

## 'Ulamā', Authority, and Political Relations: How the PCNU Jember *Fatwā* Influenced Public Policy on Gold Mining in Silo?

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### Abstract

*Fatwās* (Islamic legal opinions) are often perceived as having limited influence on public policy, particularly in environmental and mining-related issues. Existing research suggests that despite opposition from 'ulamā' (Islamic scholars) and local communities, mining operations often persist due to strong political and economic backing. However, the *fatwā* issued by the Jember Branch Board of Nahdlatul Ulama (PCNU Jember)—which declared gold mining in Blok Silo impermissible (*ḥarām*)—produced a notably different outcome. This *fatwā* not only successfully halted mining activities but also played a decisive role in the revocation of government-issued mining permits. This study aims to analyze the mechanisms through which the PCNU Jember *fatwā* influenced public policy in the gold mining conflict in Blok Silo. Employing a socio-legal approach and qualitative methods, the research incorporates in-depth interviews with five key informants, including PCNU Jember officials and local community leaders, alongside document and media analysis from relevant sources. Drawing on Pierre Bourdieu's theories of field and capital, this study argues that the effectiveness of the PCNU Jember *fatwā* was not solely rooted in its *fiqh*-based (Islamic jurisprudence) arguments but was reinforced by the symbolic and social capital held by NU scholars. The strong religious authority of 'ulamā' within Silo's social structure, combined with PCNU Jember's political connections with the local government, played a crucial role in ensuring the *fatwā*'s policy impact. This article argues that religious *fatwās* can function as potent instruments of environmental advocacy, particularly in societies where 'ulamā' continue to exert significant influence over political and social spheres.

[*Fatwa keagamaan sering kali dianggap tidak memiliki pengaruh signifikan dalam kebijakan publik, terutama dalam isu lingkungan dan pertambangan. Studi-studi terdahulu menunjukkan bahwa meskipun terdapat perlawanan dari ulama dan masyarakat, aktivitas pertambangan tetap berlangsung karena kuatnya dukungan politik dan ekonomi. Namun, fatwa Pengurus Cabang Nahdlatul Ulama (PCNU) Jember tentang keharaman pertambangan emas di Blok Silo menunjukkan hasil yang berbeda. Fatwa ini tidak hanya berhasil menghentikan aktivitas pertambangan, tetapi juga mendorong pencabutan izin usaha pertambangan yang telah dikeluarkan oleh pemerintah. Artikel ini bertujuan untuk menganalisis bagaimana fatwa PCNU Jember dapat memengaruhi kebijakan publik dalam konflik pertambangan emas di Blok Silo.*

*Penelitian ini menggunakan pendekatan sosio-legal dengan metode kualitatif, yang melibatkan wawancara mendalam dengan lima informan, termasuk pengurus PCNU Jember dan tokoh masyarakat setempat, serta analisis dokumen dan berita dari sumber-sumber yang relevan. Dengan menggunakan teori field and capital dari Pierre Bourdieu, artikel ini menemukan bahwa keberhasilan fatwa PCNU Jember tidak hanya bertumpu pada argumentasi fikih dalam teks fatwa, tetapi juga pada modal simbolik dan sosial yang dimiliki oleh ulama NU. Otoritas keagamaan ulama yang tinggi dalam struktur sosial masyarakat Silo, serta hubungan politik PCNU Jember dengan pemerintah daerah, menjadi faktor utama yang memungkinkan fatwa tersebut berpengaruh terhadap kebijakan publik. Artikel ini berargumentasi bahwa fatwa keagamaan dapat berfungsi sebagai instrumen advokasi lingkungan yang efektif, terutama dalam masyarakat yang masih menjunjung tinggi otoritas ulama.]*

**Keywords:** *Fatwā, Gold Mining, PCNU Jember, Social Capital, Symbolic Capital.*

## Introduction

Environmental sustainability has become an increasingly urgent global issue, particularly due to the impact of industrialization, which has led to deforestation, pollution, and climate change.<sup>1</sup> Various international initiatives have emphasized the importance of sustainable development, as articulated in the Stockholm Declaration (1972) and the Rio de Janeiro Declaration (1992).<sup>2</sup> Environmental issues are not merely ecological concerns; they also affect human survival, ecosystem balance, and socio-economic stability. Consequently, efforts to mitigate environmental degradation have been pursued through multiple approaches, including legal regulations, public policy, and social mobilization.<sup>3</sup> In societies where religious values play a significant role, green *fatwās*—Islamic legal opinions that provide a religious perspective on environmental issues—can serve as a crucial instrument in fostering ecological awareness and promoting collective action.<sup>4</sup> According to Anna M. Gade, green *fatwās* not only function as a moral foundation but also have the potential to influence public policy and shape environmentally conscious social behavior.<sup>5</sup>

In Indonesia, the concept of green *fatwās* has gained increasing relevance amid escalating environmental crises, such as mass deforestation, industrial pollution, and the

<sup>1</sup> See: Aditya Prastian Supriyadi, Dwi Fidhayanti, and Ramadhita Ramadhita, “Green Sukuk in Indonesia: Unraveling Legal Frameworks for Sustainable Islamic Bonds,” *El-Mashlahab* 13, no. 2 (December 2, 2023): 151–80; Hamzah Hamzah et al., “Sustainable Development of Mangrove Ecosystem Policy in South Sulawesi from the Perspectives of Siyāsah and Fiqh al-Bī’ah,” *Juris: Jurnal Ilmiah Syari’ah* 22, no. 2 (December 26, 2024): 367–80.

<sup>2</sup> Ho Chak Law, “Whose Environmental Sustainability? From ‘Green’ Olympics to ‘Original Ecology’ Folk Song,” *The Drama Review* 67, no. 1 (March 2023): 114–19.

<sup>3</sup> See: Andar Nubowo, “Covid-19, Fatwas, and Socio-Religious Praxis,” *Social Sciences and Missions* 35, no. 3 (2021): 308–42; M. Wildan Humaidi, Hariyanto Hariyanto, and Mabarroh Azizah, “Green Philanthropy: Islamic Activism on Indonesia’s Environmental Democracy,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 24, no. 2 (2024): 167–91; Nurdin Karim et al., “Environmental Conservation of Coral Reefs in the Wakatobi Region Based on Islamic Education and Customary Law Approaches,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (2024): 1547–65.

<sup>4</sup> Arkin Haris et al., “Eco-Maqāṣid in Climate Change Campaigns: From an Ecolinguistics Study to the Philosophy of Islamic Law,” *Al-Manabij: Jurnal Kajian Hukum Islam* 18, no. 2 (August 13, 2024): 219–35.

