and Activeness in Islamic Religious Education Subjects," *Nusantara Education* 1, no. 1 (December 15, 2022): 81–93.

<sup>8</sup> Qs. Asy-syura (42): 30

<sup>9</sup> Siti Afifah Nurullah, "Practice Services Between Sale and Purchase of Coffee Syari'ah Economic Perspective," *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 14–28.

<sup>10</sup> Qs: Ar-Rum (40): 41.

<sup>11</sup> Robi Musthofa Al Ghazali, "Boarding House Rent Refunds During Covid 19 Based On Sharia Economic Law," *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 38–47.

<sup>12</sup> Imam Syafi'i, "Transformasi Madzhab Qouli Menuju Madzhab Manhaji Jama `Iy Dalam Bahtsul Masa `Il," *Ayy-Syari'ah: Jurnal Hukum Islam* 4, no. 1 (2018): 19–29, <https://doi.org/10.55210/assyariah.v4i1.99>.

water (sea and river) are pollution-free, and the environment is beautiful. The inhabitants of the earth will be healthy.<sup>13</sup> In addition, the Qur'an also condemns those who do damage on earth (*tufsiduna fil-ard*). The Qur'an encourages humans to always do good (*amaluh ash-shaleh*) to others, animals, and the environment. Allah created the world along with its organized system for the benefit of humans. Land and sea are subdued by Allah so that humans can utilize them. However, humans should not immediately exploit natural resources without limits. They will lose their balance if natural resources continue to be exploited without stopping. As a result, nature will no longer be able to benefit humans, even the opposite. Nature will present a catastrophe.<sup>14</sup>

For this reason, Allah created man on this earth and worshiped Him as a substitute for Allah (*Khalifah Allah fil-ard*). In the sense that Allah authorizes humans to manage, organize and utilize (*isti'mar fi al-ard*) natural resources (SDA) according to their needs.<sup>15</sup> Not to exceed reasonable limits. Allah does not like those who exceed the limits. From the above explanation, in essence, Islam is a religion that is very concerned and friendly to ecology (*al-biah*). However, until now, there is still no concrete and systematic formulation thematically (*maudhui'e*) discussing environmental issues. At the same time, the problem of environmental sustainability is a primary need that cannot be negotiated anymore. The goal is for the world's survival of living things (humans). So from here, the researcher finds the formulation of how the fiqh views environmental harmonization.<sup>16</sup> To measure the success of a study, much is determined by the methods used. Based on the problem to be studied, the data collected is qualitative because it is in the form of thoughts, namely the reconstruction of ecological (environmental) fiqh in the *maqasid ash-shari'ah* perspective. This concept will be built based on the arguments of al-Qur'an and al-hadith, which specifically mention ecological issues.<sup>17</sup> So from here, the researcher finds the formulation of how the fiqh views environmental harmonization. To measure the success of a study, much is determined by the methods used. Based on the problem to be studied, the data collected is qualitative because it is in the form of thoughts, namely the reconstruction of ecological (environmental) fiqh in the *maqasid ash-shari'ah* perspective. This concept will be built based on the arguments of al-Qur'an and al-hadith, which specifically mention ecological issues.

## Methods

This article was written using normative legal research methods with a conceptual approach. The legal materials used in this legal research are primary legal materials and secondary legal materials. The sources of legal materials used in this study include primary legal materials, secondary legal materials and tertiary legal materials related to environmental fiqh as the primary legal source and its explanations. The legal material obtained is then connected to one another in accordance with the subject matter being studied so that it becomes a comprehensive, comprehensive and systematic unit. The analytical technique used in this legal research is deductive analysis. Data obtained from books, scientific journals and other sources will be analyzed in detail to obtain accurate conclusions.

