



Environmental Jurisprudence and Its Implications for Mining Practices in Ngabang, West Kalimantan

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Abstract. The mining sector is one of the sectors that has the most massive impact on the surrounding environment, including the one in the Ngabang region, West Kalimantan. In the context of mining, it is not only a matter of economic and technical issues, but also other considerations, such as ethical and moral aspects emphasized by the principles of environmental jurisprudence. This research aims to investigate the implications of mining practices in the Ngabang area, West Kalimantan, based on the perspective of environmental jurisprudence in Islamic law. Firstly, it addresses the environmental impacts caused by mining practices, such as land degradation, water pollution, and ecosystem destruction. Second, it examines the approaches or principles of environmental jurisprudence, such as the principle of preservation (*hifz al-mawadi al-tabiiyyah*), the principle of preservation of customs and practices (*hifz al-urf*), and the principle of cooperation (*al -ta`awun*). The method used in this research is a juridical-normative approach, referring to primary and secondary data obtained in the last 10 years, to examine all aspects through the lens of environmental jurisprudence. The findings of this research show a correlation between mining practices in Ngabang, West Kalimantan, and the fulfillment of the aspects or principles of environmental jurisprudence. These efforts can help build awareness and moral responsibility between companies and the surrounding community, as well as the local government. Thus, it aims to achieve harmony between mining practices and environmental sustainability in line with the principles of preservation, preservation of customs and practices, and cooperation.

Keywords: Environmental Jurisprudence, Mining, Environment, Company, Local Government

1 Introduction

One of the issues that has been widely discussed in recent decades is climate change and environmental damage. Many perspectives can answer or analyze these problems, including Islamic law and its environmental fiqh [1]. The Qur'an one of the sources of reference in taking legal *istinbath*, regulates very clearly and in detail in

governance and the settlement of cases in the mining and energy sector as contained in QS al-Baqarah: 11-12. The environment is a unified scope where humans live and adapt in it. The existence of this environment, both scientifically and normatively, makes it an acculturation in the study of environmental fiqh [2].

Al-hukmu yaduru ma`a illati Manifestation wa `adaman. One of the goals of Islamic law is to respond to updated problems that occur in society from time to time. Changing times and the development of society necessitate a dynamic response to Islamic law because Islamic law is a responsive law (it is not an inanimate object that does not move and is unable to respond to the challenges of the times). Mohamad Rapik, Dynamics of Indonesian Jurisprudence. Environmental jurisprudence has become a boiling issue since the late 2019s, starting from the problem of smog, environmental pollution, and natural resources to mining, not only in foreign countries but also in Indonesia itself [3].

Even though positive laws regulate problems and settlement of cases in the mining sector, the Indonesian Ulema Council (MUI), in its development, has also issued fatwas regarding environmental fiqh. This study of environmental jurisprudence is not inferior to other scientific disciplines such as Aqidah, Sufism, or Philosophy because the demands of the times and society have resulted in the paradigm of the legal community itself being reduced to the legal teachings of Allah SWT or commonly known as sharia or fiqh [4].

In Indonesia, the fiqh upheaval itself is characterized by changes and dynamics of space-time itself. Jurisprudence in Indonesia gave rise to many different forms of legal understanding and thought, including environmental fiqh. Mujiyono Abdillah, The Concept of Environmental Jurisprudence. Jurisprudence, which is one of the many Islamic sciences that has an influence on the life of Muslims, offers a framework for an approach to the environment. Not only as a sub-ordination of studies with its subject matter, but environmental jurisprudence is intended to make people aware that the environment cannot be separated from the responsibility of humans themselves as creatures of faith and have their mandate in managing their natural resources [5].

2 Discussion

The scope of fiqh has a general and broad meaning as understood in general. However, fiqh means al-fahmu (understanding). While etymologically, it means to understand/know/understand/study knowledge. Fiqh is one of the sections contained in Islamic law. In the era of globalization and high tech, fiqh issues are increasingly complex and continue to experience development. An expert in Islamic law is required to continue to follow the mainstream or contemporary issues that are of concern to society. This is in line with what was conveyed by Yusuf al-Qardhawi, who stated that contemporary fiqh issues deserve to be studied based on existing legal grounds, whether used ahad or famous or in other fields. Tabyin al-hukm al-syar`iy al-Sail `anhu if ilzamin, which implies that the provisions on legal issues on community questions apply to the questioner (environmental fatwa) [6].

Based on the provisions of Law Number 4 of 1982 concerning the main provisions of the environment, an environment is a unit of space with all objects, forces, conditions, and living things, including humans and their behavior that affects the continuity of life and the welfare of humans and other creatures Other life. The environment is also meant for all living and non-living things and the conditions in our room. Therefore, human behavior and social conditions are elements of the environment itself. So it can be concluded that the environment is the place or universe that we live in, including the earth and our homes [7].