<sup>5</sup> Anna M. Gade, “Tradition and Sentiment in Indonesian Environmental Islam,” *Worldviews: Global Religions, Culture, and Ecology* 16, no. 3 (2012): 263–85.

overexploitation of natural resources.<sup>6</sup> A key example is the 2019 *fatwā* issued by the Jember Branch Board of Nahdlatul Ulama (PCNU Jember),<sup>7</sup> which declared gold mining in Blok Silo impermissible (*ḥarām*). This *fatwā* played a decisive role in shaping public policy, particularly in the revocation of mining permits in the area. It was issued as a direct response to the decision of the Ministry of Energy and Mineral Resources (ESDM), which had designated parts of Pace Village, Silo District, Jember Regency as a gold mining zone. Merely a month after the *fatwā*'s issuance, Minister of ESDM, Ignasius Jonan revoked the mining permit through Ministerial Decree No. 23 K/30/MEM/2019,<sup>8</sup> following strong opposition from the Jember Regency government and local communities.<sup>9</sup> This revocation serves as empirical evidence that *fatwās* can play a role in shaping environmental policies, a phenomenon that remains underexplored in academic research.

Although numerous studies have examined conflicts related to mining and the role of religious organizations in environmental advocacy, most findings suggest that *fatwās* and religious authority alone are often insufficient to influence public policy. Farid Abud Alkatiri and Amir Syarifudin Kiwang, in their study of '*ulamā*' (Islamic scholars) resistance against gold mining in Gunung Tumpang Pitu, Banyuwangi, found that religious *fatwās* failed to halt mining operations due to strong economic and political pressures.<sup>10</sup> Similarly, Fuad Faizi's research on the Rembang cement mine revealed that, despite opposition from '*ulamā*' and local communities, mining activities persisted.<sup>11</sup> On a broader scale, the Mining Advocacy Network (Jatam) has documented cases where large-scale mining projects, such as the gold mine in Pani, Gorontalo, continued operating despite widespread rejection from religious leaders and local communities.<sup>12</sup> These cases highlight a recurring pattern of conflicts between local communities and mining corporations, shaped by social, political, economic, and religious dynamics in Indonesia.<sup>13</sup>

Previous research indicates that oligarchic politics and neoliberal capitalism in Indonesia's post-New Order economic system have led the state to favor capital interests

<sup>6</sup> Zainul Mun'im and Abdussamet Kaya, "An Empirical Approach in Culinary Fiqh of Coastal Communities: Critical Study of 'Aysh al-Baḥr,'" *Al-Abkam* 33, no. 1 (April 30, 2023): 23–44.

<sup>7</sup> "Notification Letter of the PCNU Jember No. 038/PC/A-1/L-32/I/2019 on the Deliberation Results of the LBM NU Jember on Gold Mining in the Silo Block."

<sup>8</sup> "Ministerial Decree of the Minister of Energy and Mineral Resources of the Republic of Indonesia No. 23 K/30/MEM/2019 on Amendments to the Ministerial Decree No. 1802 K/30/MEM/2018 on Mining Business Permit Areas and Special Mining Business Permit Areas for the 2018 Period."

<sup>9</sup> Zumrotun Solichah, "Menteri ESDM Akhirnya Cabut Wilayah Izin Tambang Emas Blok Silo Jember," *Antara Jatim*, 2019, <https://jatim.antaranews.com/berita/274810/menteri-esdm-akhirnya-cabut-wilayah-izin-tambang-emas-blok-silo-jember>.

<sup>10</sup> Farid Abud Alkatiri and Amir Syarifudin Kiwang, "The Roles of Religious Organizations in the Decline of the Anti-Mining Movement in Banyuwangi, East Java," *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 179, no. 1 (March 21, 2023): 5–37.

<sup>11</sup> Fuad Faizi, "The Socio-Spatial Accumulation of Cement Corporations: The Reproduction of Absolute Space, Monumentalization of Kiai, and Compartmentalization of Counter Space in Northern Kendeng, Central Java Indonesia" (*Dissertation*, UIN Sunan Kalijaga, Yogyakarta 2022), 124.

<sup>12</sup> Jatam, *Jejaring Oligarki Tambang dan Energi pada Pemilu 2024* (Jakarta: Jaringan Advokasi Tambang, 2024), 83–5.

<sup>13</sup> Kathryn Robinson, "Mining, Land and Community Rights in Indonesia," in *Land & Development in Indonesia: Searching for the People's Sovereignty*, ed. John F McCarthy and Kathryn Robinson (Singapore: ISEAS-Yusof Ishak Institute, 2016), 147.

over public welfare.<sup>14</sup> According to Richard Robison and Vedi R. Hadiz, Indonesia has entered a phase of neoliberal capitalism, where the state prioritizes capital accumulation and reproduction over inclusive public services.<sup>15</sup> As a result, despite the presence of religiously motivated resistance movements, mining exploration and exploitation permits continue to be granted due to strong political and economic backing. Fachruddin Majeri Mangunjaya and Jeanne Elizabeth McKay argue that religious leaders, eco-friendly *pesantrens* (Islamic boarding schools), and non-governmental organizations (NGOs) play an essential role in environmental conservation efforts in Indonesia. However, their initiatives are not always effectively implemented.<sup>16</sup> Nevertheless, the case of gold mining in Blok Silo presents a unique counterexample. The PCNU Jember *fatwā* not only successfully halted mining operations but also compelled local authorities to take legal action against central government decisions.

This article aims to analyze how the PCNU Jember *fatwā* influenced public policy regarding gold mining in Blok Silo. To achieve this, the study employs a socio-legal approach, bridging the intersections of law, public policy, and socio-political dynamics in environmental governance. Field research was conducted over six months (December 2023 – June 2024) in Pace Village, Silo District, Jember Regency, East Java, involving in-depth interviews with five key informants, including the PCNU Jember board members and community leaders directly involved in the mining permit revocation process. Additionally, this study incorporates documentary analysis, examining the PCNU Jember *fatwā* on Blok Silo mining, relevant government policies, news archives, and environmental organization reports as secondary sources. The collected data is analyzed qualitatively using Pierre Bourdieu's field and capital theory,<sup>17</sup> which identifies four types of capital that shape social dominance: symbolic, social, cultural, and economic capital.<sup>18</sup> This theoretical framework is applied to examine how symbolic and social capital contributed to the formulation of environmental public policy.

### The Gold Mining Conflict in Blok Silo: The State vs. 'Ulamā' and Civil Society

The exploration of gold mining in Silo District, Jember Regency, has a historical trajectory dating back to the colonial era, particularly since the establishment of coffee and rubber plantations during the British occupation in 1925. Even at that time, colonial authorities had already identified significant gold mineral deposits in the area.<sup>19</sup> According to Muhammad Siradj, local '*ulamā*' and community members referred to this region as Curahmas, named after a small river that carried gold-bearing rocks and minerals downstream.<sup>20</sup> In the 1960s,

<sup>14</sup> Vedi R. Hadiz and Richard Robison, "The Political Economy of Oligarchy and the Reorganization of Power in Indonesia," *Indonesia*, no. 96 (2013): 35–57.

<sup>15</sup> Richard Robison and Vedi R. Hadiz, *Reorganizing Power in Indonesia: The Politics of Oligarchy in an Age* (New York: Routledge, 2004), 84–7.