## Result and Discussion

### Fiqh's View on Environmental Harmonization

Fiqh is an elaboration of the content of the *nash* (al-Qur'an and al-Hadith). As an elaboration of the *nash*, fiqh contains a set of practical legal formulations produced by *mujtahids* from partial *nash* propositions. The laws summarized in the framework of fiqh all benefit humans in this world and the hereafter. the law will never be born without bringing *maslahah*. Ash-Syathiby (d. 790 AH) said, "In principle, the law is prescribed by Allah for the sake of human benefit. This is the ultimate goal (*ghayah al-makshudah*) of Islamic law." Ibn Qayyim said: "All of *Shari'ah* contains justice, mercy, benefit and wisdom". Therefore, he took this issue seriously and produced many works that became solutions for Muslims.<sup>18</sup> Etymologically, *maslahah* means; benefit, advantage, pleasure, joy or an effort to bring it about. In terminology, *maslahah* is an effort to bring goodness and avoid damage. Since *maslahah* is the ultimate goal of legalization, the principle of *maqasid ash-shari'ah* is *qath'i*, universal and constant. The means to achieve *maqasid* is *dhanny*. The barometer for determining *maslahah* in *shari'ah* (fiqh) is the

<sup>13</sup> Iffatin Nur, M. Ngizzul Muttaqin, and Ali Abdul Wakhid, "Reformulasi Al-Qawā'id al-Uṣūliyyah al-Tashrī'yyah Dalam Pengembangan Fiqih Kontemporer," *Analisis: Jurnal Studi Keislaman*, 2020, <https://doi.org/10.24042/ajsk.v20i1.6573>.

<sup>14</sup> Wahyu Ziaulhaq, "Buying and Selling Used Clothing: An Islamic Economy Law Perspective," *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 29–37.

<sup>15</sup> Muhammad Kurtubi, "Child Playing Online Game in the Sadd Al-Zari'ah's Perspective," *Nusantara: Journal Of Law Studies* 1, no. 1 (December 14, 2022): 9–20.

<sup>16</sup> Meta Riskia, "Implementation Of Mudharabah Financing On Baitul Maal According Majelis Ulama Indonesia," *Journal of Nusantara Economy* 1, no. 1 (December 9, 2022): 1–13.

<sup>17</sup> Muhamad Imam Muddin, "Inheritance System Mayorat on the Komering Tribe in Urf Perspective," *Nusantara: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 21–32.

<sup>18</sup> <http://www.immasjid.com/?pilih=lihat&id=299>

achievement of happiness in this world and the hereafter.<sup>19</sup>

There are three kinds of *maslahah*, namely; First, *maslahah ad-daruriyat* (primary benefit), namely the benefit that becomes the main reference for implementing Islamic law. If not, there will be inequality and injustice resulting in the collapse of social order. Examples of this *maslahah* are summarized in the frame of *kulliyat al-khams* (five basic principles). Second, *maslahah al-hajiyat* (secondary *maslahah*), which is *maslahah* that does not cause the collapse of the social and legal order, but as an effort to ease the implementation of a law.<sup>20</sup> For example, in terms of worship given dispensation (*rukhsah*) if in the implementation there are difficulties. Third, *maslahah at-tahsiniat* (supplementary *maslahah*), namely *maslahah* that gives attention to ethical and aesthetic issues. For example, teachings about cleanliness, adornment, charity and humanitarian assistance.<sup>21</sup>

The five basic principles (*kulliyat al-khams*) above are, *hifdhu ad-din* (maintaining religion), *hifdhu an-nafs* (protecting the soul), *hifdhu al-aql* (protecting the intellect), *hifdhu al-mal* (protecting property), and *hifdhu an-nasl* (protecting offspring). The five become the main reference in realizing the benefit of human life from the world - to the hereafter. If one of the five is not achieved, it means that *maslahah* has not been realized. Given the importance of protecting the environment, it is necessary to include environmental issues (ecosystems) into the frame of *kulliyat al-khams*.<sup>22</sup> Therefore, NU progressives added *hifdhu al-biah* (protecting the environment) in the frame of *mabadi' at-tasyri'iyat* (principles of legal legislation). A. Khozin Nasuha added *hifdhu al-biah* (maintaining the ecosystem). Because if human life needs to be maintained, then environmental sustainability must also be maintained. How is it possible that all the benefits can be achieved without being supported by the goodness and sustainability of the environment.

### Laws to Protect the Environment

Maintaining environmental harmony and balance is an important pillar for the realization of human life. Humans cannot live well without being supported by a good environment. Because humans are a small part of the environment, and they can never be separated from the cosmos environment once they die. Likewise, all living things in this world. Everything is very much bound by time and space. If the environment is as stable and harmonious as before (the beginning of creation), the quality of life will improve. Conversely, the quality of life will also deteriorate if the environment deteriorates.

