

The Protection and Management of Environment in Indonesia within the Islamic Law Perspective

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Abstract

Analyzing various certainties of The Almighty God Allah from his words stated in The Holly Al-Quran as the main sources of Islamic lesson and practices, it is obvious that Islam does not only control and determine the relationship between mankind and their creator, but it also provides guidance concerning other matters which relate to the life of mankind. Even, the number of Allah The Almighty God's sayings in Al-Quran concerning social relationships and encounters is far much higher than that of certainties regarding mankind's vertical relation matters with their creator. This article, basically, aims to analyze and criticize the protection and management of environment in Indonesia within the perspective of Islamic Laws or Principles.

Keywords: Environment, protection and management, Indonesia, Islamic Law Perspective.

I. Background

The dramatic increase of human population will consequently require the increase of living needs and thus the needs to explore natural resources, the decrease of land productivity, the limited availability of natural resources, and the increase of the level of pollution are some of the problems that the majority of the world largest countries are facing these days¹. These problems become more serious for many developing countries due to their low economic growth which does not run equally. This makes the income per capita of developing countries is far left behind compared with that of developed countries.

Consequently, many developing countries have tried to increase their income per capita by following strategies applied by developed countries through the use of modern technology. However, these developed countries have realized that their economic growth has resulted in other serious problems such as environmental degradation and pollution that have affected not only their own but also many other countries in the world, and not to mention many other living species in the universe.²

This condition has resulted in different views and perceptions among countries whether or not they shall continue using modern technology forever for their own sake whereas other countries (mostly developing countries) would suffer and prefer to propose a healthy life environment in their development. Hence, with the implementation of the United Nation International Conference on Environment and Climate Change in Stockholm, Sweden,³ all countries have declared that the problems of environmental management have become an international problem.⁴ Finally, many other people in the world have reached the same commitment, that is: "the problems of environmental management are serious and the solution cannot be done alone by a certain country but it should be done cooperatively, collaboratively, integratedly, as stated in the Stockholm Declaration."⁵

As a developing country, Indonesia has also similar problems like other developing countries.⁶ It must be realized that the problems of civil demography or citizenship, natural resources, and environmental pollution are all interrelated. Hence, Indonesia has been applying its development systems based on environmental safety and this has been adopted since the rule of president Soeharto in the New Order period.⁷

¹According to Richard Stewart and James E. Krier, the problems of environment can be divided into three main categories, namely: *pollution, land misuse, and natural resource depletion*. See Richard Stewart and James E. Krier, *Environmental Law and Policy*, New York: The Bobbs Merrill Co. Inco. Indianapolis, 2008, pp 3-5.

²Some examples of environmental degradation which account for negative effects on human health are: mercury pollution in Minamata Peninsula, Japan, air pollution in London in 2005; air pollution in Pennsylvania 2009; environmental pollution in Love Canal, USA and Wabigon River Pollution in Canada. See Ditri and Ditri, *Mercury Contamination, a Human Tragedy*, (2009), John Willey & Sons, Toronto, 2007, p. 16. See also Hicky, *Air Pollution in Environment, Resources, Pollution and Society*, Sinauer Association Inc., Stanford, 2011, p. 2.

³The Conference has confirmed that the date of 5 June has been decided to be "the World Environment day".

⁴Koesnadi Hardjasoemantri, *Environmental Administrative Law*. Jogjakarta, Gajah Mada University Press, 2012, p. 8.

⁵Koesnadi Hardjasoemantri, *Environmental Administrative Law*. Jogjakarta, Gajah Mada University Press, 2012, p. 9.

⁶According to certainties and regulations which control the environmental management in Indonesia, there are two types of environmental problems, they are: environmental pollution and environmental degradation. See certainty Number 4 Year 1982 concerning Basic Regulations of environmental management which has been modified and substituted by Certainty Number 23 Year 1997, which has been substituted with Certainty Number 32 Year 2009 concerning Environmental Management.

⁷Emil Salim, *Environmentally Sound Development*, Jakarta, LP3ES, 2006, p. x.

