

Environmental Protection Based on Islamic Law and Epistemology in Indonesia

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ABSTRACT

Indonesia is the largest Muslim country in Southeast Asia. However, this does not guarantee that the implementation of a diverse Islamic life can run well, environmental damage is an example. As a result of the environmental damage, seasonal disasters always hit Indonesia. Based on Islamic epistemology, environmental damage is proof that environmental protection is not going well. If an understanding of Islam is really carried out properly, then humans will protect nature as if they take care of themselves, so the purpose of this study is to reveal the role of the meaning of Islamic epistemology in providing an understanding of environmental protection. This type of research uses normative legal research, namely legal research conducted based on statutory regulations and library materials. Related to this type of research, the approach used in this paper is a conceptual approach to law and a historical approach. The final result of this research is the role of understanding Islamic epistemology in helping environmental protection is very real and useful if it is understood more deeply and applied properly

Keywords: Environmental Protection, Islamic Epistemology

INTRODUCTION

Indonesia is included in the top 10 countries that have the largest and densest population density in the world. Survey results from the National Statistics Agency (BPS) in September 2020 the population of Indonesia amounted to 270.20 million people. The total population of the SP2020 results has increased by 32.56 million people compared to the SP2010 results (BPS, 2021). The results of other data from the population administration stated that in 2021 the Indonesian population experienced a surge in population to 272.2 million people. Indonesia is a country with a fast population growth rate. As for the religion practiced in Indonesia, the majority is Islam.

Islam contains various aspects that regulate humans, both vertically, namely human relations with God, horizontal relations, namely human relations with humans, or humans with nature or creatures. This aspect is illustrated in the Qur'an, which is known as faith, Islam and *ihsan* (Evra Willya, 2018). Islam as the ideological superstructure of Muslim society is believed to have values that are quite intense in environmental engineering, but factually the appearance of ecological behavior on the surface of Islamic society still seems to vary (diverse). Some are quite high, moderate, and low. In fact, it is the latter category that characterizes most Muslim communities.

Although there are quite a few Qur'anic verses and Prophetic Hadith that talk about the environment. Either by direct or indirect expression or by narrating ecological cases. (Fabiana Meijon Fadul, 2019). Worship in Islam is also closely related to the environment, when Muslims will pray, each of them needs wudlu water to purify themselves (limbs). This reflects that Islam is close to the environment.

The rapid growth in Indonesia is a threat to the environment. *The biggest problem faced by the environment is the explosion of the human population* (Yi & Borzée, 2021). The triggers are *a large population of occupation equals a large use of natural resources and is repeated over and over* (Riekhof, Regnier, & Quaas, 2019). Human actions not accompanied by good environmental education will negatively impact the environment.

Environmental education has been taught at school and university levels, even in law study programs, there are environmental law courses, where environmental law discusses the basis for environmental protection and management in Indonesia. However, the level of awareness of the environment in Indonesia is still weak, this is evidenced by the substantial

number of rivers that are polluted by industrial activities and by community activities, besides other environmental pollution is the result of uncontrolled waste, Trias explained “*One of the environmental problems faced by Indonesia is waste. Garbage is a leftover item, but with a large population, the waste generated is also large. need special attention*”(Hernanda, Maslikan, & Ayub, 2020)

Indonesian society has a dominant character that is religious, and Islam is the majority religion and Islamic culture dominates the daily life of Indonesian society. “*Indonesian culture has a relationship with Islam. This is because the majority of Indonesia’s population is Muslim. culture is preserved from generation to generation*”(Rianti, Novenia, Christopher, Lestari, & Parassih, 2018). Unfortunately, in the Islamic culture that is applied daily in Indonesia, environmental issues are not a priority in the field of da’wah, only those who have a high awareness of the environment, who dare to preach about the environment. besides that, the needs of economic needs due to development and the development of technology make Indonesian people even further away from environmental awareness derived from Islamic values.

Indonesian law also has environmental protection instruments. The beginning of the formation of Indonesia’s national legal instruments related to the right to a good and healthy environment, has been outlined in Article 28 of the Charter of Human Rights as an integral part of the decree of the People’s Consultative Assembly of the Republic of Indonesia (MPR RI) No.XVII / MPR / 1998 concerning Human Rights states “that everyone has the right to a good and healthy environment” (Waas, 2014) . In the constitution, it is also regulated, namely in Article 28H of the 1945 Constitution, which states that “Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment and the right to obtain health services”. In addition, instruments regarding the environment are also contained in Law Number 32 of 2009 concerning Environmental Protection and Management and Law Number 41 of 1999 concerning Forestry as well as in Law Number 32 of 2009 concerning Environmental Protection and Management.