Mukallaf people are prohibited from taking actions that can damage the environment. The law of protecting the environment is *fardhu kifayah*. All people, both individuals and groups and businesses, are responsible for environmental conservation, and must be involved in handling environmental damage. Only the government is the most responsible and the pioneer of this obligation.<sup>23</sup> The law of *fardhu kifayah* in preserving the environment has been supported by an effort among NU progressives, adding *hifdhu al-biah* (preserving the environment) in the frame of *mabadi' at-tasyri'iyat* (principles of legal legitimacy). A. Khozin Nasuha added *hifdhu al-biah* (maintaining the ecosystem). Because if human life needs to be maintained, then environmental sustainability must also be maintained. How is it possible that all the benefits can be achieved without being supported by the goodness and sustainability of the environment. By including *hifdhu al-biah* (preserving the environment) in the frame of *mabadi' at-tasyri'*, it is obligatory for humans to maintain and maintain their environment. Maintenance of the environment is at least in the form of avoiding exploitation of natural resources. Forests should not be braided wildly, blindly or burned. Because forests are the only lungs of the world. So it is undoubtedly if the forest is said to be very decisive towards environmental harmonization. It is the forest that is the nature reserve.<sup>24</sup>

### Laws for Destroying the Environment

Disasters are closely related to destruction. Disasters occur because of previous destructive actions against nature. Without destruction of nature there is very little chance of disaster. The word *musibah* (disaster) is found

<sup>19</sup> Imam Syafi'i dan Subairi, "Epistemology Of Hadith In Syafi' Iyyah And It ' S Effect In Istinbā Ṭ Al-Ahk Ā M," *Jurnal Ilmiah Mizani* 09, no. 01 (2022): 110–20, <https://doi.org/DOI: http://dx.doi.org/10.29300/mzn.v9i1.7687>.

<sup>20</sup> Muhammad Kurtubi, "Child Playing Online Game in the Sadd Al-Zari'ah's Perspective," *Nusantara: Journal Of Law Studies* 1, no. 1 (December 14, 2022): 8–19.

<sup>21</sup> Imam Syafi'i and Tutik Hamidah, "MASLAHAH CONTROVERS AS SOURCES, METHODS AND OBJECTIVES (COMPARATIVE ANALYSIS STUDY OF THE FOUR MADHAB)" 7, no. 1 (2022): 19–38, <https://doi.org/10.31538/adlh.v7i1.1642>.

<sup>22</sup> Wahyu Abdul Jafar, "EKSISTENSI NASIKH MANSUKH DALAM ISTINBAT AL-AHKAM," *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, Dan Keagamaan* 3, no. 2 (December 29, 2019), <https://doi.org/10.29300/mzn.v3i2.1033>.

<sup>23</sup> Muhammad Fitri Adi, "Hadhonah Rights of Children (Not Mumayyis) Based on Compilation of Islamic Law and Child Protection Act," *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 15, 2023): 9–22.

<sup>24</sup> Wahyu Abdul Jafar, "Fiqh Siyasah Dalam Perspektif Al-Qur'an Dan Al-Hadist," *Al Imarah : Jurnal Pemerintahan Dan Politik Islam* 3, no. 1 (2018): 18, <https://doi.org/10.29300/imr.v3i1.2140>.

10 times in the Qur'an in addition to other forms of words that are similar to it, which totals 76 times. While the word fasad is mentioned fifty times with its various forms (sighat), and five times with the word atsaw (damage).<sup>25</sup> The word fasad, which refers to corruption, is mentioned in the Qur'an Surah ar-Rum.: 41

*"There is corruption on land and in the sea because of the deeds of men, that Allah may give them some of the consequences of their deeds, that they may return to the right path."*<sup>26</sup>

The word al-fasad according to al-Asfahany is the departure of something from balance, either a little or a lot. This word indicates anything, whether physical, mental or other. It is also the antonym of as-shalah, which means beneficial. Some scholars limit the meaning of the word fasad to polytheism, Qabil's killing of Habil and so on. These opinions have no basis. Some contemporary scholars understand it to mean environmental degradation, because the verse above links fasad with the words land and sea. Another verse that discusses the problem of ifsad (destruction) in the Qur'an letter al-A'raf: 56

*"And do not make mischief on the earth, after Allah has made it right, and pray to Him with fear that it will not be accepted and hope that it will be granted, Verily, the mercy of Allah is very near to those who do good."*