Nevertheless, it must be noted that during the post reformation era, which has been going on for 17 years since 21 May 1998 until the present time,¹ but there were still many Indonesian people who did not have enough understanding about good environmental management system. Many of them still believe that the problems of environmental management are only related to pollution.² Therefore, this does not only bring problems for the industrialized countries, but also to other countries in the world, and it is the fact that this problem can be indeed very heartbreaking in nature.³

It is obvious that the majority of Indonesian total populations are Muslims. And it is clear that Islam also concerns and organizes not only human relations with the God as the creator of the universe but also controls the relationships between human beings and their environment. Even, the number of The Almighty God, Allah's saying in the Al-Quran which prescribe human social relationships (*muamalah*), is far greater than that which prescribe their relationship with the creator of the universe (Allah, the Almighty God),⁴ especially those which prescribe the protection and management of environment of the universe, these include for example:

First, The Almighty God's sayings which mention the universe, the aims of the universe creation, and other human life beings and advantages that the human can take through the universe and environment.⁵

Second, the Almighty God's sayings which explain and concern with environment and human living resources such as, land, water, and air.⁶

Third, the Almighty God's sayings which explain and concern with environmental degradation, and mankind who do not care about the environment and mankind and those who act violently without authority, and the environment degradation happens due their own brutal actions.⁷

Fourth, the Almighty God's sayings which explain that human should maintain and protect the environment and keep the balance of the universe ecosystems.⁸

Ultimately, it is quite apparent that in this paper, the author attempts to analyze and criticizes the protection and management of the environment within the perspective of Islamic law systems.

II. Mankind and Their Environment

There was, actually, a "debate" or "argumentation" between the Angels and the God when he told them that The Almighty God would be willing to create a creation that would be sent to the earth as a caliph and this creation was named mankind or human beings. It is a truth, but not a warning that was pointed out by the Angels to The Almighty God that the intention of the creation was that: "mankind is likely to destruct or harm the universe and keen on killing each other; but then the God replied that he would know everything that will happen in the future".⁹ Finally, the mankind was created, and even Allah The Almighty God has instructed all the Angels to show respect by lowering down their back to the first created mankind".¹⁰

To this mankind, Allah The Almighty God has taught him some lessons and knowledge about various kinds of the other God's creations in the earth, the knowledge (lesson) that was never taught to the other creations before, including to the Angels, the most obedient creation of the God.¹¹ Furthermore, the created mankind was also provided with guidances and instructions to be implemented and practiced or followed in the

¹There were at least eight requests for reformation made at that time, they are: (1) Revision of the 1945 National Constitution; (2) Deletion of ABRI (Indonesian Military Force) dwi-functions; (3) Enforcement of Law, Human Rights, and Eradication of Nepotism, Collusion, and Corruption; (4) Regional Autonomy; (5) Freedom of Press; and (6) Realization of Democracy.

²Some experts believe that the emergence of the environmental problems is caused by inappropriate social values which put more emphasis on the human needs fulfilment rather than the environmental safety. See Takdir Rahmadi, *Environmental Laws in Indonesia*, Raja Grafindo Persada, Jakarta, 2013, p. 9.

³According to Richard Steward and James E Krier, some of serious impacts of environmental degradation either caused by pollution or by natural resource depletion, are for examples, threats of human health problems, aesthetical degradation, economic growth reduction, and disruption of natural ecosystems. See Richard Stewart and James E. Krier, *Environmental Law and Policy*, New York: The Bobbs Meril Co. Inco., Indianapolis, 2008, pp. 6-7.

⁴For Islamic believers, the whole contents of the Al-Quran and perhaps the contents of any other holly books of other God's religions are basically the "God's messages". However, all Muslims believe that Al-Quran is the last God's messages in the form of a holly book known as Al-Quran. See Al-Quran, Ali Imran (3) verse 19. Furthermore, Al-Quran is the God's messages which further continue, improve, and even complete the previous religious holly books. See Al-Quran, Al-Maidah (5) verse 3.

⁵See The Holly Al-Quran, Al-Baqarah (2) verses 22; Al-Anbiya (21) verses 16-18; Shaad (38) verse 27; Ad-Dukhaan (44) verse 38; Al-Nazi'at (79) verses 23-33.

⁶See, The Holly Al-Quran, Al-Baqarah (2) verse 53; An-Nuur (24) verses 40, 43, and 45; Al-Ahqaf (46) verse 3.