RESEARCH METHOD

This type of research uses normative legal research, namely legal research conducted based on laws and regulations and library materials. Related to this type of research, the approaches used in this paper are legal conceptual approaches, and historical approaches. The

search for materials is based on existing legal materials in the form of laws and regulations or written works such as books and articles printed and internet relevant to the research's object.

The writing of this research uses a statute approach. Statute approach is an approach through legislation in which research is carried out by examining regulatory laws related to legal issues (Fabiana Meijon Fadul, 2019). Legal materials used in this research are primary, secondary, and non-legal legal materials. Primary legal materials in the form of the 1945 Constitution, Law Number 32 of 2009 concerning Environmental Protection and Management, Government Regulation Number 27 of 2012 concerning Environmental Permits, Government Regulation Number 24 of 2018 concerning Electronic Integrated Business Licensing Services, Regulation of the Minister of Environment and Forestry of the Republic of Indonesia Number: P.38 / MENLHK / SETJEN / KUM.1 / 07/2019 concerning Business Plans and / or Activities Requiring Environmental Impact Analysis. Secondary legal materials are official documents, including written works, textbooks, and legal journals. As well as non-legal materials in dictionaries to find research-related terms.

RESULTS AND DISCUSSION

1. Environmental Challenges in Indonesia

Indonesia is an archipelago, which has diverse natural resources. Indonesia's resources come from forests, mines, rivers, and the sea. Some of these natural resources are spread across several different islands, such as the islands of Kalimantan, Sumatra, Java, and Papua. These islands dominantly have natural resources that can help the Indonesian economy and can also help rural communities to fulfil their daily needs. For example, the islands of Sumatra, Sulawesi, and Papua. These three islands not only have good natural resources but also have problems in the natural resource and environmental sectors.

The Sumatran archipelago is facing a serious environmental problem, namely the destruction of forests. But Sumatra is only one of several large islands that are facing this problem and disrupting the island's natural resources (Ullah, Febriamansyah, & Yonariza, 2017). The problem of deforestation is the biggest in Indonesia, an archipelago with a large population facing the same problems as Sumatra, Kalimantan, Java, and most recently Papua. (Tsujino, Yumoto, Kitamura, Djamaluddin, & Darnaedi, 2016), illegal gold mine (Kambey, Farrell, & Bendell-Young, 2001) river damage and pollution problems.(Garg, Hamilton, Hochard, Kresch, & Talbot, 2018). Damage to natural resources causes the

environment to be damaged, as a result, many animals and birds become extinct and human populations in the future are also threatened (Nijman, Langgeng, Birot, Imron, & Nekaris, 2018).

The depletion of natural resources and the destruction of the environment are the result of irresponsible human actions. As a result of these actions, humans will bear the consequences. Natural disasters that often occur in Indonesia reflect the destruction of the environment in Indonesia. On the other hand, government policies are not always in line with environmental conditions in Indonesia.

Disputes about the environment are common and often occur in Indonesia. Both are triggered by the Indonesian government's policy of carrying out mass development movements in each region under the pretext of regional autonomy. A clear example of such conflicts is the conversion of forest areas into oil palm land on the islands of Kalimantan, Papua and Sumatra (Abram et al., 2017), illegal mining conflict in East Nusa Tenggara (Erb, 2016), customary land/customary forest disputes in Kalimantan. Triggered by non-implementation of social forestry (Resosudarmo et al., 2019). From some of these opinions, it can be explained that the challenges of environmental protection in Indonesia every year are always changing and leaving problems that have occurred in the past year.

1.1 Environmental Protection in Indonesia

Loss of some ecosystems and biodiversity in parts of the world. finally, make a change of mind from scientists to work together and also a change of mind for a solution of policymaking (Balvanera, P., Siddique, I., Dee, L., Paquette, A., Isbell, F., Gonzalez, A., 2014). Another opinion was conveyed by Robert Costanza “*good ecological carrying capacity and natural resources are a service to support the sustainability of the earth in the future. it is very important either directly or indirectly for living things and humans*”(Costanza et al., 1998). Indonesia is a country that has a variety of animals and plants (*biodiversity*). In addition, Indonesia's efforts in environmental protection are seen by being active in the environmental protection movement. This can be proven by ratifying concepts and programs related to environmental protection. For example, the concepts of sustainable development and REDD+, although the REDD+ program has been discontinued since 2021.

