

Environment Conservation in Pressing Climate Change Environmental Fiqih and Islamic Law

Abdurohim

Institut Agama Islam Negeri Syekh Nurjati Cirebon, Indonesia
abdurohim21274@gmail.com

Abstract

The world's climatic conditions are increasingly concerning due to pollution from household waste to industrial waste which causes acid rain, climate change, ozone layer erosion, water, air, and soil quality must be considered so as not to cause harm to humans and other living things. Environmental preservation makes it a burden for humans as subjects to maintain environmental sustainability which is getting worse and weak supervision and law enforcement also affect the decline in water, soil, and air quality. This research was conducted to demonstrate the strategic role of humans in controlling water, air, and soil pollution as well as preventing climate change in issuing permits, monitoring, imposing sanctions, and efforts to overcome those that cause a spike in greenhouse gasses.

Keywords

environment; climate change;
Fiqh Al-Bi'Ah; Islamic law



I. Introduction

The environment is an important asset for humans. By protecting the environment, humans will get many benefits, such as obtaining food, breathing oxygen for free, and getting quality water. In addition, there are many positive impacts if we take care of the environment. Currently, in all countries, many campaigns raise issues so that people care more about the surrounding environment to avoid various environmental problems

Environmental problems that occur both locally, nationally, regionally and globally, are human today. caused by the increase in massive-scale development and the poor population relocation program. A lot of green lands are exploited into industrial land, plantations, and settlements. The effects of development are major changes in all sectors, such as changes in the economic sector, physical areas, consumption patterns, climate change, changes in natural resources and the environment, changes in technology, and changes in the value system (the way people think and behave towards nature). Along with the growth of industrialization in all aspects of life coupled with the increase in human needs for their daily needs, it has a more or less effect on changes in natural organisms and can disrupt the ecological balance. Likewise, population growth, carbon dioxide emissions, other toxic gasses from industrial factories, air pollution from motor vehicles, and cigarette smoke cause acid rain, climate change, ozone layer erosion, and global warming which are very dangerous for human life itself. , 2016), Climate change has had a very bad impact on Indonesia, especially in the food security sector and the fisheries sector. The drought that occurred in Indonesia changed cropping patterns which resulted in crop failure. In addition, climate change also changes ocean currents and causes ocean acidification, causing a decrease in fish catches (Narnina, 2017). If this condition cannot be overcome immediately, it is predicted that in the next hundred years sea level will rise 2-4 meters from the current coastal boundary, the main cause is the melting of ice in the North and South polar regions. In addition, the development of industrialization in several developed countries and the development of urban development also affects global warming, such as

in the Osaka area of Japan over the last 100 years the air temperature has increased by 2.6 c, while in Tokyo it has increased by 1.5 c. From 1931-1960, in central London, the average annual increase in air temperature was 11 c. Likewise in Indonesia, the average air temperature increased by 9.5 c. (Kurriwati, 2015).

Human relations and the environment have a symbiotic relationship of mutualism and harmony, (mutual need and complement each other), meaning that humans are very human in their management. However, the environmental crisis arises when humans interact with their natural environment, humans act as a source of sustainability, but on the same side, act as destroyers and polluters of the environment itself. This is what is often called environmental conflict. Human response to the environment is largely determined by ethical factors, spiritual awareness, intellectual skills, socio-cultural conditions, exploitative lifestyles, opportunities to act, and the influence of personal and collective interactions on the environment and its civilization depends on nature, as well as the environment in dire need of wisdom. (Mangku, n.d.).

Overall, this paper will describe the legal aspects of environmental conservation and climate change, which focuses on exploratory studies, namely a complete description of environmental conservation and climate change viewed from two aspects, namely fiqh al-bi'ah (environmental fiqh law) and Islamic law (al-Quran and hadith).

II. Research Method

This study uses a descriptive qualitative method described as a problem-solving procedure by describing the state of the object of research as data collection based on visible facts. This research is qualitative, namely research procedures that produce descriptive data. The research method is library research (library research). In this study, the authors describe and explain the interpretation. The research approach is a literature study approach through various media, namely commentary books, journals, articles, and other supporting references.