⁷See, The Holly Al-Quran, Al-Baqarah (2) verses 22 and 205; Ar-Ruum (30) verses 41-43; and Al-'Alaq (96) verses 6-7.

⁸See The Holly Al-Quran, Al-Baqarah (2) verse 30.

⁹See The Holy Al-Quran, Al-Baqarah (2) verse 30.

¹⁰See The Holly Al-Quran, Al-Baqarah (2) verse 34.

¹¹See The Holly Al-Quran, Al-Baqarah (2) verse 31.

universe in order to be safe either in the world or hereafter in the day of judgement.¹

Islam views mankind as a creation that has a higher level or quality compared with the other God's creations in the universe either living or non-living.² Mankind is made with a perfect combination of concrete and non-concrete substances that is why Allah The Almighty God calls him as the best creation of his own ever.³ Due to this perfection of the making of the mankind, thus they are quite eligible to function as the caliph in the universe.⁴

In operating their function as a caliph in the universe, mankind has been given freedoms to make decisions and choices, but every decision and choice they make that are manifested in their life practices and activities in the world will be later weighted and judged in the day of judgement later, making all mankind are categorized or grouped according their quality.⁵

The willingness to receive these freedoms along with their responsibility for anything they do during their adventure in the universe have made the mankind's life more meaningful, and thus their existence is considered perpetual or everlasting.⁶ It is an individual freedom, and therefore, their responsibility account is also treated individually with no course of exchange, trusteeship or guardianship.⁷

Because the creation of mankind is made through two substances, concrete and non-concrete, their life and needs are also divided into two; they are concrete and non-concrete welfares. The fulfilment of these two welfare needs should be done in a balance condition in which there is no one to be put aside above the other.⁸ Although in reality, mankind has concrete substances and also has concrete needs for their welfare, to support their non-concrete life needs and they need to work together with other creators. This collaboration can be in the forms of interaction and interdependence which can result in material recycles and energy transformation in a system of various living network.⁹

With the essence of these substances, mankind cannot put themselves away from living chains and networking, no matter how strong they are, because substances and energy that they need for living come from the interaction and interdependence of these substantial components. Therefore, all mankind should realize that they need other living species and they need to keep a balance and harmonious relationship with their environment. With the given status of the caliph of the universe, it does not mean that mankind can do what they want, because a caliph is not a king who have an absolute authorized power, but in fact they are the one who will be responsible for whatever they did and led and they need to be justified later in the day of judgement. Mankind brings the function of caliph and brings welfare to the universe.¹⁰ Thus, the universe which was created by the God in a balance condition¹¹ will be helping in the making and preparing of the day of judgement hereafter, the day where everything ends up forever.

The universe and all its contents are created for the sake of mankind,¹² either available in soil, sea, air, or elsewhere in the whole universe.¹³ Thus, it is up to the mankind to utilize all the contents and resources of the universe for their own living. However, it must be remembered as well that although all natural resources are made for them to fulfil their living needs, the existence of such resources can also bring a good lesson for mankind so that they will recognize the creator of the universe (the God).

Beside, mankind also have obligations that they need to fulfil, that is to keep the universe ecosystem in a balance and a good condition and not to make any disruptive moves or actions which can harm animals, mammals, trees, and other living species unless they are naïve and abnormal.¹⁴ No matter how small and useless a creation in the eyes of mankind is, the fact is that it is created for a certain intention and meaning.¹⁵ Nevertheless, the location of where the uselessness of the creation is can be used as part of the lessons provided for mankind to be understood well.

Some changes that have been made by other living species throughout their daily life activities are regarded as normal and natural and they range from maximum and minimum continuums or poles. Thus, the

¹See The Holly Al-Quran, Al-Baqarah (2) verse 38.

²See The Holly Al-Quran, Al-Israa' (17) verse 70.

³See The Holly Al-Quran, At-Tiin (95) verse 4.

⁴See The Holly Al-Quran, Al-Baqarah (2) verses 30-31.

⁵See The Holly Al-Quran, Al-Baqarah (2) verse 256; Al-Hujarat (49) verse 13.

⁶See The Holly Al-Quran, Al-Bayyinah (98) verses 6-7.

⁷See The Holly Al-Quran, Al-Zazalah (99) verses 7-8; Al-Israa' (17) verse 13.