<sup>16</sup> Fachruddin Majeri Mangunjaya and Jeanne Elizabeth McKay, "Reviving an Islamic Approach for Environmental Conservation in Indonesia," *Worldviews* 16, no. 3 (2012): 286–305.

<sup>17</sup> Pierre F Bourdieu, *The Field of Cultural Production* (New York: Columbia University Press, 1993), 74–8.

<sup>18</sup> Pierre F Bourdieu, "The Forms of Capital," in *Handbook of Theory and Research for the Sociology of Education*, ed. John Richardson (Westport: CT Greenwood, 1986), 216.

<sup>19</sup> Fathor Rahman, "Sepenggal Sejarah Tambang Emas Blok Silo," PCNU Jember, 2018, <https://pcnujember.or.id/2018/12/13/sepenggal-sejarah-tambang-emas-blok-silo/>.

<sup>20</sup> Muhammad Siradj, *Personal Interview with the Syuriah of MWCNU Silo*, Jember, June 20, 2024.

specifically between 1962 and 1966, the Indonesian government undertook the nationalization of strategic assets, including the Curahmas plantation in Pace Village, as part of a broader initiative to strengthen the national economy. During this period, the government declared its intention to initiate gold mining operations in the area within the next fifty years.<sup>21</sup>

Five decades later, in 2015, PT Aneka Tambang (Antam)—a state-owned enterprise (BUMN)—submitted an application for a gold mining exploration permit in Blok Silo.<sup>22</sup> However, this proposal was met with strong resistance from local communities, leading to the escalation of horizontal conflicts. The conflict intensified when the Ministry of ESDM issued Ministerial Decree No. 1802 K/30/MEM/2018, which officially designated Blok Silo as a Mining Business Permit Area (WIUP).<sup>23</sup> This decision, proposed by the East Java Provincial Government, was met with vehement opposition from the residents of Pace Village, who firmly rejected all forms of mining activities in their region.<sup>24</sup> According to Muhammad Farohan, the village head of Pace, the local rejection of gold mining stemmed from concerns that the negative impacts would far outweigh any potential benefits. He emphasized that the profits generated from mining activities would primarily benefit investors and specific interest groups, while local communities would bear the brunt of environmental degradation and social disruptions.<sup>25</sup>

The community's opposition to the mining project was manifested through a series of mass demonstrations, organized in three major waves.<sup>26</sup> The first protest took place on September 20, 2018, in front of the Jember Regency Government Office, where dozens of students from the Jember Branch of the Indonesian Islamic Student Movement (PMII Cabang Jember) demanded the revocation of the Ministry of ESDM's policy on Blok Silo's WIUP designation. The second protest on October 6, 2018, saw the participation of hundreds of PMII Cabang Jember activists, reiterating their call for the annulment of Ministerial Decree No. 1802 K/30/MEM/2018. The third and largest protest, on October 10, 2018, involved thousands of residents organized under the Silo Community Forum (Formasi). Demonstrators gathered in front of the Jember Regency Government Office, urging the Regent of Jember to pressure the Minister of ESDM to revoke the mining exploration permit. These demonstrations reflected a collective resistance movement, mobilized by local communities with the support of village authorities.<sup>27</sup>

<sup>21</sup> Anton Lucas and Carol Warren, "The State, the People, and Their Mediators: The Struggle over Agrarian Law Reform in Post-New Order Indonesia," *Indonesia* 76, no. 1 (2003): 87–126.

<sup>22</sup> Zumrotun Solichah, "PT Antam Ajukan Eksplorasi Tambang Emas Jember," December 25, 2015, <https://www.antaraneews.com/berita/537273/pt-antam-ajukan-eksplorasi-tambang-emas-jember>.

<sup>23</sup> "Ministerial Decree of the Minister of Energy and Mineral Resources No. 1802 K/30/MEM/2018 on Mining Business Permit Areas and Special Mining Business Permit Areas for the 2018 Period."

<sup>24</sup> Danu Damarjati, "Jember Tolak Tambang Silo, Ini Respons Kementerian ESDM," *detiknews*, September 22, 2018, <https://news.detik.com/berita/d-4224458/jember-tolak-tambang-silo-ini-respons-kementerian-esdm>.

<sup>25</sup> Muhammad Farohan, *Personal Interview with the Head of Pace Village*, Jember, June 20, 2024.

<sup>26</sup> Irul Hamdani, "Ribuan Warga Jember Demo Tolak Tambang Emas Blok Silo," *Kumparan*, October 10, 2018, <https://kumparan.com/jatim-now-admin/ribuan-warga-jember-demo-tolak-tambang-emas-blok-silo-1544449035672622689/full>.

<sup>27</sup> Muhammad Arif Arifin, "Gerakan Sosial dan Perubahan Kebijakan: Studi Kasus Gerakan Masyarakat Silo dalam Pencabutan Izin Usaha Tambang Emas di Jember," *Jurnal Politik Muda* 7, no. 2 (2019): 107–18.

Despite the escalation of conflicts, the Jember Regency Government adopted a passive stance. Although officials publicly criticized the Ministry of ESDM's policy, they failed to take concrete steps to oppose the mining project.<sup>28</sup> Instead, the Regional ESDM Office pressured local governments to persuade the community that the planned open-pit mining operations would be conducted using environmentally friendly methods and would generate economic benefits for residents.<sup>29</sup> However, for affected communities, such claims did little to alleviate concerns over the long-term environmental risks associated with gold mining.

Amid this policy uncertainty, the PCNU Jember took a proactive stance by issuing a *fatwā* declaring gold mining in Blok Silo as religiously impermissible on January 6, 2019.<sup>30</sup> Abdullah Syamsul Arifin, the Former Chairman of Tanfidziyyah (Executive Board) of PCNU Jember, asserted that the environmental damage resulting from mining activities in Blok Silo far exceeded any potential economic benefits. From an Islamic legal perspective, he argued that economic gain cannot be justified if it stems from activities that cause harm and destruction. Furthermore, he emphasized that the negative consequences of mining would not be limited to the initial exploration phase but would persist long into the future.<sup>31</sup> This *fatwā* served as both a symbolic resistance mechanism against the East Java Provincial Government's narrative, which claimed that mining exploration in Blok Silo would not cause significant environmental damage, and as a preventive instrument aimed at mitigating potential social conflicts. Additionally, it provided moral and religious guidance for both local communities and policymakers in addressing the issue.<sup>32</sup>

The gold mining conflict in Blok Silo can be examined through Pierre Bourdieu's concept of discursive arenas, where different actors—both individuals and groups—compete for resources and power.<sup>33</sup> In this context, the Blok Silo mining conflict represents a contested discursive space in which various interests, values, and narratives compete to influence government policy.<sup>34</sup> The pro-mining faction consisted of the East Java Provincial Government and the Ministry of ESDM, who promoted a developmental discourse, arguing that gold mining would yield economic benefits for the region and be conducted using

<sup>28</sup> Liputan6.com, "Izin Tambang Emas Blok Silo Ancam Hidup Ribuan Petani Jember," Liputan6, September 22, 2018, <https://www.liputan6.com/regional/read/3649017/izin-tambang-emas-blok-silo-ancam-hidup-ribuan-petani-jember>.