III. Results and Discussion

3.1 Understanding the Environment and Climate Change

The notion of the environment is that all objects and conditions, including humans and their activities, are contained in the space in which humans live and affect the survival and well-being of humans and other living bodies. (Buttocks, 2021), the environment is the spatial unity of all objects, forces, conditions, living things, including humans and their behavior, which affect nature itself, the survival of life, and the welfare of humans and other living creatures. (Hakim, 2015) the definition of the environment above, presumably the notion of the environment is a combination of all living and inanimate objects and all conditions that exist in the environment and the space it occupies, including physical, non-physical, chemical, socio-cultural living things, including elements of objects. Resources, climate, weather, conditions, and natural resources that are within the same scope, including humans and their behavior that affect the survival of life and the welfare of other living things. defines climate change as climate change caused either directly or indirectly by human activities so that it changes the composition of the global atmosphere (Buana, 2021) and natural climate variability over comparable periods which are called greenhouse gasses (Yuliartini & Suwatno, 2021).

Greenhouse gasses are needed to keep the earth's temperature stable. However, the increasing concentration of greenhouse gasses makes the atmosphere layer thicker. The

thickening of the atmospheric layer causes the amount of geothermal heat trapped in the earth's atmosphere to increase, increasing the earth's temperature, which is called global warming. (Karlina & Viana, 2020) The biggest contributor to global warming or the understanding of the greenhouse effect is currently carbon dioxide (CO₂) from motor vehicle emissions, methane (CH₄) from burning waste and animal waste, Nitrogen Oxide (N₂O) which comes from fertilizers, and gasses used for refrigerators and air conditioners (CFCs). (Handayani, 2016).

3.2 The Environment in the Concept of Fiqh Bi'ah and Islamic Law

a. Concept Definition of Bi'ah fiqh

Environmental conservation in Arabic is known as environmental fiqh (fiqh bi'ah). If examined from the semantic side, it consists of two words (compound sentences; mudhaf and mudhaf ilaih), namely the words fiqh and al-bi'ah. In language "Fiqh" comes from the word Faqiha-Yafqahu-Fiqhan which means al-'science bis-syai'i (knowledge of something) al-fahmu (understanding). (Al-Fairuzabadi, 2005) Meanwhile, in terms, fiqh is scientific knowledge of practical syara' laws taken from tafshili arguments (detailed). (bin Hasan Al-Asnawi, 1999)

The word "Al-Bi'ah" can be interpreted with the environment, namely: the unity of space with all objects, forces, conditions, and living things, including humans and their behavior, which affect nature itself, the continuity of life, and the welfare of humans and living creatures. others (Subyakto, 2015).

From the above understanding, it can be understood that environmental fiqh (fiqhul bi'ah) is Islamic provisions that are sourced from detailed arguments about human behavior towards their environment. bi'ah) are Islamic provisions originating from detailed arguments regarding human behavior towards the environment in the context of realizing the benefit of the earth's population in general to avoid the damage that occurs?

Thus, it can be illustrated that environmental fiqh (fiqhul bi'ah) is a branch of discipline in the environmental field that is built within the framework of Muslim philosophy and is based on fiqh. The birth of environmental fiqh (fiqhul bi'ah) is a revolutionary step and has a deconstructive character, considering that so far, fiqh has only been understood by the general Muslim community and is more narrowly synonymous with worship and muamalah. , saum, zakat, and hajj, while other fiqh such as political, economic, or environmental fiqh are still neglected (Yusuf, 2017). Religion has been seen as only dwelling in the realm of rites and symbols and tends to ignore developing social realities. (Zulaikha, 2014) When Islam was then associated with efforts to protect the environment, some people looked down on them. Whereas Muslims (ulama) have an important role in building public awareness about the importance of environmental conservation.

The concept of Fiqh al-Bi'ah has basic principles and values that must be guided as a practical basis in formulating and developing Fiqh al-Bi'ah, namely:

- 1) The creation of the universe, including the human cosmos environment, to protect the environment, several things need to be considered, namely:

- a. Keeping the Air

The activity of planting trees on land will provide great benefits to nature, such as maintaining the freshness of the air and oxygen. And in Islam, the activity of planting useful trees is a recommendation. Even when these plants or trees can benefit other living things, and maintain the existence of groundwater.