The goal of the sustainable development program is to synchronize environmental or ecological development. *“Natural resources and energy resources have a special relationship with society in terms of development. good energy management will have a reciprocal impact from nature on humans”*(ibrahim Dincer, 2013). Other than that, *“support for sustainable development continues, to provide a good path for nature and society”* (Holden, Linnerud, & Banister, 2014). *Renewable resources and good ecosystems are the keys to sustainable human development Humans need sustainable development for themselves, it comes from renewable natural resources and ecosystem services that are maintained naturally.*(Dubey et al., 2021). The concept of sustainable development has been adopted and incorporated into Article 15 paragraph (1) of Law Number 32 of 2009 concerning Environmental Protection and Management The article explains that the government and local governments are required to make a Strategic Environmental Assessment (KLHS) to ensure that the principles of sustainable development have become the basis and are integrated in the development of an area and/or policies, plans, and/or programs. Unfortunately, the implementation of this concept has not gone well. The proof is the natural disasters that occur in major cities in Indonesia, one of which is the capital city of Jakarta. *The era of rapid development and investment began in the Soeharto era, one of which was the capital city of Jakarta. the era was called the new order, the investment began to be opened very largely. its main focus is property, hotel, and economic investment development* (Pravitasari, Saizen, Tsutsumida, Rustiadi, & Pribadi, 2015) as a result, *Jakarta is included in the category of the capital city of a country that is threatened with drowning by water* (Hidayat, 2018). Predictions of Jakarta’s sinking are proven by the annual flood cycle (Eldi, 2021), the cause is the rapid development of large-scale development that is not in accordance with the concept of sustainable development, heavy rains (Marfai, Sekaranom, & Ward, 2015) and *an orderly culture that is not carried out properly by the riverside community.*(Martinez & Masron, 2020). Due to annual flooding and overcrowding, the capital will be moved to the island of Borneo.

Environmental protection in Indonesia requires special attention, as changing natural conditions affect the climate and environmental conditions. Environmental law enforcement in Indonesia is a weapon to protect the environment in Indonesia, but the Indonesian government is less serious in enforcing environmental law. This is evidenced

by cases of deforestation (Leijten, Sim, King, & Verburg, 2021), flooding, and river pollution.

Weak law enforcement and lack of legal awareness from the public make threats to the environment. Indonesian people's legal awareness of the environment requires guidance from the government, however, the government as the main actor of environmental protection in Indonesia seems weak. Development interests and attracting foreign investors are obstacles to environmental law enforcement as well as obstacles to the guidance of public legal awareness of the environment.

1.2 Government policy threats to the environment

Environmental violations are one part of human rights violations. In Indonesia, cases of environmental violations often occur. In the north coast of Java Island, there are districts that have environmental conflicts. the conflict occurred between the community and the cement factory in Rembang Regency (Harnanto, Ummah, Rekavianti, & Ratnasari, 2018). In addition, the latest is the threat of Law Number 11 of 2020 concerning Job Creation in paragraph 3 of Article 88 which reads: "Every person whose actions, business, and/or activities use B3, produce and/or pose a serious threat to the environment is absolutely responsible for the losses that occur from their business and/or activities". In addition, a person can also be subject to administrative sanctions if they conduct a business without a license and carry out actions that result in and/or damage the environment.

Indonesian government policies often have an impact on environmental protection. This begins with the issuance of laws or granting licenses to companies that intersect with the environment. For example, the contamination of Jakarta Bay from pharmaceutical waste containing Paracetamol, based on the analysis of Koagouw "*Two points were detected at the mouth of a large river in Jakarta. The substance detected was paracetamol. The two estuaries are located in industrial areas, residential areas, and economic areas*"(Koagouw, Arifin, Olivier, & Ciocan, 2021) , *the pharmaceutical factory is the suspect, this has been disclosed by the authorities* (Sheilanabilla, n.d.). Not only in Jakarta, but paracetamol also-forming substances are often found in rivers, and the sea such as in Great Barrier Reef Australia (Kroon et al., 2020). As explained by Sally Gaw "*The content of pharmaceutical drugs that are often used by humans for decades is often found in river water, coastal environments, and wastewater when checked by related parties.*"(Gaw, Thomas, & Hutchinson, 2014)

2. Islamic Epistemology

3. Greece gave rise to several terms used by several philosophers, one of which is epistemology. The root word of epistemology is *episteme*, which means knowledge. The use of the term epistemology was used in 1854 by Ferrier. The purpose of using the term is to distinguish the basic definitions of epistemology and ontology. In his study Ferrer explained that the study of ontology is the form, nature, and metaphysics, while epistemology is the validity of knowledge including nature, systematic studies, and sources of knowledge (Amin Abdullah, 1996).

Nazariyah al ma'rifah is another name for epistemology in Arabic. The term *nazariyyah al-ma'rifah* is also explained in Imam 'Abd's work. In his work the term explains two definitions of epistemology, namely;

1. Epistemology is a part of philosophy that explains the study of science including psychology, biology, sociology, and history and so on.
2. Narrowly defined, epistemology is a philosophical study that discusses the source, nature, and science of knowledge.

