

The Indonesian Ulema Council Fatwa Analysis on The Environment and Their Relationship to The Green Economics Concept Development

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ARTICLE INFO	ABSTRACT
Received 3 Desember 2022 Revised 17 Desember 2022 Approved 26 Desember 2022	The Majelis Ulama Indonesia is an independent institution tasked with providing answers to religious and social issues of the people. As an independent institution, the MUI has the responsibility to issue fatwas that can promote the benefit of society and the environment so that shared prosperity can be realized. At this time the MUI has issued a Fatwa on the environment which aims to protect and maintain the sustainability of the existing ecosystems in every community environment. Of course this needs to be analyzed whether the MUI fatwa has met the sustainability aspects and its linkages with green economic aspects as a measure of environmental welfare. The methodology used in this research is qualitative with a content analysis approach, (literature study), namely by analyzing the books and fatwas related to this research, so that conclusions can be obtained. The results of this study indicate that the method and analysis of environmental sustainability in MUI fatwas related to the environment have used methods that are commonly used so far, while the contents of the fatwa are related to sustainability of the existence of ecosystems and the environment, but MUI's arguments have not included the latest research results. about the environment. MUI fatwas related to the environment have accommodated green economic principles as seen in the general provisions contained in the fatwa decisions.
Keywords: MUI Fatwa, Environment, Green Economic.	

Introduction

Environmental sustainability has become a special concern for developed countries by making very significant efforts. One piece of evidence is the emergence of the Stockholm Declaration whose main content is environmental matters. The discussion on the environment in this declaration was then followed by a discussion on development through the Rio de Janeiro Declaration which sparked the concept of sustainable development by linking development and the environment. Sustainable development is a concept that seeks to anticipate the sustainability of the environment after the use of natural resources by humans and in the end the next generation can still utilize and use these natural resources (Valk, 2009); (Issar & Zohar, 2007).

Today various countries are faced with the problem of degradation of natural resources, energy, environment and food resources. Exploitation of non-renewable natural resources worsens environmental resources due to human behavior that is not environmentally friendly. Meanwhile, threats due to climate change and global warming are increasingly reducing the sustainability of the earth in meeting the needs and welfare of mankind in the world (Taylor,

2011). To address this serious problem that touches upon vital human basic needs, it seems that the concept of a green economy is vital which can provide an answer or solution, namely an economy that is built and implemented to address climate change, prevent further greenhouse gas emissions and so on. In green behavior, humans are required to prioritize the use and economize on the use of renewable natural resources. So it is this human paradigm towards their environment that needs to be changed so that their attitudes and behavior are more wise and prudent in interpreting and treating nature (Sutton & Anderson, 2020).

Indonesia, a country rich in mineral natural resources, has also paid the same attention. For this matter, the Indonesian state has made sustainable development regulations through Law Number 32 of 2009 concerning the Protection and Management of the Environment, especially stated in Article 1 number 3 (Awatara, 2015). A planned and conscious effort by integrating economic, social and environmental aspects is a strategic step in providing guarantees for safety, capability, integrity and welfare, so that the quality and quality of life for present and future generations can continue. Attention to the environment is of course not only the responsibility of the government but every community has concern in protecting and preserving the environment (Rasyid, 2014).

Green economic principle Prioritizing use value, intrinsic value and quality, this is the basic principle of green economy as a service economy, centered on end result and environmental requirements. Then waste is food, nature does not recognize waste so that part of the waste must be converted and has use value for society (Djajadiningrat, 2018). Another aspect of the green economic principle is diversity, in a world of constant change, health and stability will depend on diversity. This applies to all levels/diversity (types of plants, animals, ecosystems and regions), as well as social and diversity ecological organization. Including ecologically based economic design should include community participation in the decision-making process.

Indonesia as the largest Muslim country in the world certainly has a very large role in realizing environmental care and sustainability, this aspect has certainly become a big agenda for the Indonesian government, through the program of extension training activities, so as to build awareness of the importance of preserving the environment. As a large Muslim country, of course Indonesia's role is very strategic in realizing environmental harmony, as well as setting an example for the international world.

The Islamic teachings that are adhered to by most of the Indonesian people certainly teach how to protect nature and the environment so that it is always beneficial and sustainable for the future of this country's descendants. The role of ulama and community leaders is very important in realizing environmental sustainability so that it is always maintained and maintained. The Indonesian Ulema Council as an institution that protects and answers and directs related to religious and socio-cultural issues has issued several fatwas related to the environment such as (1) MUI Fatwa Number: 22 of 2011 concerning Environmentally Friendly Mining, (2) MUI Fatwa Number: 04 of 2014 concerning Preservation of Endangered Animals to Maintain Ecosystem Balance, (3) MUI Fatwa number: 41 of 2014 concerning Waste Management to Prevent Environmental Damage, and (4) MUI Fatwa number: 30 of 2016 concerning Laws on Forest and Land Burning and Their Control. This fatwa proves that the existence of the Indonesian Ulema Council (MUI) has contributed to environmental

concern and its sustainability (Amin, 2008).