The purpose of creating the rain mechanism by God is actually so that the amount of clean water on earth which will be needed by all living things, especially humans,

can be maintained and guaranteed in terms of quantity and quality and can fill various human needs. BAK) in four water reservoirs that do not flow, such as roads, under trees that are bearing fruit, and so on. Rules like this signify that Islam forbids disposing of waste improperly because this will have an impact on environmental comfort and will pollute water, soil, and air.

b. Protecting the Land

In the Qur'an it has been explained about the reason for the existence of land (earth) for humans, contained in Surah Yasiin verses 34-35 and Al-A'raf verse 58 which explains that Allah created land for the benefit of all living things which of course is accompanied by with efforts and efforts to keep the land functioning properly. The form of business and effort is the cultivation and utilization of land, especially abandoned land. An abandoned land island that is not exploited and unoccupied. From the utilization of the abandoned land, it is hoped that it will not only provide results from the business or business that he does but can further become the owner of the land.

c. Protecting water

The command to preserve the environment (water) is contained in the QS. Al-Qasas (28): 77

“And seek in what Allah has bestowed upon you in the land of the hereafter, and do not forget your share of the world and do good, as Allah has done good to you, and do not mischief on the earth. Verily Allah does not like the doers of mischief.”(77) (NAFIA, 2017).

The word ahsin is taken from the word Hasan which means good. The word patron used in this verse is in the form of a command and requires an object. But the object is not named, so it includes everything that can be touched by goodness, starting with the environment, property, plants, animals, humans, both other people, and oneself. (NURJANAH, 2020).

- 2) Everything that destroys the balance and sustainability of this earth and the environment around us is a form of violation and denial of the maqosid sharia which is punishable by sin for the perpetrators, as QS al A'raf 56 which means "Do not cause damage to the earth (the world) after reform, pray to Him with fear and longing; Allah's mercy is always near to those who do good. The meaning of the content of the verse is a prohibition for humans to make damage after repairs (islah), namely when Allah created this earth. This shows that humans as protectors of the earth are a good place for human life. So that the prohibition of this destructive action is related to efforts to preserve a healthy and natural environment.
- 3) The state as the ruler has the obligation and responsibility to protect the rights of its citizens and the natural assets it has, through a government policy that is oriented towards common interests as the principles of tasuruf al imam ala al ra'yyah manut bil al maslahah. So that all actions that are detrimental to society and the state, the perpetrators must be subject to global legal sanctions. (Faizin, n.d.).

3.3 Environment and Climate Change in Islamic Law

In the concept of Islam, humans have a function as the Caliph of Allah SWT. On earth. The position as caliph requires that humans always interact with fellow humans and with nature. According to Quraish Shihab, the caliphate means protection, maintenance, and guidance so that every creature achieves the purpose of its creation. (Faizin, n.d.) Man's obligation to interact with other living things is indicated by the following verse:

And there are no animals on the earth and birds that fly with two wings, but people (also) like you. We have not forgotten anything in the Book, then to God, they are gathered together. (SRP, 2016).

Islamic protection of animals, indicated by the prohibition to kill or harm animals without a clear interest. The prohibition is based on the provisions in the following hadiths:

- a. The black dog is one of the ummahs. It was not created except for a good purpose, so its eradication will certainly create disturbances to nature (Habibah, 2015).

This hadith prohibits humans from killing an animal without a clear purpose, for example, to take advantage of it or to avoid the harm it can cause. This hadith also confirms that every animal and every living thing has a certain function in the life system of the universe.

- b. Prophet Muhammad SAW. Curses anyone who makes animate creatures a target to play with. (Santosa, 2013).

This hadith prohibits the use of living things outside of the functions inherent in these creatures.

- c. Prophet Muhammad SAW. also reminded, if someone kills a bird, then they (the birds) will cry on the Day of Judgment and complain to Allah SWT., "O Allah, the so-and-so has killed me in vain, he has not benefited anything. from me, and also do not let me live on Your Earth." (SRP, 2016).

This hadith shows that killing an animal to take advantage of the animal is permissible as long as it is by the provisions outlined by Islamic law.

- d. A woman who binds a cat will be put in hell, either because she does not feed it or because she does not let the cat find its food (Triastuti, 2016).

This hadith shows that every human being is obligated to protect the life rights of every animal.

- e. Whoever kills (even) a sparrow or even smaller animals without having the right to do so, then Allah SWT will hold that person accountable later (Zaki & Cahya, 2016).

This hadith prohibits humans from killing animals unless there is a strong reason for doing so. The justifiable reason, for example, is to take advantage of the animal, for example slaughtering a cow for meat. Another reason is to take refuge from the dangers that can arise from the animal, for example, killing a dog suffering from rabies because it is feared that it can transmit the disease to humans.