<sup>29</sup> Peni Widarti, "Dinas ESDM Jatim Minta Pemda Jember Beri Penjelasan ke Warga Tambang Silo," Bisnis.com, November 23, 2018, <https://surabaya.bisnis.com/read/20181123/531/862517/dinas-esdm-jatim-minta-pemda-jember-beri-penjelasan-ke-warga-tambang-silo>.

<sup>30</sup> "Notification Letter of the PCNU Jember No. 038/PC/A-1/L-32/I/2019 on the Deliberation Results of the LBM NU Jember on Gold Mining in the Silo Block."

<sup>31</sup> Abdullah Syamsul Arifin, *Personal Interview with Former Chairman of Tanfidziyyah of PCNU Jember*, Jember, June 27, 2024.

<sup>32</sup> Aryudi A Razaq, "NU Jember Haramkan Tambang Emas Blok Silo," NU Online, January 7, 2019, <https://nu.or.id/daerah/nu-jember-haramkan-tambang-emas-blok-silo-imrAo>.

<sup>33</sup> Bourdieu, *The Field of Cultural Production*, 74–8.

<sup>34</sup> See: E. Iskandar et al., "Local and Central Political Conflict in the Implementation of Post-Mining Policies in East Kalimantan Province, Indonesia: A Review," *Journal of Legal, Ethical and Regulatory Issues* 24, no. Special Issue 1 (2021): 1–16; Anna Zachrisson and Karin Beland Lindahl, "Extractive Governance and Mining Conflicts: Challenging Scalar Hierarchies through 'Opening Up' to Local Sustainability Pathways," *Political Geography* 105 (August 2023): 102927; Kristina Dietz and Bettina Engels, "Contested Extractivism: Actors and Strategies in Conflicts Over Mining," *DIE ERDE – Journal of the Geographical Society of Berlin* 148, no. 2–3 (September 27, 2017): 111–20.

environmentally friendly methods. In contrast, the anti-mining coalition comprised local communities, students, environmental activists, and the PCNU Jember, who underscored the potential environmental degradation and social consequences of mining operations.

Each faction sought to dominate the public discourse using different forms of capital. The government and investors leveraged policy authority and economic development narratives to gain legitimacy. The anti-mining movement relied on grassroots mobilization, mass protests, and the moral authority of *'ulamā'* and religious organizations (such as PCNU) to strengthen their position. This discursive struggle illustrates that the contestation over mining policy is not solely dictated by economic and political factors but is also deeply influenced by religious and social dimensions.<sup>35</sup> In the case of Blok Silo, the PCNU Jember's *fatwā* played a crucial role in shaping public opinion and reinforcing the legitimacy of civil society's resistance against gold mining exploration.

### The PCNU Jember *Fatwā* on Gold Mining in Blok Silo

From the outset of gold mining exploration plans in Silo District, Jember Regency, the PCNU Jember has taken a firm stance in opposing mining activities in the area.<sup>36</sup> This opposition did not emerge solely in response to the government's issuance of exploration permits but can be traced back to 2015, when the PCNU Jember, alongside several NGOs, rejected the Draft Regional Regulation (Raperda) on Regional Spatial Planning. The primary concern raised by the PCNU Jember was the inclusion of a clause permitting mining exploration for research and scientific purposes. The organization feared that such a provision could serve as a loophole for covertly facilitating large-scale gold mining operations.<sup>37</sup> This concern was not unfounded, given the frequent misuse of exploration permits that often resulted in uncontrolled resource exploitation.

The PCNU Jember's consistent opposition was further solidified through the issuance of PCNU Jember Notification Letter No. 038/PC/A-1/L-32/I/2019, which documented the deliberations of the Lajnah Bahtsul Masail (LBM) NU Jember regarding mining activities in Blok Silo. The *fatwā* issued from these discussions explicitly prohibited gold mining activities in Blok Silo, serving as a direct response to Ministerial Decree No. 1802 K/30/MEM/2018, which granted gold mining exploration permits in the area. The *fatwā* emerged against the backdrop of growing public resistance to mining policies, marked by waves of mass demonstrations, which frequently escalated into social tensions. To address these concerns, the PCNU Jember convened a *bahtsul masail* (Islamic legal deliberation) forum in November 2018, specifically to examine the legal status of gold mining in Blok Silo from the perspective of *fiqh* (Islamic jurisprudence). The deliberations concluded in January

<sup>35</sup> See: A. Tolvanen et al., "Mining in the Arctic Environment – A Review from Ecological, Socioeconomic and Legal Perspectives," *Journal of Environmental Management* 233 (2019): 832–44; Mirja Schoderer and Marlen Ott, "Contested Water- and Miningscapes – Explaining the High Intensity of Water and Mining Conflicts in a Meta-Study," *World Development* 154 (June 2022): 1058888.

<sup>36</sup> Abdullah Syamsul Arifin, *Personal Interview with Former Chairman of Tanfidziyyah of PCNU Jember*, Jember, June 27, 2024.

<sup>37</sup> Aryudi A Razaq, "NU Jember dan Penolakan Eksploitasi Tambang Emas," NU Online, February 22, 2015, <https://nu.or.id/opini/nu-jember-dan-penolakan-eksploitasi-tambang-emas-QSW1v>.

2019, with the ruling that gold mining in Blok Silo was unequivocally prohibited.<sup>38</sup> This *fatwā* marked the culmination of PCNU Jember's unwavering stance against gold mining in the region.

The PCNU Jember's *fatwā* prohibiting gold mining in Blok Silo was founded on three primary arguments.<sup>39</sup> First, environmental degradation and threats to agricultural sustainability. One of the most pressing concerns regarding gold mining operations is their potential to cause severe environmental damage, which directly threatens the agricultural sector, the primary livelihood of Silo's local communities. Mining exploration and exploitation pose risks such as soil and water contamination, ultimately leading to a decline in agricultural productivity. The Islamic legal maxim (Indonesian: *kaidab fikih*), "*dar'u al-mafāsīd muqaddamun 'alā jalb al-maṣāliḥ*" (preventing harm takes precedence over securing benefits), serves as a fundamental principle in evaluating policies that may cause harm to society. Based on this Islamic legal maxim, any policy that endangers environmental sustainability and threatens the livelihoods of local communities must be rejected.<sup>40</sup>

Second, the risk of natural disasters and public safety. Gold mining activities also increase the risk of natural disasters, particularly landslides, due to deforestation in mountainous regions designated for mining exploration.<sup>41</sup> Such ecological disruption poses a grave threat to the safety of nearby residents. From the perspective of the *maqāṣid al-sharī'ah* (objectives of Islamic law), *ḥifẓ al-nafs* (the protection of human life) is a fundamental principle that must be safeguarded. Imām al-Shāṭibī asserts that any action contradicting the objectives of Islamic law must be avoided and is deemed unlawful.<sup>42</sup> Consequently, any activity that endangers human lives—including mining operations that contribute to environmental hazards—cannot be justified under Islamic law.<sup>43</sup> The principles of *maqāṣid al-sharī'ah* have been widely adopted by various *fatwā* institutions as a legal foundation for issuing religious opinions on contemporary issues.<sup>44</sup>

Third, land conflicts and violations of protected forest areas. Legally, Silo District is designated as part of a protected forest area, which, in Islamic jurisprudence, corresponds to the concept of *al-Ḥimā*. *Al-Ḥimā* refers to land reserved for public welfare and cannot be exploited for private or corporate interests.<sup>45</sup> According to Imām al-Nawawī, as outlined in

<sup>38</sup> See: Razaq, "NU Jember Haramkan Tambang Emas Blok Silo"; Asri Widayati and Suparjan, "The Reactualization of Nahdlatul Ulama Struggle in Realizing the Sovereignty of Agrarian Resources: Study of Radical Democracy Movement of FNKSDA," *BHUMI: Jurnal Agraria dan Pertanian* 5, no. 1 (2019): 84–98.

