



The Dynamics of Green Fatwa in Indonesia

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Abstract. One of the nations in the world with the greatest concentration of Muslims is Indonesia. As a country with many adherents of Islam, Muslim religious organizations, such as the Indonesian Ulama Council, Nahdlatul Ulama, and Muhammadiyah have a significant role in social life in Indonesia. Likewise, of course, for the issue of environmental protection, it is interesting to examine the role of Muslim religious organization, especially in issuing fatwas that can contribute to efforts to protect the environment. This study will discuss about the dynamics of the presence of “green fatwa” in Indonesia. This study will also discuss how the green fatwa contributes to efforts to protect and manage the environment in Indonesia.

Keywords: Environmental Protection, Fatwa, Islamic Law.

1 First Section

The Al-Qur'an, the Sunnah or Hadith of the Prophet Muhammad, as well as ijma and qiyas, are the sources of Islamic law. The purpose of ijma and qiyas, which are secondary sources of law, is to make the rules found in the Qur'an and Hadith more understandable. This is because the level of human understanding varies and is influenced by several factors, such as social conditions, time or period, and level of education.

However, at certain times, conditions or problems faced by Muslims may arise, and there is no explicit and detailed legal explanation for these problems from the Al-Qur'an, Hadith, ijma' and qiyas. In such conditions, the existence of a fatwa is also important to serve as a reference for certain problems faced. Because of its specific nature to respond to certain issues, this fatwa can also be referred to as a legal opinion from the Muslim cleric. In addition, by western scholars who study Islamic law, the fatwa is also referred to as Islamic jurisprudence [5].

The fatwa is not the primary source of law in Islamic law when it comes to its sources. Although fatwas can be classified as ijihad, they are not the primary source of law as a result of human thought. Additionally, fatwas play a significant role in Islamic law since they represent the viewpoint of Islamic jurists, or fuqaha, regarding the legality of a novel issue that emerges in society. The fatwa is one of the competent normative institutions to address or determine the legal position of a problem when it arises and there is no explicit legal provision, both in the Al-Qur'an, Hadith, and secondary sources of Islamic law.

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At present, the developments that occur in society are so dynamic, including with the existence of environmental issues or problems. Actually for the issue of environmental protection, the main sources of law in Islam, namely the Qur'an and Hadith, have regulated it through several verses and Hadith. However, the complexity of environmental issues continues to develop, and because of that, finally the scholars are also encouraged to give their opinion on these matters through several fatwas which substantially contain Islamic responses to several environmental issues.

Given the large number of Muslims in the nation, Muslim religious institutions like Nahdlatul Ulama, the Indonesian Council of Religious Scholars (Majelis Ulama Indonesia (MUI), and Muhammadiyah have a significant role in social life in Indonesia. Likewise for environmental protection issues, these Muslim religious organizations, especially the MUI as the largest organization, are interesting to observe their role in issuing fatwas that can contribute to the protection of environment efforts.

This study discusses about the dynamics of the existence of "green fatwas" or fatwas regarding the environment in Indonesia. In addition, this study also discusses how the green fatwa can contribute to efforts to protect and manage the environment in Indonesia.

2 Methodology

The normative legal research method is used in this study. supplementary data, such as from Al-Qur'an, Hadith and MUI Fatwas, becomes the primary material to be analyzed with statute and conceptual approaches.

3 Result and Discussion

3.1 The Concept of Environment Protection in Islam

In Islamic teachings, through the Al-Qur'an and Hadith there are already several provisions which substance emphasizes the obligation to protect the environment [9]. Al-Quran surah Al-A'raf verse 56, which says, "And do not do mischief on the earth, after it has been set in order, and invoke Him with fear and hope; Surely, Allah's Mercy is always near unto the good-doers," reflects some of these. Al-Qur'an surah Al-Baqarah verse 60, which says, "Eat and drink of that which Allah has provided and do not act corruptly, making mischief on earth," is another warning from Allah SWT."

The Prophet Muhammad's hadith also states that the Prophet made multiple declarations encouraging His disciples to uphold and promote environmental protection values. There is a Hadith that says, for instance, that the Prophet (sallallahu alayhi wa sallam) said to love every creature on earth, and that you will also be loved by [God] in the heavens. Jarir ibn Abdullah ra. (Told by al-Hakim, al-Turmuzi, and Abu Dawud).

However, even though the provisions regarding the environment have been regulated for a long time through the Al-Qur'an and Hadith, the movement of thought

in Islam that specifically examines environmental issues only emerged around the 2000s.

According to a study by Anna M. Gade, there has been a deliberate attempt to create "environmental fiqh (jurisprudence)" since the early 2000s. But in reality, there were a number of environmental writings by Islamic scholars as early as the 1970s. The public's awareness of environmental issues has also been aided by national figures like economist Emil Salim. Similarly, in the 2000s, a number of Muslim clerics started to independently publish non-binding legal rulings or fatwas on matters pertaining to the environment, such as whether it is unlawful for people to engage in activities that cause environmental destruction (haram).

The movement for thinking about Islamic values and the environment continues to develop, supported by a series of fatwas as well as by acts of activism or direct practical actions from several Islamic figures and organizations. In keeping with that, Aninda Dewayanti and Norshahril Saat's study identifies a few of these behaviors, such as: The MUI not only issued the fatwas but also founded the Lembaga Pemuliharaan Lingkungan Hidup dan Sumber Daya Alam, an institute for breeding the environment and natural resources, which publishes books and scripts for Friday sermons (khutbah). And there's the Eco-Masjid as well. The Nahdlatul Ulama was the driving force behind the founding of the Nahdliyin Front for Sovereignty of Natural Resources (Front Nahdliyin untuk Kedaulatan Sumber Daya Alam) and the Institute for Disaster Management and Climate Change (Lembaga Penanggulangan Bencana dan Perubahan Iklim).