In QS al-Baqarah: 205 "And when he turns away (from you), he walks the earth to do damage to it and destroys plants and livestock, and Allah SWT does not like destruction". Environmental Jurisprudence is addressed to 5 main teachings or commonly known as *ushul al-khomsah*: safeguarding religion, life, lineage, intellect, and property. Yusuf Al-Qardhawi explained that environmental fiqh is an effort to create goodness and avoid harm. This is in line with *maqashid al-shari'ah*: *hifdz al-bi'ah min al-muhafazah 'ala al-din*, *hifz al-bi'ah min al-muhafazah 'ala al-nafs*, *hifz al-bi'ah min al-muhafazah 'ala al-nasl*, *hifz al-bi'ah min al-muhafazah 'ala al-nasl*, *hifz al-bi'ah min al-muhafazah 'ala al-aql*, and *hifz al-bi'ah min al-muhafazah 'ala al-mal* [8].

3 Basic Values of Environmental Jurisprudence

Qadir Gassing explained that environmental jurisprudence needs to be developed further due to 3 reasons: First, the environmental crisis has been in the last three decades and continues to increase; Second, existing regulations are unable to stop the rate of environmental degradation; Third, there are many *ayatul ahkam* relating to environmental fiqh that have not been collected and organized to produce moral, ethical and legal rules that are *syar'i* in nature. The development of environmental jurisprudence is intended as a preventive effort to provide an alternative to the world community regarding the solutions offered by Islam to improve the environmental crisis [9].

Actually, the issue-This environmental issue has been discussed for a long time. However, it was only alluded to in its generic context, not as specifically as a legal provision that has power within it. This was because, in the context of its development at that time, it had not yet faced an environmental crisis as is happening nowadays. Thus, according to Ali Yafie, the concept of environmental jurisprudence is intended to address issues surrounding the environmental crisis so that it can be used as a reference because environmental jurisprudence is oriented towards balancing environmental conditions and ethics in the management and utilization of the environment and natural resources within it [10].

First, the basic principles in the exploitative relationship between humans and the environment/Natural Resources are also based on appreciative values. Nature is not only used as an object that humans can process but also must be respected as it should because humans and nature are very related. Several texts of the Qur'anic explain that the entire universe is intended to be used as a source, and its results are for humans. This is found in QS al-Jatsiyah: 13. Not only does it show the exploitative relationship

between humans and nature, but also regulates the establishment of an appreciative relationship between humans and nature as a form of human appreciation for nature with a more spiritual meaning (as contained in QS al- An`am: 38, al-Isra` : 44, al-Rad: 13. According to Hossein Nasr, these verses describe nature as a theophanic creature that both covers and reveals God. As an example, water that has been polluted cannot be used as a tool for purification. So nature and other natural resources should be utilized and maintained in the process of utilization [11].

Second, the teachings of Islam are taught to humanize humans and teach us how to be humane. Nasution has to say that understanding monotheism means that all human beings come from one origin and lead to humanitarianism (not only to fellow human beings but also to the nature of His creation). This is as contained in QS al-Anam: 38. Third, all creatures created by Allah SWT, whether humans themselves, animals, plants, planets, and other objects, make prostrations and tasbih to Him. This is explained in QS al-Isra` : 44, al-Anbiya: 79, al-Ra`ad: 15, al-Nur: 41. Fourth, the principle of muhtaram or respect/glorification as one of the fundamental foundations of environmental jurisprudence that must be its existence is respected, and it is forbidden to damage it [12].

These four principles or practical norms of environmental fiqh emphasize that humans should make this environmental fiqh an alternative solution to preventing and managing the environment, bearing in mind that in the past decade, there has been a lot of environmental pollution and damage. Environmental Jurisprudence with a scientific and religious approach to handling environmental crises is intended as human responsibility for managing the natural surroundings. The appointment of humans as caliphs on this earth is not only to continue their lives but also to prevent or prohibit human destruction of the natural environment, as contained in QS al-Baqarah: 11-12 [9].

4 Mining Activities in Ngabang

Ngabang is a city in West Kalimantan, Indonesia. This area is part of the Landak district which is on the banks of the Landak River. Ngabang is famous for its natural potential, including mining resources and other natural resources. Life in Ngabang is still dominated by agricultural and plantation activities. In addition, mining activities such as gold and diamonds are also one of the economic support for the Ngabang community. The natural wealth that exists in Ngabang makes it one of the cities in West Kalimantan that provides a significant economic contribution. Even the city of Ngabang was known as the "City of Diamonds" in its time. However, mining activities are increasingly massive.

Apart from gold and diamonds, the city of Ngabang is also known to have large reserves of coal. The potential for mineral resources as well as the potential for renewable energy such as solar power, hydropower, and bioenergy is also owned by Ngabang. Therefore, with an understanding of "Environmental Jurisprudence", it is hoped that the people of Ngabang City will be able to maintain the balance of the existing ecosystem so that unwanted things that have happened there can be used as lessons

that in the future mining activities can be regulated and managed properly starting from handling of illegal mines so that community energy can be absorbed to advance the local community's economy [10].

The eroding of the diamonds in the city of Ngabang is not only caused by the depletion of diamond ore reserves which have been massively exploited but also caused by several things. Starting from the decline in market prices, changes in government regulations, and social impacts, business strategies are very influential on the diamond mine in the city of Ngabang [13].