<sup>39</sup> "Notification Letter of the PCNU Jember No. 038/PC/A-1/L-32/I/2019 on the Deliberation Results of the LBM NU Jember on Gold Mining in the Silo Block."

<sup>40</sup> See: 'Izz al-Dīn 'Abd al-Salām, *Qawā'id al-Aḥkām fī Maṣāliḥ al-Anām* (Kairo: al-Istiḳāmah, 1998), 158–9; Wahbah al-Zuhailī, *Uṣūl al-Fiqh al-Islāmī* (Bairut: Dār al-Fikr, 1986), 173.

<sup>41</sup> "Notification Letter of the PCNU Jember No. 038/PC/A-1/L-32/I/2019 on the Deliberation Results of the LBM NU Jember on Gold Mining in the Silo Block."

<sup>42</sup> Pengurus LBM PCNU Jember, *LBM NU Jember Menjawab* (Jember: LBM NU Jember, 2023), 143–4.

<sup>43</sup> Jasser Auda, *Fiqh al-Maqāṣid: Ināṭah al-Aḥkām al-Shar'īyah bi-Maqāṣidihā* (Virginia: Ma'had al-'Alamī li al-Fikr al-Islāmī, 2006), 67–70.

<sup>44</sup> Musda Asmara, "Komparasi Fatwa Ulama Indonesia dalam Menyikapi Pandemi Coronavirus Disease 2019 (COVID-19)," *Al-Manabij: Jurnal Kajian Hukum Islam* 16, no. 1 (May 30, 2022): 29–44.

<sup>45</sup> "Notification Letter of the PCNU Jember No. 038/PC/A-1/L-32/I/2019 on the Deliberation Results of the LBM NU Jember on Gold Mining in the Silo Block."

*al-Majmū'*, protected forests must be preserved and should not be repurposed for activities that could degrade their ecosystems.<sup>46</sup> However, in the case of Blok Silo, several villages within the region had already been designated as mining business zones and converted into productive forests, benefiting select interest groups at the expense of public welfare. This land conflict further reinforced the legal and ethical justification for prohibiting gold mining in Blok Silo, as it violated the principles of social justice and the equitable utilization of natural resources.

The *fatwā* issued by the PCNU Jember is not an isolated phenomenon but rather part of a longstanding tradition of *bahtsul masail*, which has served as a critical intellectual mechanism within the NU for addressing socio-political issues and public policy.<sup>47</sup> The legal arguments underpinning this *fatwā* are rooted in reliable books (*mu'tabarab*) of *fiqh*, which have also informed similar *fatwās* on mining-related concerns. For instance, a *bahtsul masail* forum in Banyuwangi in 2009, comprising '*ulamā*' and *pesantrens* leaders, also issued a *fatwā* declaring all forms of mining impermissible, including gold mining in Gunung Tumpang Pitu, Banyuwangi.<sup>48</sup> Both *fatwās* share similar legal reasoning and objectives, emphasizing environmental protection and community welfare. However, what distinguishes the PCNU Jember's *fatwā* is its tangible impact on public policy. Unlike previous *fatwās*, this ruling directly influenced governmental decisions, particularly the revocation of the gold mining permit in Blok Silo by the Minister of ESDM following the *fatwā*'s issuance. The political ramifications of this *fatwā* highlight how religious authority can play a crucial role in shaping public policy, especially in environmental governance and sustainable development.<sup>49</sup> The PCNU Jember *fatwā* extends beyond its moral and theological function; it also serves as an effective advocacy tool in pressuring policymakers to reconsider environmentally detrimental policies. This case demonstrates that *fatwās* are not merely doctrinal pronouncements but can also function as instruments of political influence, particularly in Islamic societies where religious authority holds significant social legitimacy.

<sup>46</sup> Muḥyi al-Dīn bin Sharf al-Nawāwī, *Kitāb al-Majmū' Sharh al-Muḥadḍab* (Jiddah: Maktabah al-Irsyād, 2007), VI: 194.

<sup>47</sup> See: Nur Hannan et al., "Between Adherence to Madhhab and Adaptation to Context: Fatwās on Female Leadership in Nahdlatul Ulama-Affiliated Islamic Higher Education Institutions," *Journal of Islamic Law* 5, no. 2 (August 30, 2024): 269–87; Teuku Zulkhairi et al., "Bahtsul Masā'il at a Traditional Islamic Educational Institution in Aceh: Teungku Dayah's Contribution to the Development of Islamic Law," *Samarab: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 1 (April 27, 2024): 579–601.

<sup>48</sup> "The 2009 Bahtsul Masa'il Resolution of Scholars and Islamic Boarding School Leaders across Banyuwangi on the Tumpang Pitu Gold Mine."

<sup>49</sup> See: Tim Lindsey, "Monopolising Islam: The Indonesian Ulama Council and State Regulation of the 'Islamic Economy,'" *Bulletin of Indonesian Economic Studies* 48, no. 2 (August 2012): 253–74; Ahmad Zaenurrosyid, Hidayatus Sholihah, and Ghofar Shidiq, "Typologies of the Fiqh Conception in the Covid-19 Pandemic Era (Exploration on Religious Views and Attitudes of Kyai-in Mosques of North Coast of Java)," *Samarab: Jurnal Hukum Keluarga dan Hukum Islam* 5, no. 2 (December 26, 2021): 1069–97; Muhammad Lutfi Hakim et al., "Between Exclusivity and Inclusivity of Institutions: Examining the Role of the Indonesian Ulama Council and Its Political Fatwa in Handling the Spread of Covid-19," *Khazanah Hukum* 5, no. 3 (December 31, 2023): 230–44; Muhjam Kamza et al., "Teungku Abdul Djalil: Political Hack 'Hakko Ichu' and Founder of the Indonesian Opposition to the Japanese Occupation," *Jurnal Ilmiah Peuradeun* 11, no. 1 (January 30, 2023): 175–94.