Aly Yafie understands this verse to mean, "do not destroy this nature or damage this earth after it has been arranged so well. While the phrase (ba'da ishlaahiha) is interpreted with balance. With that it can be understood that Allah swt. prohibits damaging the universe (on earth) after Allah created it in harmony and balance (balanced). Humans as his servants are commanded to maintain and improve the natural world..<sup>27</sup> All natural resources available on this earth are to fulfill human needs. Humans can utilize them but must not exceed the limits of their needs.<sup>28</sup> To obtain the benefits of natural resources, he must endeavor, spiritually as described in the Qur'an Surah al-Qashash verse 77.;

*"And seek in what Allah has bestowed upon you the happiness of the Hereafter, and forget not your share of the pleasures of this world, and do unto others (as Allah has done unto you) good, and do not cause mischief in the earth, for Allah loves not the destroyers of mischief on the earth."*

According to Quraisy Shihab, the word ahsin (do good) in the verse above is taken from the word hasan which means good. The patron word used in this verse is a command and requires an object. However, the object is not mentioned, so it covers everything that can be touched by kindness. Starting with the environment, property, plants, animals, humans, both others and oneself. The Hadith emphasizes the obligation to do good to all things: "Verily, Allah has made ihsan obligatory upon all things." (HR. Muslim and others through Shaddad Ibn Aus). In the fiqh literature, the issue of environmental pollution is found clearly. Abd Rahman Bin Muhammad says in his book, Bughyatul Mustarsyidin, "It is permissible to dig a ditch for irrigation on private land, even if the smell of the water disturbs the neighbors or other people's property as long as it does not cause the permissibility of tayammum (burdensome circumstances in general) and provided that the use of the building is following custom, but if it is not following custom (arbitrary), then he is obliged to compensate for all the damage caused."<sup>29</sup>

Shabul Jamal expressed the same view: It is permissible to use the banks of the river to collect valuables and to make a bamboo enclosure to protect them, as was the case in Egypt. This is so if he is doing that to facilitate work (irtifaq) and there is no danger of it being used by others, he is not making it difficult for people to pass by, and he is not removing or reducing the benefit of the river.<sup>30</sup> If pollution crosses the boundary of private property, then he must take responsibility. The injured party may seek compensation. And if it reduces the public benefit, it must pay the cost of compensation to the government for the common good. Maintaining environmental harmony and balance is non-negotiable.<sup>31</sup> All forms of behavior that can damage the environment's balance, harmony, and beauty are strictly prohibited. In order to realize a safe, peaceful, and prosperous life.

## The Role of Ulama in Preserving the Environment

Rasulullah is the greatest ideal role model for Muslims. All his actions (words, deeds, and decrees) are good examples (uswatun hamsanah). It is even a source of law after the Qur'an. This is in line with the words of the Prophet, that the Qur'an and al-Hadith are the heritage of Muslims. If Muslims cling to both, it is guaranteed that

<sup>25</sup> M. Quraish Shihab, *Menabur Pesan Ilahi*, (Cet.I, Jakarta Selatan: Lentera Hati, 2006), 23

<sup>26</sup> M. Quraish Shihab, *Tafsir Al-misbah*, jld. 11, (Jakarta: Lentera Hati, 2005), 78

<sup>27</sup> [http://www.republika.co.id/suplemen/cetak\\_detail.asp?mid=5&id=282020&kat\\_id=105&kat\\_](http://www.republika.co.id/suplemen/cetak_detail.asp?mid=5&id=282020&kat_id=105&kat_)

<sup>28</sup> Meta Riskia, "Implementation Of Mudharabah Financing On Baitul Maal According Majelis Ulama Indonesia," *Nusantara Economy* 1, no. 1 (December 9, 2022): 1–13.

<sup>29</sup> Abd. Rahman Bin Muhammad Bin Husain Bin Umar, *Bughyatu Al-Mustarsyidin*, (Surabaya: Al-Hidayah, t.th), 142

<sup>30</sup> Wahyu Abdul Jafar, "Legality Of Halal Food Certification On Masalah Mursalah Perspective," *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, Dan Keagamaan* 9, no. 1 (August 16, 2022): 95–108, <https://doi.org/10.29300/mzn.v9i1.7055>.