- f. "Love those on Earth, then those in the sky will love you" (SRP, 2016).

This hadith obliges humans to love living creatures on earth. In this context, love can be an action to protect its existence and use it sustainably

Apart from animals, other elements of biodiversity are plants. Islam also pays attention to the preservation of plants and the protection of them. This is indicated in the verse:

"And to Thamud (We sent) their brother Salih. Salih said: "O my people, worship Allah, there is no god for you but Him. He created you from the earth (earth) and made you prosperous, so ask for His forgiveness, then repent to Him, verily my Lord is very near (His mercy) and allow (the prayer of His servant)." (Abdullah & Mubarak, 2010).

The word prosperity in the verse contains a building concept in the form of reforestation efforts through planting movements for both food and beauty. Utilization of various natural resources both on land, sea, and air must be carried out proportionally and rationally for the needs of the community at large and always maintain the ecosystem. Allah has warned in the letter al'A'raf verse 56:

And do not do mischief on the earth after it was (created) well. Pray to Him with fear and hope. Verily, the mercy of Allah is very close to those who do good (Q.S. Al A'raf:

56.) Therefore, humans should be aware that the ecological crisis and natural disasters that occur are the actions of humans themselves. This is confirmed in the Qur'an:

Damage has been seen on land and at sea due to the work of human hands; Allah wants them to feel some of the (results of) their actions so that they return (to the right path). (Q.S. Aarun:41.)

Therefore, humans are required to be friendly and preserve nature and its ecosystem. Between humans and the universe need each other. If there is damage to the natural environment then of course it will hurt humans and society. The universe is human resources. The quality and survival of humans are largely determined by their environment. This universe is created in harmony with human life. If in the future the universe is no longer able to facilitate human life, then that is a sign that there is an organization between them. If such harmony occurs, then humans are responsible, because humans are the caliphs, the leaders of the universe as representatives of God's representation on earth.

V. Conclusion

Fiqh al-bi'ah is the regulation of Islamic legal norms that regulate human behavior and actions related to environmental conservation. As it is known, that the ecological crisis is mostly motivated by human actions. In this context, the significance of reconstructing the Fiqh al-bi'ah paradigm is to regulate the rules of good-bad or lawful-haram which will be the benchmark for assessing human actions towards the environment. The Islamic legal tradition regarding the protection of the environment and climate change can be followed up by adopting it in regulations regarding environmental protection, especially in aspects related to the role of the community and to prevent climate change around the area. Islamic law contains teachings about how humans behave and behave towards their environment. The various teachings on ethics towards the environment that it offers are the teachings contained in Fiqh al-bi'ah and al-akhldk al-karimah.

References

- Abdullah, Mudhofir, & Mubarak, M. Zanky. (2010). *Al-Qur'an & Konservasi Lingkungan: Argumen Konservasi Lingkungan Sebagai Tujuan Tertinggi Syari'ah*. Dian Rakyat.
- Al-Fairuzabadi, Muhammad Bin Ya'kub. (2005). *Al-Qamus Al-Muhith*. Cet. Viii.
- Bin Hasan Al-Asnawi, Jamaluddin Abdurrahim. (1999). *Nihayatu As-Sul Fi Syarhu Minhaj Al-Wushul Ila 'Ilmi Al-Ushul*. Beirut: Dar Ibn Hazm.
- Bokong, Reivan Fernando Christ. (2021). Upaya Hukum Terhadap Perlindungan Dan Pelestarian Lingkungan Laut Indonesia Berdasarkan Unclos 1982. *Lex Et Societatis*, 9(1).
- Buana, Anak Agung Ngurah Krisna. (2021). *Pengembangan Bahan Ajar Ipa Elektronik Berorientasi Lingkungan Pada Materi Pemanasan Global*. Universitas Pendidikan Ganesha.
- Djuned, Muslim. (2016). Perlindungan Dan Pelestarian Lingkungan Hidup Menurut Perspektif Al-Qur'an. *Substantia: Jurnal Ilmu-Ilmu Ushuluddin*, 18, 68–83.
- Faizin, M. (N.D.). Urgensi Fiqih Lingkungan Dalam Perkembangan Fiqih Kontemporer Sebagai Instrumen Pendukung Hukum Lingkungan Mu'adil Faizin Universitas Islam Negeri Sunan Kalijaga. *Nizham Journal Of Islamic Studies*, 5(2), 145–155.
- Habibah, Syarifah. (2015). Akhlak Dan Etika Dalam Islam. *Jurnal Pesona Dasar*, 1(4).
- Hakim, Dani Amran. (2015). Politik Hukum Lingkungan Hidup Di Indonesia Berdasarkan Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan

