

## The Main Purpose of Islamic Sharia in Environmental Conservation

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**ABSTRACT** : In the perspective of Islamic law (read: Jurisprudence), the preservation of the earth and human responsibility for nature and the environment, actually has long been discussed. Efforts to develop the fiqh of the earth and formulate it into more systematic and practical frameworks need to be worked on immediately. Classic fiqh content that discusses environmental themes separately and abstractly needs to be given ecological weight. For example, discussions in classical Jurisprudence books, such as the chapter taharah (purification), shaid (hunting), ihya 'al-mawat (utilizing dead land), al-'at'imah (law on food), sharibah (law on drinks), etc. From here, fiqh of the earth can be an entry point towards strengthening the role's capacity. Not only to protect the earth, jurisprudence of the earth also has a role to sustain the global movement on the issue of sustainable nature conservation. In this context, fiqh of the earth can be the vanguard for strengthening the capacity of Islamic law in modern life.

In this case, there are several values that must be guided as a practical basis in formulating and developing fiqh of the earth, including: a. The creation of the universe including the environment of the human cosmos (land, water and air) has determined qadar (size or stipulation) which must always be maintained and preserved. So whoever destroys it means that it has corrupted the qadar of Allah. This is as confirmed in the Surah al-Hijr verse: 19-20: "And We have spread the earth and made it into the mountains and We have grown everything according to size. And we have made for you on earth the necessities of life, and (We also create) creatures that you are not a beneficiary of. b. All actions that damage the balance and preservation of the earth and nature are basically a violation of religion and sin. In Surah al-A'raf: 56, ALLAH SWT said: "Do not make mischief on earth (the world) after being reformed, pray to Him with fear and longing; God's grace is always close to those who do good." The phrase "do not do damage on earth after being reformed" (wa lâ tufsidû fii al-ardl ba'da ishlâhah) - in surah al-A'raf verse 56 above - contains a double meaning. First, the prohibition to damage the earth after repairing (ishlah), which is when the earth was created by ALLAH SWT. This meaning shows the task of humans to protect the earth which is already a good place for human life.

**Keywords** : Main Purpose, Islamic Law, Preservation, Environment

### INTRODUCTION

Humans are the most perfect creatures. Humans are given the perfection of the mind than other living creatures. Therefore humans should be wiser in dealing with various problems that occur in the scope of their lives. The environment is a gift of Allah SWT that has enormous benefits for human survival, therefore it must be preserved and developed in order to be a source of life support for humans and other creatures on this earth, all for the sake of survival and improving the quality of their lives .

Islam as a religion that brings mercy to the universe, is very concerned about environmental management, therefore Islam strongly advocates a harmonious relationship between humans and the environment. Islamic law aims to see how environmental management is on a broader scale. Likewise Islam forbids people to do damage on earth, and the scholars set ta'zir punishment for environmental damage. Based on the opinion of the ulama', it can be concluded that the determination of the criminal for environmental damage in positive law is in line with the provisions of ta'zir in Islamic law.

Islamic law considers that the Deen Syaamil (Integral), Kaamil (Perfect) and Mutakaamil (Perfecting all other systems), because it is a living system sent down by ALLAH SWT (the All-Knowing and the All-Wise), this is based on the word of ALLAH SWT: "On this day I have perfected for you your religion and I am sufficient for you my pleasure, and I am pleased with Islam as your rule of life." (Al-Qur'an. 5: 3). Therefore the rules of Islam must cover all aspects needed by humans in their lives. So high, beautiful and detailed are the rules of the Maha Rahman and Rahim, so that they do not only include rules for fellow humans, but also for nature and the environment.

The rules of the "substance" almighty creator and ruler mentioned above is a necessity that can only be obeyed and implemented. Scientifically though, the "substance" (ALLAH SWT) that created the religion, will never and cannot be a study of objects of science, because science studies are always partial, measurable, limited and can be repeatedly tested in the field or laboratory. In the philosophy of the nature of God, it has been a long and intense contemplation since ancient Greece until now, which until finally the impasse gave birth to the concept of anthropocentrism, in which humans have assumed the ability to process and subjugate nature according to their will.

Furthermore, according to Ash'arie, the search for the existence of God is more meaningful when humans are aware of the nafs in the sense of self, ego or ego that is spiritual and lies in the unity of the elements that form active and actual dynamic unity in concrete actions. The Nafs element in RABB is absolute and that which exists in humans is not absolute.