<sup>31</sup> Abdul Hakim, "Maxim Law Fiqh And Its Application During The Covid-19 Pandemic," *Nusantara: Journal Of Law Studies* 1, no. 1 (December 14, 2022): 1–7.

they will not go astray forever. Obeying the Apostle is part of one's sincerity in believing in the Prophet as a messenger of Allah.<sup>32</sup> However, the ulama only has authority in the interpretation of Nash. While in the field of law implementation, they have no authority. They can only explain the law and its implementation. Whether the community (Muslims) implements it or not is not the business of the ulama but the business of those who have the authority. The party with authority is the umara' (government). The government can force its people to act. If the people (ummah) do not carry it out, the government can give strict sanctions. Eventually, they become deterred from disobeying the government's orders and prohibitions.

Obeying the Messenger, the scholars and the umara' (government) is a command of Allah. However, obeying the scholars and umara' is only within the limits of goodness.<sup>33</sup> While in acts of disobedience to Allah the people are not prohibited from obeying them. Because in principle there is no obedience in actions that disobey the Creator (la tha'ata fiy ma'siati al-khalq).<sup>34</sup> In this (the issue of environmental fiqh) ulama' have a large role, especially in formulating legal rules about the ecological behavior of Muslim communities that are extracted from the shar'i texts, and the principles - the purpose of Islamic legislation. In addition, the ulama also have the task of providing awareness to the Muslim community about the obligation to preserve the environment. After the scholars formulated the concept of environmental fiqh with a comprehensive (syamil) mechanism for implementing the rule of law is the government's responsibility. The government must create a legal entity overseeing the law's implementation. Even the government is given the authority to make rules for the common good. The rules made by the government are rules about issues that are still not regulated by Allah and His Messenger.<sup>35</sup>

With tauzi' sulthani (authority of power), the government can make regulations regarding environmental sustainability. These regulations must be truly populist and enforceable.<sup>36</sup> And need to be guarded by wise law enforcement officers so that the noble goal of maintaining the balance of nature by being friendly to the environment can be realized concretely following Islamic ideals. As a note for the government that will make regulations, it should be based on the interests of the general public, not just the interests of order.<sup>37</sup> Moreover, the interests of the elite without caring about the people's interests. This is in line with the rule of al-fiqh, "the policy of an imam (government) towards his people must be based on consideration of the people's interests."<sup>38</sup>

### Environmental Fiqh as Doctrine

- a. In order for environmental sustainability to be properly maintained, it is necessary to make a breakthrough to make environmental friendliness a religious doctrine. If the issue of the importance of protecting the environment only revolves around seminars or reading books, then there is very little chance that we will be able to achieve the desired results. Making it a doctrine is a very good endeavor. This is because religious teachings (doctrines) actually shape human behavior in all its aspects; there are three aspects that we need to pay attention to as ecological doctrines.<sup>39</sup>
- b. Love for the environment is part of the Islamic faith. Faith, the backbone of human deeds, is a doctrine in preserving the environment. One's faith is not only measured in the place of ritual worship. However, we can see from the behavior towards ecology. Caring for ecology shows the perfection of one's faith. Because the Apostle said, "cleanliness is part of faith". From this Hadith we can understand that keeping the environment clean (from all forms of pollution) is part of faith in Allah.
- c. Keeping the environment clean means avoiding things that can damage cleanliness. The environment includes land, water and air. On land the water is free of pollution, factory waste and unorganized garbage. The earth

<sup>32</sup> Qs, al-Ahzab (33): 21

<sup>33</sup> Vincentius Setyawan, "Pancasila As A Philosophical Basis Of Law Formation In Indonesia," *Nusantara: Journal Of Law Studies* 2, no. 1 (March 15, 2023): 1–8.

<sup>34</sup> Arif Samsurrijal, "Permainan Tradisional Indonesia Sebagai Media Penanaman Nilai Moral Pada Siswa: Sebuah Studi Literatur," *Nusantara Education* 1, no. 1 (December 14, 2022), <https://juna.nusantarajournal.com/index.php/nula/article/view/21>.

<sup>35</sup> Wahyu Abdul Jafar, "Political Buzzer In Islamic Law And Its Impact On Muslim Society," *Hamdard Islamicus* 45, no. 3 (September 30, 2022), <https://doi.org/10.57144/hi.v45i3.491>.

<sup>36</sup> Siti Afifah Nurullah, "Practice Services Between Sale and Purchase of Coffee Syari'ah Economic Perspective | Nusantara Economy," *Nusantara Economy* 1, no. 1 (2022): 14–28.