⁸See The Holly Al-Quran, Al-Qalam (68) verse 77.

⁹Soeryani, et al. eds. *Environment: Natural Resources and Population in Development*, Jakarta, UI-Press, 2007, p. 3.

¹⁰See The Holly Al-Quran, Huud (11) verse 61.

¹¹See The Holly Al-Quran, Al-Mulk (67) verse 3.

¹²See The Holly Al-Quran, Al-Baqarah (2) verse 38.

¹³See The Holly Al-Quran, An-Nahl (16) verses 5-14; and Al-Hadiid (57) verse 25.

¹⁴See The Holly Al-Quran, Al-Baqarah (2) verse 205.

¹⁵See The Holly Al-Quran, Ali-'Imran (3) verse 19.

substantial recycling process and energy transformation have been running normally. Mankind is basically a kind of the God's creation that has a living strategy where they consider and pay enough attention to capacity of environment for growth level of the new born babies which is one in every birth delivery, and this baby is born in a weak condition, so that she/he needs to be protected, looked after, and prepared for future living independently.¹

It is obvious that, mankind should never have any problems with their environment. It is all because of their isolation and fugitiveness that make mankind keen on consuming and exploring the environment and its natural resources far more than they actually need and all of these natural resources and environment have become more limited and exhausted from time to time, and they still attempt to exploit the resources without considering the stability of the ecosystem thus making themselves very much involved by shortening the lifespan of the environment and life recycling. The change in perception of mankind about themselves as the caliph and the legacy of the universe has made them cruel and not wise in managing and utilizing the natural resources available in the universe for their living needs.

Consequently, it is wise that mankind, in their daily life activities, should always pay enough attention to their complex living environment which is essential that they need to look at the whole structures and functions of the environment based on the basic principles of the universal living creations which interact and are interrelated from one to another to form a harmonious relationship between mankind and their environment.

III. Mankind and their Living Needs

In their life, mankind has various kinds of needs that need to be fulfilled, and as suggested by Abraham Maslow, these needs are categorized into seven hierarchical groups starting from the lowest one, that is a physical need to the highest one, that is a self-actualization need.² He views that mankind tends to fulfil their higher needs when the lower ones have been fulfilled, thus during their life span, they are encouraged to increase their need levels or steps although there are only a few of them manage to reach the highest level or step.³

Various kinds of physical needs of mankind that need to be fulfilled are those which are basic for living, including for example: foods, clothes, and housing.⁴ The quality of mankind's basic needs is subject to change from time to time, along with the rapid change of human culture. The same also applies for other needs and the change of human thinking pattern or perception about life can also affect their life consumption toward natural resources available.

Islam never limits their believers to increase their life quality and welfare as long as they do not harm other living species and environment. This means that their existence as a caliph within the universe is approved and protected by Islam. Thus, people will make a big misconception when trying to interpret Maslow's theory inappropriately, because when mankind manage to fulfil all their highest needs it does not mean that they have reached the top of their happiness.

According to Islam, the real happiness is that in the hereafter (the day of *akhirat*, after life), and according the history of the mankind's making, they are currently living in the universe not only for fulfilling all their living needs, but also for preparing their needs of life in the day after.

Hence, the quality of mankind's living needs is not identical with their life quality. This is because the increase of their living needs does not go in line with the increase of their life quality. In other words, the increase of their life quality does not determine their living need quality. Mankind can reach their lowest quality of life with the highest quality of living needs and on the way around they can also reach their highest level of life with only the lowest level of living needs. This proves that, in fact, the quality of mankind's life is indicated through the inward aspects, and it is through this aspect (inward) mankind appears much higher than those of other living species, including those ever created by Allah The Almighty God of the universe.

In fact, through this inward quality mankind is given a freedom, and only with this freedom they can have a meaningful life. An thus, because of this, Allah, The Almighty God says, the level or the quality of mankind is seen from what they have done for good deeds,⁵ and that the current happiness which is seen from the completion of their outward living needs, is no more than a fake and unreal evidence, because the real happiness is the one that they deserve to achieve in the day of after (*kampung akhirat*).⁶ Thus, mankind will find themselves trapped in the earth if they put much emphasis and effort on fulfilling their outward living needs and happiness.