The role of religion in carrying out its spiritual function of protecting the environment is a step that must be optimized, because if not, then religion will be in a dark area. In fact, it is religion that is expected to be able to maintain and prepare the environment for the future, which is not decreasing and increasing damaged, but should increase and be more sustainable, by applying religious teachings and spiritual values of religion and environmental ethics that are comprehensive and universal (Marzuki, 2013).

Fatwa is a religious review and review issued by the MUI, of course it has aspects of content related to the method and purpose of the fatwa, so that the fatwa has a strong basis and argument in encouraging the public to carry out what is fatwa. Environmental fatwas and waste management to prevent environmental damage are of course based on analysis and the phenomenon of increasing environmental damage and the lack of public attention to the environment. But how does the fatwa of the Indonesian Ulema Council see the concept of fatwa as a reference built on the basis of economic arguments and the sustainability of environmental ecosystems, it is necessary to analyze the fatwa.

Green economics is a global issue related to the increasing damage to the environment and the ecosystems within it so that green economics does not only show the safety of the ecosystem and solutions but how sustainability and stakeholder engagement with the environment (Adnyana & Primasari, 2020). Of course, as a global issue, it is important to see how the legal arguments and economic analysis of the fatwas issued by the Indonesian Ulema Council regarding the environment in Indonesia. Has the MUI fatwa related to the environment accommodated sustainability and the government's involvement in environmental concern? Is the MUI fatwa methodology related to the environment analyzed using a green economic approach and sustainability development goals, for the goal of realizing the sustainability of environmental ecosystems and the future of the earth in the long term.

Method

This study uses library research procedures or literature research with descriptive-analytic study techniques. The data used is in the form of a review of library materials, both primary and secondary, relating to MUI Fatwa Number 22 of 2011 concerning Environmentally Friendly Mining, (2) MUI Fatwa Number: 04 of 2014 concerning Preservation of Endangered Animals to Maintain Ecosystem Balance, (3) MUI Fatwa number: 41 of 2014 concerning Waste Management to Prevent Environmental Damage, and (4) MUI Fatwa number: 30 of 2016 concerning Laws on Forest and Land Burning and Its Control. sources of law and the arguments used, as well as the basis for the consideration of the issuance of the fatwa. Furthermore, the description is analyzed based on the perspective of the objectives of Islamic law, namely maqasid al-shari'ah (Arikunto, 2017); (Bungin, 2007).

Results and Discussion

A. How is the method, and environmental sustainability analysis in the MUI fatwa related to the environment

The Majelis Ulama Indonesia is an institution authorized to provide answers related to religious and social phenomena. The answer is that the MUI fatwa legally does not bind the community directly, at least the fatwa encourages and provides support to policy makers related to the aspects in the fatwa. MUI in issuing fatwas always uses fatwa methods that are common in a study of fiqh and fiqh proposals, by conducting a legal analysis of the texts of the Koran and hadith as well as the *ijma'* of the clergy as part of producing a law in fatwas (Ulum, 2014); (Muhiddin, 2014).

Like the article written by Muhaimin about fatwa No. 22 of 2022 regarding environmentally friendly additions, it shows that the fatwa method which is commonly used in the form of efforts by scholars to find legal formulations through the process of *ijtihad* uses several methods that pivot on two orientations; *tariqah lafdhiyyah* (study of language) and *tariqah ma'nawiyah* (finding the meaning of the texts). *Tariqah lafdhiyyah* is carried out by using all linguistic devices to find the textual meaning of the text, while *tariqah ma'nawiyah* is carried out by trying to find the legal intent and purpose that emerges from the text. The aims and objectives of the law are then used as a measuring tool in addressing the realities and legal problems faced. The step of discovering the aims and objectives by Ushul Fiqh experts is called the *maqashid al-shari'ah* approach (Djalaluddin, 2009); (Dahlan, 1997); (Al-Syatibi, 2003).

Of course, this stage is common for every scientific reason and legal logic that is always used by the MUI in providing answers to questions and legal issues that exist in society. Every fatwa issued by the MUI always considers general aspects related to the aspects to be decided in the fatwa. This general aspect is always seen in the basic framework contained in the Koran and Sunnah as a reference for legal logic to provide the basis for the arguments for the given fatwas. Al-Quran and Hadith are the main sources and references in every fatwa issued, of course this has answered the representation of normative aspects and values that must be applied in accordance with Allah's commands in the Koran.