Regarding the discussion of Environmental Jurisprudence at the Ngabang mine, it is important that there are a number of things that must be maintained or paid attention to in order to fulfill the principles that are carried out for this mining activity. No less than eight main points related to Environmental Jurisprudence can be used as future references in mining activities in the Ngabang city area:

1. Trust Concept. As human being who is believed to be the caliph on this earth, humans as creatures of His creation should be able to manage all the earth's resources and also the nature around the bil ma'ruf so that with this moral responsibility they are able to protect nature and also natural resources for generations successor/future;
2. Conservation of Natural Resources (SDA). The study of environmental jurisprudence places great emphasis on the need for the conservation of natural resources such as water, soil, forests, and energy. This is intended for mining activities to carry out mining activities in moderation in order to avoid wasting natural resources to the consideration of sustainability for the next generation.
3. Prohibition of Waste (al-Isyraf). Prohibition of wastage or ishraf in mining activities in various aspects of life, including mining. This is because this ishraf principle conflicts with the values of balance and environmental justice as taught in Islam.
4. Prohibition of Damage (al-Madharat). Environmental jurisprudence places great emphasis on the principle of not causing damage to the environment, whatever its form. Actions such as polluting the air, water, and soil, deforestation, and the use of hazardous chemicals can be considered as actions contrary to Islam's teachings.
5. Animal and Plant Protection. Islam strongly encourages compassion towards other creatures on this earth. This includes teaching humans to take care of the wider ecosystem.
6. Energy Use Law. The ethics of energy use, including renewable and sustainable energy sources, is also included in the discussion of environmental law. It aims towards sustainable mining.
7. Community Responsibilities. The important role of the community in protecting the environment in nature conservation and its sustainability is included in the discussion of environmental jurisprudence.
8. Citing Islamic principles. Environmental Fiqh highly upholds the values and principles contained in Environmental Fiqh. By using an interpretive approach, it is hoped that the suitability of Islamic religious teachings will remain rele-

vant and be able to respond to developments in modern times as a society that continues to move and develop [8].

It can be concluded that this environmental jurisprudence is a step of our effort to understand current environmental issues through the prism of Islamic religious values and teachings. This involves the study and discussion of Muslim scholars and scholars to develop a holistic and sustainable outlook for conservation and natural resources/energy for future generations. So that what we have enjoyed today can also be felt by future generations so that it continues and advances, especially the economy of our children's society in the future.

5 Conclusion

The environment is a unified scope where humans live and adapt in it. One of the goals of Islamic law is to respond to updated problems that occur in society from time to time. Even though there are positive laws that regulate problems and settlement of cases in the mining sector, the Indonesian Ulema Council (MUI), in its development, has also issued fatwas regarding environmental fiqh. Not only as a sub-ordination of studies with its own subject matter, but environmental jurisprudence is intended to make people aware that the environment cannot be separated from the responsibility of humans themselves as creatures of faith and have their own mandate in the management of their natural resources.

Environmental Jurisprudence is addressed to 5 main teachings or commonly known as *ushul al-khomsah*: safeguarding religion, life, lineage, intellect, and property. Yusuf Al-Qardhawi explained that environmental fiqh is an effort to create goodness and avoid harm. *hifdz al-bi'ah min al-muhafazah 'ala al-din*, *hifz al-bi'ah min al-muhafazah 'ala al-nafs*, *hifz al-bi'ah min al-muhafazah 'ala al-nasl*, *hifz al-bi'ah min al-muhafazah 'ala al-nasl*, *hifz al-bi'ah min al-muhafazah 'ala al-'aql*, and *hifz al-bi'ah min al-muhafazah 'ala al-mal*. Qadir Gassing explained that environmental jurisprudence needed to be developed further due to 3 things: First, the environmental crisis. Second, the existing regulations were not able to stop the rate of environmental degradation; Third, there are many *ayatul ahkam* related to environmental fiqh that have not been compiled.

Ngabang was known as the "City of Diamonds" in its time. However, mining activities are increasingly massive, so many illegal mines have sprung up, causing damage and negative impacts on the surrounding ecosystem, causing problems for the environment and local communities. Therefore, with an understanding of "Environmental Jurisprudence", it is hoped that the people of Ngabang City will be able to maintain the balance of the existing ecosystem so that unwanted things that have happened there can be used as lessons that in the future mining activities can be regulated and managed properly starting from handling illegal mines to community manpower that can be absorbed to advance the local community's economy can be implemented.

The concept of Trust, Conservation of Natural Resources (SDA), Prohibition of Waste (*al-Isyraf*), Prohibition of Damage (*al-Madharat*), Protection of Animals and Plants, Law on Energy Use, Community Responsibility, Citing Islamic principles is a

cornerstone of Environmental Jurisprudence, especially in Ngabang city as an anticipatory step as well as basic principles in preserving natural resources there to fulfill maqashid al-khomsah, and the values/principles in Islamic religious teachings contained in Environmental Jurisprudence.

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