Then, Muhammadiyah also initiated the formation of the Muhammadiyah Environmental Council (Majelis Lingkungan Hidup Muhammadiyah), and Muhammadiyah Green Youth (Kader Hijau Muhammadiyah). The idea of an Eco-Islamic Boarding School (Eco-Pesantren) has also begun to emerge, among others, that held by the Ath-Thaariq Ecology Islamic Boarding School, Garut; Misykat Al-Anwar, Bogor; Eco-Pesantren Daarut Tauhiid, Bandung; and Amumarta Islamic Boarding School, Yogyakarta [1].

Some of those activities, both in the form of fatwas and environmental protection practices through several institutional movements, show that environmental issues have indeed received serious attention among Muslims in Indonesia. This is certainly an opportunity to synergize with other stakeholders in efforts to protect the environment, such as the government, community leaders and non-governmental organizations that care about environmental issues.

3.2 The Dynamics and Obstacles

To respond to environmental issues, MUI has issued several fatwas regarding the environment, namely:

1. MUI Fatwa No. 02 of 2010 on Recycled Water
2. MUI Fatwa No. 22 of 2011 on Environmentally Friendly Mining
3. The Misuse of Formalin and Other Hazardous Substances in Fish Handling and Processing: MUI Fatwa No. 43 of 2012

4. MUI Fatwa No. 04 of 2014: Preserving Endangered Species to Preserve Ecosystem Equilibrium
5. MUI Fatwa No. 47 of 2014 on Waste Management to Prevent Environmental Damage
6. The utilization of zakat, infaq, alms, and waqf assets for the development of clean water and sanitation facilities for the community is outlined in MUI Fatwa No. 001/MUNAS-IX/MUI/2015.
7. The Law on Forest and Land Burning and Their Control, MUI Fatwa No. 30 of 2016
8. National Sharia Council Fatwa on Guidelines for Organizing Tourism Based on Sharia Principles, MUI No. 108/DSN-MUI/X/2016

Moreover, there were also decisions issued by the MUI which are quite controversial in substance regarding smoking, but are still related to environmental health issues. On January 24-26 2009 in Padang Panjang, MUI held the Ijtima' Ulama of the Indonesian Fatwa Commission III. The agenda of the Ijtima' Ulama was to discuss various problems of Muslims, and some of the decision points resulting from this activity are [3]:

1. The meeting attendees concurred that there were divergent views on smoking laws, specifically between makruh and haram.
2. The participants decided to order the Central MUI to issue a fatwa declaring smoking to be prohibited or makruh.
3. The participants concur that smoking is prohibited (haram) for the following groups of people: children, pregnant women, people in public places, and MUI Management Members..

If those fatwas are viewed closely, it can be seen that in general these fatwas can be categorized into two groups, namely: firstly, fatwas which content directly regulates certain environmental issues. The MUI Fatwa No. 22 of 2011 on environmentally friendly mining, the MUI Fatwa No. 04 of 2014 on the preservation of endangered animals to maintain ecosystem balance, and the MUI Fatwa No. 47 of 2014 on waste management to prevent environmental damage are a few examples of this MUI fatwa.

Secondly, fatwas which substance only regulates indirectly issues regarding the environment, but still need to be used as a reference for efforts to protect or create a healthy environment. MUI Fatwa No. 43 of 2012 on the Misuse of Formalin and Other Hazardous Substances in the Handling and Processing of Fish and the Decision of the Ijtima' Ulama of the Indonesian Fatwa Commission III of 2009 on smoking laws are two examples of these second group fatwas.

It seems that MUI has given positive responses to issues of environmental protection, through its fatwas, but unfortunately these fatwas regarding the environment are still not receiving serious attention from the Indonesian Muslim community. The lack of attention of Indonesian Muslims towards the existence of environmental fatwas is at least influenced by several factors, namely: firstly, related to the existence of fatwas in the context of Indonesian society, it seems that some people are more inter-

ested in paying attention to fatwas whose substance concerns about practical political issues [7].

Secondly, the issue of the position and legal binding capacity of fatwas in the Indonesian legal system is also still being debated. Studies from Sarip, Diana Fitriana and Elya Kusuma Dewi have even revealed that MUI fatwas do not yet have a strong and binding position as a source of law. In the Indonesian legal system, MUI Fatwas cannot be categorized as statutory regulations. The reason is because MUI Fatwas are not made by authorized officials and/or bodies and do not have general or public binding power, and do not have coercive instruments as formal law is regulated in the order of legislation [8].

Thirdly, the synergy between parties who are concerned about environmental issues in Indonesia has not been implemented optimally. Related to this, one of Jens Koehrsen's studies even revealed that there is still a kind of mutual distrust between environmental activists and religious scholars when they initiate thoughts or activities on environmental protection issues [4].

4 Conclusion

Environmental issues have become part of the problems of Muslims. In fact, since long ago, Islam has paid serious attention to efforts to protect the environment. Through several verses in the Al-Qur'an and Hadith, provisions regarding environmental protection have been explicitly regulated and emphasized. In the current context in Indonesia, environmental issues are being voiced again through the issuance of several MUI Fatwas. But unfortunately, the recognition and application of these green fatwas cannot be carried out optimally due to several factors, such as the problem of the binding strength of the fatwas and the problem of "incohesion" of some stakeholders.

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