From the explanation above, it can be concluded that epistemology is a discipline that discusses and investigates the origins, sources, methods, processes and limits of a science or knowledge that leads to the nature of truth.

In the 8th-12th centuries, the progress of the Arabs was recognized by Western scholars. This progress is inseparable from several things, two of which are: first, the Quran has a significant role in the source of Arab science. Second, interacting with other nations such as the Vikings, Romans and Greeks made the Arabs recognize and learn some knowledge from other countries. In the teachings of Islam, knowledge has a prominent place. In fact, every Muslim is required to study knowledge, so learning knowledge from other nations is an obligation for every Arab citizen. The origin of epistemology between the Islamic world and the West has a difference, namely the difference in the object of study. According to Islam, science not only develops on rationalism and empiricism but also comes from revelation and recognizes intuition. Intuition is an inspiration from God in Islam. In the Western world, the object of epistemology is rationalism and empiricism.

4. Environmental Protection in Islamic Epistemology

In the teachings of Islam, there are ethics that is the foundation in studying science, besides that there is monotheism and legal rules (Moosa, E., 2012). Muslim faith must be built, especially the relationship with Allah in sending his messenger, and must also be infused in his activities (Robinson, 2014). Furthermore, Zulfahmi Alwi said (Alwi, Parmitasari, & Syariati, 2021) :

” They need to believe that the whole persona of the Prophet, such as faith, morals, worship, and government management, is suitable for all fields of life. Therefore, it is befitting for Muslims to make the Prophet the only role model of goodness in life. Allah the Almighty specified in Al-Ahzab 33: 21 (translated by Abdullah Yusuf Ali), that “Ye have indeed in the Messenger of Allah a beautiful pattern (of conduct) for any one whose hope is in Allah and in the Final Day, they will engage in praising Him.”

The opinion of Alwi explains that what is conveyed by Allah SWT is a good guide for his people. The exemplary attitudes of the Prophet Muhammad Saw are a supporting pillar as a role model in daily life.

Environmental protection in Islam is also an important study in the current era, in Indonesia several Islamic organizations such as NU with its Environmental Jihad and Muhammadiyah with its Ecological Jihad have begun to conduct education on environmental protection knowledge. in the Islamic world there are four types of epistemological studies, namely Bayani, Burhani, Irfani and Tajribi. Based on the four models of Islamic epistemology, it has a good correlation with the purpose of environmental protection. The goal is the long-term protection of humankind, Dahlan explained, *as human life continues to develop and evolve, ijihad (religious judgement or ruling especially responding to social context or phenomena) has an important role in maintaining the safety of human life (Dahlan, Bustami, Makmur, & Mas’ulah, 2021). Where the concept of ijihad (religious judgment or decision, especially responding to social contexts or phenomena) has a significant role in maintaining the safety of human life, because life runs dynamically not statically.*

The balance of religious life with the environment is indeed needed, based on Allah SWT’s command the function of man in the world is as a *khilafah*, therefore humans must be able to really interpret Islamic religious knowledge well, then apply it in everyday life. If the teachings of Islam are well implemented, then environmental

protection will also be well implemented. In Indonesia, which is Muslim, when viewed from environmental damage, it can be said that Muslims in Indonesia do not understand the concept of environmental protection taught in the Quran and Hadith. Environmental conservation and environmental protection are part of the explanation of religious life within the scope of Islam.

CONCLUSION

Indonesia is a country that has enormous natural resources, unfortunately it is not managed properly and there is no support from the understanding of environmental protection from the government or the community, although the majority of Indonesia's population is Muslim, it does not mean that it has a guarantee that the application of a pattern of life based on the Quran and Hadith is truly carried out. The same applies to environmental protection. In understanding Islamic epistemology, Muslims must be able to explain (*bayani*), have causal experience (*burhani*), actual experience (*tajribi*) and rely on intuition (*irfani*). If the four types of Islamic epistemology can be carried out by Muslims in Indonesia, then environmental protection in Indonesia will run well.

From the legal side, Indonesia has an instrument in the form of the 1945 Constitution, where citizens have the right to a clean and healthy environment, this shows that there must be a reciprocal relationship between humans and the environment. A healthy environment will have an impact on humans. In addition, Law Number 32 of 2009 concerning Environmental Protection and Management, Government Regulation Number 27 of 2012 concerning Environmental Permits and in Law Number 11 of 2020 concerning Job Creation. Threats for anyone who has a negative impact on the environment and humans can be threats in the form of administrative sanctions, minor sanctions to severe sanctions.

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