### The Shift in Jember Regency Government's Stance on Gold Mining Permits

The issuance of Ministerial Decree No. 1802 K/30/MEM/2018 by the Ministry of ESDM, which designated Silo District as a WIUP, was based on a proposal from the East Java Provincial Government, as stated in a letter from the Head of the East Java ESDM Office dated February 26, 2016.<sup>50</sup> This policy sparked widespread opposition from various social groups, including students, residents, and environmental activists, who organized a series of demonstrations throughout 2018. In several instances, these protests escalated into violent clashes between security forces and anti-mining activists.<sup>51</sup>

Amid this growing conflict, the Jember Regency Government initially adopted a passive stance, asserting that it had no direct involvement in the mining permit process. However, a significant shift occurred following the issuance of a *fatwā* by the PCNU Jember on January 6, 2019, which declared gold mining in Blok Silo impermissible. In the wake of this *fatwā*, the Jember Regency Government reversed its position, moving from supporting mining permits to actively opposing gold mining exploration in Blok Silo. To reinforce this new stance, the Jember Regency Government filed a non-litigation petition with the Ministry of Law and Human Rights, seeking a review and revocation of Ministerial Decree No. 1802 K/30/MEM/2018.<sup>52</sup>

The Jember Regency Government's changing stance on mining permits cannot be understood in isolation from the political relationship between '*ulamā*' and local government officials. In the 2015 Jember Regional Election (Pilkada), the winning ticket of Dr. Hj. Faida, MMR, and Drs. KH. A. Muqit Arief received strong backing from key NU figures. Faida, with a background as a physician and hospital administrator, secured strong support from female voters, while Arief, an Islamic scholar and *pesantren* leader in Blok Silo, enjoyed widespread backing from the *nabdhliyyin* (NU followers).<sup>53</sup> This support base was further reinforced by prominent PCNU Jember figures, including KH. Muhyidin Abdus Shomad, Rais Syuriah (Head of Supreme Council) of PCNU Jember, and Abdullah Syamsul Arifin, Former Chairman of Tanfidziyyah of PCNU Jember.<sup>54</sup> These connections highlight the strong institutional ties between the PCNU Jember and the local government, which likely influenced policy decisions at the regional level.

The relationship between NU and local governments in Jember is not an isolated case but rather part of a broader pattern of interaction between NU and the central government. In both the 2014 and 2019 Indonesian presidential elections, NU played a pivotal role as a

<sup>50</sup> "Ministerial Decree of the Minister of Energy and Mineral Resources No. 1802 K/30/MEM/2018 on Mining Business Permit Areas and Special Mining Business Permit Areas for the 2018 Period."

<sup>51</sup> Wahyunik, Sri. "Ribuan Warga Silo di Jember Demonstrasi Tolak Tambang Emas." Suryamalang.com, October 10, 2018. <https://suryamalang.tribunnews.com/2018/12/10/ribuan-warga-silo-di-jember-demonstrasi-tolak-tambang-emas>.

<sup>52</sup> Zuhana A Zuhro, "Perjuangan Berhasil, Kementerian ESDM Harus Cabut Keputusan Wilayah Izin Tambang Blok Silo," Mongabay: Situs Berita Lingkungan, January 11, 2019, <https://www.mongabay.co.id/2019/01/11/perjuangan-berhasil-kementerian-esdm-harus-cabut-keputusan-wilayah-izin-tambang-blok-silo/>.

<sup>53</sup> Muhammad Tabroni, *Personal Interview with the Chair of the Winning Team for the Faida-Muqit Arief Pair*, Jember, December 5, 2023.

<sup>54</sup> Rizky Hadiatullah, "Modal Budaya dalam Strategi Kemenangan Dr. Hj. Faida, MMR dan Drs. KH. A. Muqit Arief pada Kontestasi Politik Pemilihan Kepala Daerah (Bupati) Kabupaten Jember Tahun 2015" (*Dissertation*, Universitas Gadjah Mada, Yogyakarta, 2020), 93–6.

key political supporter of Joko Widodo, amid an electoral landscape marked by polarization, identity politics, and religious sentiment.<sup>55</sup> According to Rendy Wadipalapa, the NU's political alignment with Jokowi was based on a mutual exchange of interests: in return for political support and mass mobilization, the NU was granted access to strategic government positions, further expanding its political influence in Indonesia.<sup>56</sup> A similar reciprocal relationship can be observed in Jember, where Faida's statement during the PCNU Jember Branch Conference (Konfercab)—asserting that “*Jember will always be synonymous with the NU*”—underscored the political interconnectedness between the PCNU Jember and the Jember Regency Government.<sup>57</sup> Just as the relationship between PBNU (the national NU leadership) and the central government has shaped national policies, the PCNU Jember-government dynamic reflects a localized iteration of this power exchange, enabling ‘*ulamā*’ to play a role in public policy-making at the regional level.

Following the issuance of the PCNU Jember *fatwā* in January 2019, Faida petitioned the Ministry of Law and Human Rights for the revocation of Ministerial Decree No. 1802 K/30/MEM/2018.<sup>58</sup> This decision carried significant political implications, as it demonstrated that Faida sought to maintain the support of *nahdliyyīn* and ‘*ulamā*’, particularly the PCNU Jember leadership, which wields considerable influence over the Muslim community in Jember. From the theoretical perspective of Michel Foucault and James A. Caporaso, the relationship between the PCNU Jember and the Jember Regency Government can be categorized as a form of “conditioned power”—a structure in which one entity voluntarily aligns with another’s interests due to the influence exerted upon them.<sup>59</sup> In this context, the PCNU Jember *fatwā* possessed both symbolic and political power, significantly shaping the local government’s policy orientation regarding gold mining in Blok Silo.

In Bourdieu’s theory of capital, social capital refers to resources accessible through social networks, which, in turn, provide access to other forms of capital, including political and economic capital.<sup>60</sup> The relationship between ‘*ulamā*’ and local government in Jember can be understood within this framework, where the political influence of ‘*ulamā*’ shape public policy, particularly on strategic issues such as mining permits. According to Greg Fealy and Robin Bush, the relationship between ‘*ulamā*’ and the state is fluid and shaped by local

<sup>55</sup> Jafar Ahmad, Hengki Firmanda, and Mahmud Hibatul Wafi, “Models and Political Attitudes of Fundamentalist Groups in Indonesian Presidential Elections,” *Jurnal Ilmiah Peuradeun* 11, no. 2 (May 30, 2023): 569–90.

<sup>56</sup> Rendy Wadipalapa, “Countering the Communist Imaginary: The Role of Nahdlatul Ulama in Indonesia’s 2014 and 2019 Presidential Elections,” *Contemporary Southeast Asia* 43, no. 3 (2021): 557–84.

<sup>57</sup> PCNU Jember, “Gus AAB Terpilih, Faida Ajak Bersinergi,” PCNU Jember, July 30, 2019, <https://pcnujember.or.id/2019/07/30/faida-ajak-bersinergi-gus-aab-jadi-lagi/?amp=1>.