In the view of the context of creation, humans as non-absolute existences are dealing with ALLAH SWT as absolute existences, it is impossible to fight, but they should align themselves creatively in the process of creation until there is an extension of cooperation between the absolute Self and the non-absolute human self, in the form of the work of civilization and culture, if God creates nature and the environment, then humans create conservation to protect, preserve and utilize. Without religious morality, it is possible for human existence to create and give birth to the destruction of nature and the environment, and this means that it can damage the manifestation of God's existence. Even so, in the form of HIS existence, there is always a control mechanism that works automatically to repair the damage caused by human actions and actions, and vice versa humans themselves will also bear all the consequences caused by these actions. The Koran (30: 41) says: "There is real damage on land and at sea because of the cause of human actions, He will inflict some of the consequences of his actions on them, so they can return".

Therefore, the destruction of nature and the environment due to human actions is a manifestation of the existence of God, because humans are part of His existence, so that damage to nature and the environment creates a cosmic imbalance and humans are affected by being in an imbalance of life, out of harmony and disturbed in the harmony of their lives. . The above view gives a clue about the existence of God as a unity of creation and ruler of all creatures, especially humans, who must submit to and obey the provisions of their Creator and creation.

In the era of regional autonomy the concern for protection in environmental management is greatly reduced because economic interests (increased PAD) are more dominant than the interests of environmental protection. One of the causes of this is the anthropocentric and capitalist views that regard humans as the ruler of nature, so that nature is exploited for the benefit of his life. Humans are an inseparable part of nature (deep ecology) which has a special role and position as caliph, protector and manager of nature with full responsibility. Regional governments that implement the principles of deep ecology as the principles of Islamic law in environmental protection and management will be able to realize ecological justice. From the background above, this article will examine What are the main objectives of the Islamic Sharia in environmental preservation?

## **METHODS**

The research to be conducted is research on "normative law". The first step is to conduct normative legal research based on an inventory of primary, secondary and tertiary laws relating to the environment, Civil Law, and limited company law. This research seeks a clear legal basis in laying the foundation in the perspective of civil law. In this study using a sculpture approach and conceptual approach.

## **RESULTS AND DISCUSSION**

### **1. Concept of Human Services for Nature and the Environment**

Preservation of nature and the environment is inseparable from the role of humans, as caliphs on earth, as mentioned in (Surah Al-Baqarah: 30) ("And (remember) when your Lord said to the angels, "I want to make caliphs on earth "...). The meaning of the caliph here is: "someone who is given a position by God to manage an area, he is obliged to create a society that has good relations with ALLAH SWT, harmonious community life, and religion, mind and culture are maintained". Besides that, Surat Ar-

Rahman, especially verses 1-12, is an extraordinarily beautiful verse to describe the creation of the universe and the task of humans as caliphs.

This verse is interpreted more specifically by Sayyed Hossein Nasr, lecturer in Islamic studies at George Washington University, United States. in his two books "Man and Nature (1990)" and "Religion and the Environmental Crisis (1993)", which are presented as follows:

"..... Man therefore occupies a particular position in this world. He is at the axis and center of the cosmic milieu at once the master and custodian of nature. By being taught the names of all things he gains domination over them, but he is given this power only because he is the vicegerent of the God on earth and the instrument of His Will. Man is given the right to dominate over nature only by virtue of his theomorphic make up, not as a rebel against heaven. "

It is clear that the task of humans, especially Muslims / Muslims on this earth is as a caliph (leader) and as a representative of ALLAH SWT in maintaining (managing) nature and the environment. In this case, the relationship between humans and the earth is not the relationship between the conqueror and the conquered, between the master and the servant, or between the subject and object, but the relationship of togetherness in submission to ALLAH SWT. Humans cannot live without nature, and vice versa, nature and the environment really need humans. Therefore the concept of the caliphate on earth requires a harmonious interaction between humans and each other, as well as nature. Islam does not teach humans to make the earth (nature) as a means to achieve consumptive goals, but to make the earth as a life partner that can improve the quality of our devotion to ALLAH SWT. The better the relationship or interaction between humans and the earth, the more benefits humans can get from the earth. This is the ethical principle which is the foundation of interaction and harmony between humans and the earth. In a sense, any damage to the environment must be valued as damage to the human being itself and the creator's absolute nafs.

This is what is meant by theological awareness of the earth, an awareness that has a future and transcendental reach. Like a sentence, nature and the environment are not the inheritance of our ancestors, but are entrusted by our children and grandchildren who must be cared for and guarded. This awareness can arise when humans are able to understand the macrocosmic nature and life, not only at present or future, but also after this life.