- Lingkungan Hidup. *Fiat Justisia: Jurnal Ilmu Hukum*, 9(2).
- Handayani, Liza Tri. (2016). Pola Penalaran Penggalan Teks Materi Ajar Bahasa Indonesia Dalam Buku Siswa Kelas Vii Kurikulum 2013. *Kajian Linguistik Dan Sastra*, 1(1), 48–60.
- Karlina, Widya Rainnisa, & Viana, Abilio Silvino. (2020). Pengaruh Naiknya Permukaan Air Laut Terhadap Perubahan Garis Pangkal Pantai Akibat Perubahan Iklim. *Jurnal Komunikasi Hukum (Jkh)*, 6(2), 586–757.
- Kurriwati, Nirma. (2015). Pengaruh Kualitas Produk Terhadap Kepuasan Dan Dampaknya Terhadap Loyalitas Konsumen. *Eco-Entrepreneur*, 1(1), 48–55.
- Mangku, Dewa Gede Sudika. (N.D.). Perlindungan Dan Pelestarian Lingkungan Laut Menurut Hukum Internasional. *Tanjungpura Law Journal*, 4(2), 161–177.
- Nafia, M. O. H. Fahmi Ilman. (2017). *Konsepsi Zuhud Dalam Al-Qur'an Perspektif Tafsir Al-Mishbah Karya M. Quraish Shihab*.
- Narnina, Ratu Gita. (2017). *Analisis Dampak Kenaikan Air Laut Terhadap Garis Pangkal Suatu Negara= Analysis Impact Of Sea Level Rise To Coastal State's Baseline*.
- Nurjanah, Meri Siti. (2020). *Implementasi Tradisi Wirid Surah Al-Kahfi Di Pondok Pesantren Miftahul Huda 407 Sumberjaya Lampung Barat*. Universitas Islam Negeri Sultan Syarif Kasim Riau.
- Santosa, Nyong Eka Teguh Iman. (2013). Ketika Muslim Mencintai Tetangganya. *Universitas Muhammadiyah Sidoarjo*.
- Srp, Sri Gilang Muhammad. (2016). Perlindungan Keanekaragaman Hayati Dalam Hukum Islam. *Jurnal Hukum Dan Peradilan*, 5(1), 73–90.
- Subyakto, Kukuh. (2015). Azas Ultimatum Remedium Ataukah Azas Primum Remedium Yang Dianut Dalam Penegakan Hukum Pidana Pada Tindak Pidana Lingkungan Hidup Pada Uu Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup. *Jurnal Pembaharuan Hukum*, 2(2), 209–213.
- Triastuti, Indah. (2016). Kajian Filsafat Tentang Kesejahteraan Hewan Dalam Kaitannya Dengan Pengelolaan Di Lembaga Konservasi. *Yustisi*, 2(1), 6.
- Yulianti, Ni Putu Rai, & Suwatno, Davira Syifa Rifdah. (2021). Ratifikasi Terhadap Traktat Persetujuan Paris (Paris Agreement) Sebagai Wujud Implementasi Komitmen Indonesia Dalam Upaya Mitigasi Dan Adaptasi Perubahan Iklim. *Jurnal Pendidikan Kewarganegaraan Undiksha*, 9(2), 564–577.
- Yusuf, Ibnu Adam. (2017). *Krisis Lingkungan Di Indonesia: Sebuah Kajian Ecosophy Dalam Pandangan Seyyed Hossein Nasr*. Uin Sunan Ampel Surabaya.
- Zaki, Muhammad, & Cahya, Bayu Tri. (2016). Aplikasi Maqasid Asy-Syari 'Ah Pada Sistem Keuangan Syariah. *Bisnis: Jurnal Bisnis Dan Manajemen Islam*, 3(2), 312–327.
- Zulaikha, Siti. (2014). Pelestarian Lingkungan Hidup Perspektif Hukum Islam Dan Undang-Undang. *Akademika: Jurnal Pemikiran Islam*, 19(2), 241–263.