<sup>58</sup> Zuhana A Zuhro, “Perjuangan Berhasil, Kementerian ESDM Harus Cabut Keputusan Wilayah Izin Tambang Blok Silo,” Mongabay: Situs Berita Lingkungan, January 11, 2019, <https://www.mongabay.co.id/2019/01/11/perjuangan-berhasil-kementerian-esdm-harus-cabut-keputusan-wilayah-izin-tambang-blok-silo/>.

<sup>59</sup> See: Michel Foucault, *The Archaeology of Knowledge and the Discourse of Language* (New York: Phanteon Books, 1972), 87–90; James A. Caporaso, *Theories of Political Economy* (Cambridge: Cambridge University Press, 1992), 256–7.

<sup>60</sup> See: Bourdieu, “The Forms of Capital,” 78; Pierre Bourdieu, “Social Space and Symbolic Power,” *Sociological Theory* 7, no. 1 (1989): 14–25.

political and cultural dynamics.<sup>61</sup> In post-New Order Indonesia, Islamic politics has experienced a resurgence, marked by the growing influence of *'ulamā'* in mass mobilization and policy advocacy.<sup>62</sup> This political trend is evident in the Jember Regency Government's shift in stance on mining permits, where the PCNU Jember's *fatwā* played a decisive role in shaping local policy. The case demonstrates how religious authority, when embedded within political structures, can influence governance decisions at the regional level.

The Jember Regency Government's policy reversal regarding gold mining in Blok Silo illustrates that local public policies are not merely determined by administrative and technocratic considerations but are also deeply influenced by socio-political dynamics and institutional relationships with religious organizations. The PCNU Jember-government alliance provides a compelling example of how *'ulamā'* can play a direct role in the political process and policymaking, particularly on issues with significant social and environmental ramifications.<sup>63</sup> In this context, the PCNU Jember *fatwā* functioned not only as a moral and legal guideline for the community but also as an effective advocacy tool,<sup>64</sup> capable of redirecting government policy and reinforcing public resistance against gold mining in Silo.

### Symbolic Capital and the Influence of *'Ulamā'* Authority in the Gold Mining Conflict

In Bourdieu's theory of capital, four forms of capital contribute to dominance within a social arena.<sup>65</sup> First is economic capital, which includes financial assets and material ownership. Second is cultural capital, which encompasses education, skills, and expertise. Third is social capital, referring to networks, relationships, and affiliations within a community. Finally is symbolic capital, which is associated with honor, prestige, and socially recognized legitimacy.<sup>66</sup> Bourdieu argues that these forms of capital are convertible, meaning that cultural capital can be used to acquire economic or social capital, and vice versa.<sup>67</sup> Julian Go further asserts that capital functions like a free market, where dominance within a particular social arena is not solely determined by economic capital but also by other forms of capital, including symbolic capital.<sup>68</sup> In the context of this study, symbolic capital emerges as a decisive factor<sup>69</sup> in shaping the discursive arena of the gold mining conflict in Blok Silo. The

<sup>61</sup> Greg Fealy and Robin Bush, "The Political Decline of Traditional Ulama in Indonesia: The State, Umma and Nahdlatul Ulama," *Asian Journal of Social Science* 42, no. 5 (2014): 536–60.

<sup>62</sup> François Raillon, "The New Order and Islam, or the Imbroglia of Faith and Politics," *Indonesia*, no. 57 (1993): 197–217.

<sup>63</sup> See: Zainul Mun'im, "Revisioning Official Islam in Indonesia: The Role of Women Ulama Congress in Reproducing Female Authority in Islamic Law," *Abkam: Jurnal Ilmu Syariah* 24, no. 1 (2024): 135–52; Ahmad Norma Permata, "A Study of the Internal Dynamics of the Prosperous Justice Party and Jamaah Tarbiyah," in *Islam, Politics and Change: The Indonesian Experience after the Fall of Suharto*, ed. Kees Van Dijk and Nico J.G Kaptein (Leiden: Leiden University Press, 2016), 231.

<sup>64</sup> Moch. Nur Ichwan, "'Ulamā', State and Politics: Majelis Ulama Indonesia after Suharto," *Islamic Law and Society* 12, no. 1 (2005): 45–72.

<sup>65</sup> Pierre F Bourdieu, "The Forms of Capital," in *Handbook of Theory and Research for the Sociology of Education*, ed. John Richardson (Westport: CT Greenwood, 1986), 216.

<sup>66</sup> Mathieu Hikaru Desan, "Bourdieu, Marx, and Capital: A Critique of the Extension Model," *Sociological Theory* 31, no. 4 (2013): 318–42.

<sup>67</sup> Bourdieu, "The Forms of Capital," 218.

<sup>68</sup> Julian Go, "Decolonizing Bourdieu: Colonial and Postcolonial Theory in Pierre Bourdieu's Early Work," *Sociological Theory* 31, no. 1 (March 1, 2013): 49–74.

<sup>69</sup> Bourdieu, "The Forms of Capital," 212.

authority of *'ulamā'*, as holders of symbolic capital, play a pivotal role in influencing public policy and shaping societal responses to mining permits.

In Jember Regency, particularly in Silo District, the NU's *'ulamā'* wield significant symbolic capital, rooted in religious legitimacy and their mastery of Islamic scholarship.<sup>70</sup> The local community, predominantly composed of ethnic Madurese, adheres to a social structure that positions *'ulamā'* as both spiritual leaders and authoritative figures in various aspects of life.<sup>71</sup> As Jajat Burhanudin explains, *'ulamā'* within traditional Muslim communities in Indonesia do not function solely as religious leaders but also assume roles in social, political, educational, and economic spheres.<sup>72</sup> Their legitimacy is crucial in determining the success or failure of policies, as they are regarded as guardians of religious values and public morality.<sup>73</sup> In the context of gold mining in Blok Silo, the PCNU Jember *fatwā* prohibiting mining activities was not only based on Islamic legal arguments but also derived its legitimacy from the social standing of NU's *'ulamā'*. The community's trust in the authority of *'ulamā'* granted the *fatwā* a powerful influence, which subsequently became the foundation for collective resistance against mining exploration.

The effectiveness of the PCNU Jember *fatwā* in shaping public opinion and mobilizing resistance is evident in the statements of local leaders and protest organizers. Farohan, the village head of Pace, and Taufiq Nur Ahmadi, coordinator of the anti-mining protests, both emphasized that following the issuance of the *fatwā*, opposition to gold mining intensified significantly. The *fatwā* provided a theological justification for resistance, reinforcing that the opposition was not merely economic or environmental but also deeply rooted in Islamic principles.<sup>74</sup> As a result, the PCNU Jember *fatwā* became an effective instrument of social mobilization, strengthening community solidarity in rejecting gold mining exploration. The influence of this *fatwā* extended beyond its reliance on reliable books of *fiqh*; it was further amplified by the high degree of religious authority that *'ulamā'* hold within the social traditions of the Madurese community in Jember.