<sup>37</sup> Dwi Astuti Wahyu Nurhayati and Novi Tri Oktavia, "Relevance Of Al Mawardi's Reflection In The Development Of Islamic Economic Activities," *Nusantara Economy* 1, no. 1 (December 10, 2022): 48–58.

<sup>38</sup> Wahyu Abdul Jafar, "Sanksi Penyebar Hoax Perspektif Hukum Pidana Islam," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi, Dan Keagamaan* 6, no. 1 (September 2, 2019): 49–60, <https://doi.org/10.29300/mzn.v6i1.2206>.

<sup>39</sup> Sinarman Jaya and Ferri Susanto, "Social Dimension of Taboo Language as Knowledge Power Analysis for Identifying Transferable Saying English Taboo in Internet," *Nusantara Education* 1, no. 1 (December 14, 2022), <https://juna.nusantarajournal.com/index.php/nula/article/view/26>.

is lush and dirty without the influence of plastic waste or littering. In the sea, garbage and factory waste do not pollute sea water. And it is not polluted by kerosene carried by giant ships that sink or sink. While in the air, the sky is not covered with factory smoke or forest fires. And the ozone layer remains intact as before. This is the essence of cleanliness that religion aspires to.

d. Environmentally Friendly Part of Worship

Allah created humans to worship Him. Worshiping means servicing himself before the Creator. He feels humiliated and prostrates himself under his majesty. Ready to carry out all the commandments (khitab) of the worshiped. Worship is not only in the form of rituals in prayer, fasting, performing Hajj and others. However, protecting the environment (al-biah) is also an act of worship. Because preserving the environment is part of God's commandment. So awareness of environmental harmony is worship in the sight of Allah. for those who carry it out will get a reward. While Allah prohibits actions that lead to ecological destruction.<sup>40</sup> Those who violate will certainly get sin. We, as servants of Allah must obey and obey his commands (environmentally friendly) and avoid all his prohibitions (exploitation of nature). This is a form of our devotion to Rabul 'Alamin.

e. Ecology Core Teachings (Usuliyah)

Placing ecological discourse in usuliyah (main) issues, not furu'iyah (branches). This means that ecology is part of the basic objectives of Islamic legal legislation. As explained by Yusuf Qardhawi in *ri'ayah al-biah fi syar'iyah al-Islam* (2001), maintaining the environment is the same as maintaining the five basic objectives of Islamic legal legislation (maqasid ash-shari'ah), because protecting the environment is an effort to maintain the five basic objectives of Islam.

### Environment Destroyer Ecological Infidels

Among the signs of Allah's greatness is the creation of the universe. Therefore, destroying the environment is the same as disbelieving in the greatness of Allah. This verse shows that understanding nature in vain is the view of the disbelievers. Moreover, they destroy the universe. This label of disbelief is not only for people who disbelieve in Allah and His Messenger but also for people who are reluctant to be grateful for the blessings granted by Allah. This person is said to be a disbeliever bi an-nikmah (disbelieving in favors). He will also receive a torment that is not much different from those who disbelieve billah (disbelieve in Allah).

### Conclusion

Starting from the formulation of the problem and the results of the research that the researchers have described in this paper as well as the analysis that the researchers have done, the researchers can draw the following conclusions; Fiqh has a conception of environmental harmonization. This conception can be summarized into three categories: a) the conception of the sanctity of water, rocks, and soil, b) the clean air from pollution, and c) the conception of preserving flora and fauna. Fiqh has a moderate view of the environment. That is the view of *tawassuth*, not extreme and not liberal concerning the environment. In other words, humans have a higher degree than other creatures. However, humans are obliged (wajib 'ain) to protect the rights of the environment, such as the right to live and develop following the *sunnatullah*. Fiqh gives humans the freedom to utilize the natural resources that Allah has provided. Utilization must not exceed the limits of *hadd al-kifayah* needs.

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<sup>40</sup> Baihaqi, "Upaya Guru Madrasah Dalam Membentuk Kedisiplinan Pelajar Di Madrasah Aliyah Swasta Amaliyah Tanjung Tiga," *Nusantara Education* 1, no. 1 (December 14, 2022), <https://juna.nusantarajournal.com/index.php/nula/article/view/19>.

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