¹Soerjani, et. al. eds. *Environment: Natural Resources and Population in Development*, Jakarta, UI-Press, 2007, pp. 5-6.

²Andrew Crider, et al., *Psychology*. Glenview, Illinois USA: Scott, Foreman and Company, 2013, pp. 138-139.

³Andrew Crider, et al., *Psychology*. Glenview, Illinois USA: Scott, Foreman and Company, 2013, p. 138.

⁴Hardin in his paper entitled "*The Tragedy of the Commons*" explains that an economic factor is a dominant factor which accounts for environmental problems. See Garret Hardin, *The Tragedy of the Commons*, Library of Congress, 2007, p. 16.

⁵See The Holly Al-Quran, Al-An'aam (6) verse 123.

⁶See The Holly Al-Quran, Al-An'aam (6) verse 32.

IV. Managing Natural Resources

After understanding their self-actualization and the actualization of their living nature or habitat, mankind need to understand as well what they need to do with natural resources that have been provided for them. Natural resources have been created and provided for mankind's life needs. However, "it is not for fulfilling their life needs that mankind was created".

All natural resources which were provided for mankind's property welfare and those which serve their belongings can also be challenging and testing for them; with these resources mankind will be justified whether they pass or fail in their life. Obviously, mankind should never have problems with the management of these natural resources if they follow all regulations and certainties (rules of the game) that they have agreed upon.¹ Consequently, with reference to the management of natural resources, Islamic Laws have prescribed certainties as follows:

1. Not to Make Any Harms in the Universe

There are many verses in The Holly Al-Quran which stress that mankind should never make any harmful actions in the universe. These actions have been worried by the angles since the early beginning.²

Types of the harms, according to the theory of environment can happen in various kinds of human living activities such as: utilizing natural resources excessively much more than needed (*maximum sustained yield*); disconnecting one of food chain mechanisms or web of life; exploiting brutally substance recycling mechanism which accounts for environmental pollution and disorder and disrupts the stability of the environment.³

Furthermore, the harms can also happen or be triggered up through various kinds of mankind activities such as through collecting and owning heaps of resources that can effect and harm other people or communities who also need them. Exploiting manpower which lowers down or underestimate their social status, breaking social safety, destroying human family relationship and harmony, neglecting poverty, ignoring education and religion, and any other human activities can also harm the environmental management.

2. Be Friendly with the Environment

Although different with what have been pointed out through the sayings of animism and dynamism beliefs, Islam has also encouraged mankind to be friendly with the environment.

The existence of flora and fauna which gives benefits to human being, needs to be synchronized with an "appropriate or acceptable behavior".⁴ In executing or killing animal for food, for example, Islam has encouraged mankind to do it very softly and friendly by facing the animal face to "Kiblat" (a place in Mecca to which all Muslims prayers direct or face), making the intention just for Allah the Almighty God, and making the knife sharpened enough so that the executed animal will not be severely killed.

Even in one of the Prophet Muhammad's sayings, it is stressed that anyone who is ignorant in feeding his/her pet animals whereas they need some food and drink to consume and they are not capable of doing so because they are trapped or garaged, causing death to these animals, this man will never be placed in the heaven later in the day of judgment. And this is strengthened by the God Allah the Almighty that: They are all animals in the universe (earth) and birds, flying with their wings, and are all my creations, also mankind".⁵

3. Not Being Wasteful or Extravagant

Islam approves the rights for human to use and manage all natural resources provided for their living needs. However, using them excessively with wasteful behavior is prohibited and not acceptable.⁶ Even Allah, The Almighty God has placed this wasteful or extravagant man into the satanic community of colony. Apparently, as suggested by Allah, The Almighty God to all mankind that satanic devils are clearly the human's enemy.⁷

¹See The Holly Al-Quran, Al-An'aam (6) verse 32.

²Rio Conference known as Earth Summit held in Rio de Janeiro, Brasil 1992, has achieved several deals, some of them include: An agreement for fostering a committee for a sustainable development where one of its function is to monitor all of the Rio Conference agreements and Agenda 21. See David Hunter, James Salzman, Durwood Zaelke, *International Environmental Law and Policy*, Washington DC, University Book Series, 2008, p. 303.