Beyond their symbolic capital, the NU's *'ulamā'* in Jember also possess social capital that connects them to local government structures. The political alliance between the PCNU Jember and the elected regional government was particularly evident in the 2015 Jember Regional Election (Pilkada), where the Faida-Arief ticket received significant backing from NU figures. Faida secured strong support from female voters. Arief commanded a solid base of support from the *nabdhliyyīn*. The political endorsement of the PCNU Jember enabled

<sup>70</sup> Ahmad Musonnif et al., "Government Position in Religious Authority Contestation in Indonesia: Reviewing the Government Authority in Determining the Beginning of Islamic Months," *De Jure: Jurnal Hukum dan Syari'ah* 16, no. 2 (December 30, 2024): 336–62.

<sup>71</sup> Yanwar Pribadi, "The Klebun, the Kiai and the Blater: Notes from Western Madura, Indonesia," *South East Asia Research* 23, no. 3 (2015): 303–17.

<sup>72</sup> Jajat Burhanudin, "Traditional Islam and Modernity: Some Notes on the Changing Role of the Ulama in Early Twentieth Indonesia," in *Varieties of Religious Diversity: Changes and Challenges in 20th Century Indonesian Islam*, ed. Azyumardi Azra, Kees Van Dijk, and Nico J.G Kaptein (Singapore: ISEAS Publishing, 2010), 54–7.

<sup>73</sup> Iik Arifin Mansurnoor, *Islam in an Indonesian World: Ulama of Madura* (Yogyakarta: Gadjah Mada University, 1990), 335.

<sup>74</sup> See: Farohan, *Personal Interview with the Head of Pace Village*, Jember, June 20, 2024; Taufiq Nur Ahmadi, *Personal Interview with the Coordinator of the Forum Masyarakat Sib*, Jember, June 30, 2024.

'*ulamā*' to exert substantial influence over public policy, including shaping the Jember Regency Government's stance on gold mining permits. Following the issuance of the PCNU Jember *fatwā*, Faida initiated a non-litigation review process with the Ministry of Law and Human Rights, requesting the revocation of Ministerial Decree No. 1802 K/30/MEM/2018.<sup>75</sup> This development underscores that a harmonious political relationship between '*ulamā*' and local governments can contribute to policy shifts and public decision-making processes.

Findings from this study diverge from previous research on religious authority and mining conflicts. Several studies have suggested that *fatwās* and religious authority alone are often insufficient to influence mining policies. Alkatiri and Kiwang found that a *fatwā* issued by '*ulamā*' in Banyuwangi failed to halt gold mining operations in Gunung Tumpang Pitu, as the government continued to grant mining permits.<sup>76</sup> Faizi's research on the Rembang cement mining conflict revealed that, despite strong opposition from '*ulamā*' and local communities, the government proceeded with mining projects.<sup>77</sup> Jatam reported that the gold mine in Pani, Gorontalo, remained operational, despite widespread opposition from religious figures and residents.<sup>78</sup> However, unlike these cases, the religious authority of NU's '*ulamā*' in Jember wielded considerably greater influence. The existence of both symbolic and social capital enabled the PCNU Jember *fatwā* to shape not only public opinion but also influence the Jember Regency Government's policy decisions.

Based on the above analysis, the PCNU Jember *fatwā* played a significant role in shaping public opinion and government policy regarding gold mining in Blok Silo. This influence was driven by three key factors. First, the strong symbolic capital of NU's '*ulamā*' in Jember granted their *fatwās* high authority within the community's social structure. Second, the theological legitimacy of the PCNU Jember *fatwā* reinforced the credibility and mobilization of the anti-mining movement. Third, the political alliance between '*ulamā*' and the elected local government became a key factor in the Jember Regency Government's policy reversal on mining permits. Thus, in the context of the gold mining conflict in Blok Silo, the symbolic and social capital of NU's '*ulamā*' proved to be a decisive force in influencing public policy and mobilizing grassroots resistance. This case exemplifies that '*ulamā*' or *kiais* (religious leaders) are not merely religious figures engaged in spiritual affairs but also community leaders actively involved in socio-political processes.<sup>79</sup>

## Conclusion

The Jember Branch Board of Nahdlatul Ulama (PCNU Jember) *fatwā* (Islamic legal opinion) prohibiting gold mining in Blok Silo had a significant impact on the revocation of Ministerial

<sup>75</sup> Zuhana A Zuhro, "Perjuangan Berhasil, Kementerian ESDM Harus Cabut Keputusan Wilayah Izin Tambang Blok Silo," Mongabay: Situs Berita Lingkungan, January 11, 2019, <https://www.mongabay.co.id/2019/01/11/perjuangan-berhasil-kementerian-esdm-harus-cabut-keputusan-wilayah-izin-tambang-blok-silo/>.

<sup>76</sup> Alkatiri and Kiwang, "The Roles of Religious Organizations in the Decline of the Anti-Mining Movement in Banyuwangi, East Java," 5–37.

<sup>77</sup> Fuad Faizi, "The Socio-Spatial Accumulation of Cement Corporations," 124–5.

<sup>78</sup> Jatam, *Jejaring Oligarki Tambang*, 83–5.

<sup>79</sup> Abdul Chalik, "Religion and Local Politics: Exploring the Subcultures and the Political Participation of East Java NU Elites in the Post-New Order Era," *Journal of Indonesian Islam* 4, no. 1 (June 1, 2010): 109–50.

Decree of the Minister of Energy and Mineral Resources No. 1802 K/30/MEM/2018, which designated Silo District as a Mining Business Permit Area (WIUP). This influence was largely driven by the symbolic and social capital held by 'ulamā' (Islamic scholars) within NU in Jember. From a symbolic perspective, the *fatwā* wielded substantial influence, as NU religious authority in Jember commands deep respect within the local community, particularly among the Madurese ethnic group, who regard religious values as a fundamental principle of social life. This religious legitimacy enabled the PCNU Jember *fatwā* to function not only as a theological doctrine but also as an effective advocacy tool in public policy-making. Moreover, the political relationship between the PCNU Jember and the Jember Regency Government—marked by the NU 'ulamā' endorsement of the Regent and Deputy Regent candidates in the 2015 Jember Regional Election (Pilkada)—further reinforced the *fatwā*'s legitimacy within local governance structures. This close political alignment ensured that the Jember Regency Government did not merely offer symbolic support for the PCNU Jember *fatwā* but took concrete action by filing a non-litigation petition with the Ministry of Law and Human Rights to revoke the gold mining permit in Blok Silo.

The findings of this study suggest that religious *fatwās* can serve as strategic instruments for influencing public policy, particularly in environmental governance. Green *fatwās*, such as the one issued by PCNU Jember, have the potential to bridge Islamic teachings with global challenges, including climate change and environmental degradation. Therefore, a deeper understanding of green *fatwās* could inspire religious leaders and policymakers to develop faith-based environmental protection strategies. However, this study is limited in its scope, as it does not extensively examine the effectiveness of green *fatwās* at the national and global levels. Further research is needed to explore how green *fatwās* can be implemented across diverse social and political contexts, as well as how the synergy between public policy and Islamic teachings can be strengthened to address future environmental challenges.

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