## **2. Ethical Obligations of All Living Things**

Ethics comes from the Greek ethos which means custom. Another term named it moral derived from the Latin mores, the plural word from mos which means custom. In Arabic it is called Akhlak which means character and in Indonesian it is called moral conduct.

Ethics is the study of what is good and what is bad in human deeds as far as the mind can know. Ethical issues are good and bad issues in this case the aesthetics of Islamic law, meaning that the aesthetic values of Islamic law are viewed in terms of the ethics itself. reviewing the aesthetic values of Islamic law especially those relating to the Qur'anic verse Annisa verse 148 with ethics as a benchmark. the purpose of ethics is to determine the standard for human action, hence it is called normative science, and the norm used is the norm about good and bad. different from the norm of logic that uses the norm of right and wrong.

Studying ethics, of course, aims to find the same ideals about good and bad judgments wherever and whenever. Because the size of good and bad is relative depending on each region that has different socio-cultural. Because it depends on how ethics look at the customs of a nation that is independent of religion and philosophy.

According to philosophy, there are several schools of ethics that are developing at this time, such as the ethics of naturalism, ethics of hedonism, ethics of utilitarianism, and ethics of idealism which in general only explain about human relations with the good or bad behavior. Another case with the ethics of Islamic law delivered Asy'arie (2001), that the ethics of Islamic law in measuring the merits of a law for Muslim actions based on the teachings of the Qur'an which has been exemplified by the Messenger of Allah. Islamic ethics measures it in accordance with divine truths explained in the Qur'an. Therefore Islamic ethics collaborates between the truth of reason with the truth of revelation so that the two are in harmony. And if there is conflict, the truth of reason must be subject to the truth of revelation.

In the ethical view of the relationship between humans and nature, in essence has the same position, even part of human beings is formed from natural elements, so humans are often referred to as micro-

cosmos, small nature that represents all the elements of the big nature. In Islam, the main principle regarding human-natural relations occurs because the whole universe has the same characteristics as humans, namely "Muslims". According to the Koran the universe is "Muslim" because it surrenders to Allah. Through certain mechanisms, nature shows itself as a symbol or sign of God. The main problem as far as spiritual humanity is concerned is that humans must view the organized universe as a sign or as a miraculous miracle, henceforth directed to the most important meaning which is none other than the recognition and unification media of his god. This God-human-Nature relationship is inseparable because all three are woven together in the reality of human life, even contained in patterns of knowledge about the cosmos in general.

### 3. The Main Purpose of Islamic Law in Preserving Nature and the Environment

In the perspective of Islamic law (read: Jurisprudence), the preservation of the earth and human responsibility for nature and the environment, actually has long been discussed. It's just that, in various interpretive and fiqh literature, these issues are discussed generically and fragmented, not specific and complete. This is understandable because the context of the development of the structure and culture of the community at that time had not yet faced the environmental crisis as it is now. Therefore, strengthening the role of Islamic law in the context of modern problems, such as the fate of the earth in the future, becomes a necessary thing, even it becomes a link in the history of the development of Islamic law that accompanies human civilization. Efforts to formulate the fiqh of the earth are becoming increasingly important amid systematic ecological crises caused by human greed, carelessness and arrogance.

That is, efforts to develop the fiqh of the earth and formulate it into more systematic and practical frameworks need to be worked on immediately. Classic fiqh content that discusses environmental themes separately and abstractly needs to be given ecological weight. For example, discussions in classical Jurisprudence books, such as the chapter taharah (purification), shaid (hunting), ihya 'al-mawat (utilizing dead land), al-'at'imah (law on food), sharibah (law on drinks), etc.

From here, fiqh of the earth can be an entry point towards strengthening the role's capacity. Not only to protect the earth, jurisprudence of the earth also has a role to sustain the global movement on the issue of sustainable nature conservation. In this context, fiqh of the earth can be the vanguard for strengthening the capacity of Islamic law in modern life

In this case, there are several values that must be guided as a practical basis in formulating and developing fiqh of the earth, including:

- a) The creation of the universe including the environment of the human cosmos (land, water and air) has determined qadar (size or stipulation) which must always be maintained and preserved. So whoever destroys it means that it has corrupted the qadar of Allah. This is as confirmed in the Surah al-Hijr verse: 19-20: "And We have spread the earth and made it into the mountains and We have grown everything according to size. And we have made for you on earth the necessities of life, and (We also create) creatures that you are not a beneficiary of.
- b) All actions that damage the balance and preservation of the earth and nature are basically a violation of religion and sin. In Surah al-A'raf: 56, ALLAH SWT said: "Do not make mischief on earth (the world) after being reformed, pray to Him with fear and longing; God's grace is always close to those who do good. " The phrase "do not do damage on earth after being reformed" (wa lâ tufsidû fii al-ardl ba'da ishlâhah) - in surah al-A'raf verse 56 above - contains a double meaning. First, the prohibition to damage the earth after repairing (ishlah), which is when the earth was created by ALLAH SWT. This meaning shows the task of humans to protect the earth which is already a good place for human life. So, the prohibition on damaging the earth is related to efforts to preserve a healthy and natural environment. Second, the prohibition of making damage on earth after reparation by fellow humans. This is related to the task of active human reform to try to create something new, that is good (salih) and brings goodness (mashlahah) to humans.
- c) The ruler (the state) has the obligation to protect and protect the rights of its citizens and their natural assets, through a series of policies oriented to the common interest (tasharrufu al-imâm 'alâ al-ra'iyah manûthun bi al-mashlahah).
- d) Every action that is detrimental to the interests of the public and the state is a violation of the law and the perpetrators must be subject to world legal sanctions (prisons).

## CONCLUSION

From the discussion above, the main objective of environmental management in the perspective of Islamic law (read: Jurisprudence), namely preservation of the earth is a human responsibility to nature and the environment, actually has long been discussed. It's just that, in various interpretive and fiqh literature, these issues are discussed generically and fragmented, not specific and complete. This is understandable because the context of the development of the structure and culture of the community at that time had not yet faced the environmental crisis as it is now. Therefore, strengthening the role of Islamic law in the context of modern problems, such as the fate of the earth in the future, becomes a necessary thing, even it becomes a link in the history of the development of Islamic law that accompanies human civilization. Efforts to formulate the fiqh of the earth are becoming increasingly important amid systematic ecological crises caused by human greed, carelessness and arrogance. That is, efforts to develop the fiqh of the earth and formulate it into more systematic and practical frameworks need to be worked on immediately. Classic fiqh content that discusses environmental themes separately and abstractly needs to be given ecological weight. For example, discussions in classical Jurisprudence books, such as the chapter *taharah* (purification), *shaid* (hunting), *ihya 'al-mawat* (utilizing dead land), *al-'at'imah* (law on food), *sharibah* (law on drinks), etc.

## BIBLIOGRAPHY

- Hasbullah Bakri, *Sistematika Filsafat, Dalam M. Asy'arie, Filsafat Islam; Sunnah Nabi Dalam Berfikir.*, Lembaga Studi Filsafat Islam. Yogyakarta, 2001.
- M. Asy'arie, *Filsafat Islam; Sunnah Nabi Dalam Berfikir*, Lembaga Studi Filsafat Islam. Yogyakarta, 2001.
- Sayyed Hossein Nasr, *Dosen Studi Islam Di George Washington University, Amerika Serikat. Dalam Dua Bukunya "Man And Nature (1990)" Dan "Religion And The Environmental Crisis (1993)*, Dalam M. Asy'arie, *Filsafat Islam; Sunnah Nabi Dalam Berfikir*, Lembaga Studi Filsafat Islam. Yogyakarta, 2001.
- Soejono Soekanto, and Sri Mamudji, (2004). *Penelitian Hukum Normatif Jakarta*, PT. Raja Grafindo Persada.
- Angga La Ode, Saptanno M. J, *The Formulation Of Green Open Space In The Regional Regulation Of Spatial Planning Of Maluku Province* NTERNATIONAL JOURNAL OF SCIENTIFIC & TECHNOLOGY RESEARCH VOLUME 8, ISSUE 10, OCTOBER 2019 ISSN 2277-8616 3370 IJSTR©2019 www.ijstr.org
- Ratnasari Fajariya Abidin, 2012. *Penegakan Hukum Lingkungan Hidup dalam Perspektif Filsafat Ilmu Hukum*, *Jurnal Hukum Islam dan Bisnis*, <http://ejournal.uin suka.ac.id/syariah/azzarqa/article/view/1582>
- Harjoni Desky, 2014, "Tinjauan Hukum Islam terhadap Pengelolaan Lingkungan Hidup dalam Undang-Undang No. 23 Tahun 1997", *Al Mahaji Fakultas Syariah IAIN Purwokerto*, <http://ejournal.iainpurwokerto.ac.id/index.php/almanahij/article/view/3160>
- Nita Triana, 2019, *Membangun Prinsip Perlindungan dan Pengelolaan Lingkungan Hidup dalam Pemerintahan Daerah (Perspektif Hukum Islam)* *Jurnal Al-Adalah* <http://ejournal.radenintan.ac.id/index.php/adalah/article/view/176>