³According the experts' views, there are at least five factors which can account for environmental problems, they are: technology, population growth, economy, politics, and life values which prevail. See Takdir Rahmadi, *Environmental Laws in Indonesia*, RajaGrafindo Persada, Jakarta, 2013, p. 6.

⁴See The Holly Al-Quran, Al-Baqarah (2) verse 205.

⁵See The Holly Al-An'aam, (6) verse 38.

⁶Natural resource depletion can be regarded as an action of utilizing natural resources unwisely, making them worsened in terms of both quality and quantity and making them extinct gradually. See Takdir Rahmadi, *Environmental Laws in Indonesia*, RajaGrafindo Persada, Jakarta, 2013, p. 2.

⁷See The Holly Al-Quran, Al-A'raaf (7) verse 31, and Al-Israa' (17) verses 26-27.

In the theory of environment, wasteful behavior can happen when there is no balance between material exchange and energy transform, or in other words, wasteful or extravagant life behavior can be associated with the use of natural resources which is not synchronized with the actual needs.¹ Hence, wasteful behavior is seen as a crime alone, because it can reduce or limit other people of living species from using a certain kind of natural resources.²

4. Thinking of the Next Generation

Apart from teaching believers how to live well in the hereafter, Islam also teaches its believers to consider the importance of the next generation's life. Therefore, mankind is destined to accept all well beings and good deeds which continuously flow for them although they have already died.

The principle of "amal jariyah" (good deeds) is a principle of development which does not only bring benefit to oneself for the current time but also for the day after to next generation as well. Therefore, the Prophet Muhammad has confirmed that anyone who grows olive trees will receive continuous good deeds and this is a good example or lesson of environmental management.

5. Increasing the Social Welfare.

Islam suggests that the welfare that is achieved by someone is not for himself or herself alone, because she or he must donate some of his or her earnings for those who are in needs or those who are eligible for the charity.³

Furthermore, they ways of how the charity should be done are also prescribed so that the charity works properly as expected. Any kinds of tithes,⁴ charities, and donations are examples of humanitarian acts which aim at seeking the God's merciful and blessing and increasing social welfare.⁵ Through this system, the disparities in social welfare which can account for the environmental management can be eliminated and banished.

V. Conclusions

Based on the above description, it can be concluded that:

1. The protection and management of environment in Indonesia in the perspective of Islamic law has been stated simply in the statement: "*Baldatun Thoyyibatun wa Robbun Ghofuur*", meaning that a country which is nice, prosperous and approved by the God, the Almighty.
2. The concept of *Thoyyibatun* is an ideal quality that must be owned by every stake holders of living componets, including mutual connection of every componets.
3. Meanwhile, the concept of *Robbun Ghofuur* is an explanation criterion for *Thoyyibatun* concept so that the protection and management of living environment in Indonesia within Islamic Law perspective is inseparable from transcendental values and this is accordance with the function of mankind as a caliph in the universe.

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¹Thus, according to Hamish McRae, lack of pure water can be a very serious natural resource problem which the world will face in 2020, *Power, Culture and Prosperity: an Insight into the Future*. Binarupa Aksara, Jakarta, 2015, p. 135.

²One the differences between environmental degradation and natural resource depletion lies on the fact that the degradation occurs when there is an additional substance or chemicals, energy, or component which comes into living environment or a certain ecosystem. Conversely, natural resource depletion means that the natural resources which remain in their own or original natural context are exploited continuously and excessively by human and this has resulted in the depletion of natural resources quality and quantity and which, in turn, affects the depletion of environmental quality. See Takdir Rahmadi, *Environmental Laws in Indonesia*, RajaGrafindo Persada, Jakarta, 2013, p. 3.

³See The Holly Al-Quran, Al-Baqarah (2) verse 215.

⁴Zakat is the third pillar of Islam which is obligatory for anyone who gains more than needed to contribute a certain amount of his earnings for the poor. Zakat is not similar to taxation which is made liable to a country. Thus the two should be treated differently.

⁵According to A.M. Saefuddin, that important zakat (tithe) is, therefore Allah, The Almighty God has instructed to mankind to pay zakat through the Holly Al-Quran for 82 times. See Mohammad Daud Ali, *Islamic Economic System of Zakat and Waqf*, Jakarta, UI-Press, 2008, p. 9.

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