The sequence of fatwas used in general aspects contained in the Koran and Hadith has been accepted by the Islamic community, that the general element of the Koran by applying universal values in explaining the argumentative fatwa corridor is part that must be guided by the Indonesian Ulema Council from every decision issued. Even the Indonesian Ulema Council has included in the fatwa method regarding the opinion of the Ulama as part of the consideration of the decision to be given. The opinion of the scholars is certainly an additional point that supports the main aspects contained in the commandments of the Koran and Hadith; (Syarifuddin, 2008).

Although the texts of the two main sources of law are limited, their meaning transcends time and space. The discovery of unlimited meaning is of course through the earnest efforts of the scholars, which is then called *ijtihad*. *Ijtihad* is an effort to use the intellectual potential of the *ulama'* to answer problems that have just arisen, which did not exist before, while still referring to the two main sources of law. -Legal issues that arise,

and then the formulation of the answer is found (Saharuddin & Hayati, 2020); (Bakry, 2009).

Of course the character of a fatwa will experience development and change in line with environmental conditions and circumstances as well as the development of science. So the fatwa method carried out by the Indonesian Ulema Council related to the environment with fatwa No. 22 of 2022 has been carried out with a method that is in accordance with the stages and scope of the study which is comprehensive. For example, on points of determination and general considerations, where at this point the Indonesian Ulema Council has conducted an analysis of sustainability and the impact on the ecosystem if. This aspect also emphasizes the importance of supervision carried out so that environmental expectations and sustainability can run well.

In fatwa No. 22 of 2022 which explains the implementation of mining and the technical regulations governing mining, the Majelis Ulama Indonesia has given provisions and legal corridors by considering aspects of sustainability and the consequences of ecosystem damage. While the analysis of the MUI fatwa Number: 04 of 2014 concerning Preservation of Endangered Animals to Maintain Ecosystem Balance. This fatwa aims to protect endangered species and guarantee the life and sustainability of the fatwa. In terms of the fatwa method carried out by the Indonesian Ulema Council, it still uses relatively the same stages as other fatwas, it's just that the analysis and ambiguity aspects distinguish the legal arguments given by the Indonesian Ulema Council. Environmental aspects and ecosystem sustainability as points in a green economic principle have been included in the points of consideration in the decisions made by the Indonesian Ulema Council. For f MUI Fatwa number: 41 of 2014 concerning Waste Management to Prevent Environmental Damage. The fatwa method which is the stage carried out by the Indonesian Ulema Council is in line with the principles of *usul fiqh* so that the stages can provide legal explanations to the public regarding what is fatwa. Sustainability aspects have been included in the fatwa points including recommendations and involvement of the government and the community related to waste management to prevent environmental damage.

In general, the fatwa of the Indonesian Ulema Council, which is used as a reference for Muslims in Indonesia, is proof of the concern and concern of Muslims, in this case the MUI, to protect and preserve the environment and the ecosystems within it so that people's welfare is realized. It's just that the fatwa has not included the research results which are the latest scientific basis related to human obligations and responsibilities towards the environment and its ecosystem. If the fatwa includes the basis for a study of the latest research results from academics, it will certainly provide color and additional arguments contained in the MUI fatwa.

B. Does the MUI fatwa related to the environment accommodate green economic principles?

The Indonesian Ulema Council (MUI) is one of the institutions that has quite intense attention in efforts to preserve the environment (Ahmad, 2000). The important role of the MUI includes the issuance of the MUI Fatwa which specifically pays attention to

environmental issues. Among the MUI FATWA on this issue include: (1) MUI Fatwa Number: 22 of 2011 concerning Environmentally Friendly Mining, (2) MUI Fatwa Number: 04 of 2014 concerning Preservation of Endangered Animals to Maintain Ecosystem Balance, (3) MUI Fatwa number : 41 of 2014 concerning Waste Management to Prevent Environmental Damage, and (4) MUI Fatwa number : 30 of 2016 concerning Laws on Forest and Land Burning and Their Control. The four MUI fatwas are all closely related to the environment and the ecosystems in it, so that this can be used as a reason for the public to follow and guide them in relation to Islamic provisions governing the environment and ecosystems.

With the existence of an MUI fatwa related to the environment, of course this proves that the concern of the Muslim community and the Indonesian Ulema Council for the sustainability and maintenance of the environment is a very urgent matter. The fatwas issued are of course based on societal phenomena and the consequences of human negligence on the surrounding environment, causing damage and affecting the health and habitat of the ecosystem. Seeing this phenomenon coupled with religious demands that tell people to care and always care for and protect the environment, for this reason the clergy provide rules and guidelines that form the basis of people's behavior towards the environment (Tresna, 2009).

As a fatwa, of course the content contained in the fatwa issued by the MUI has accommodated the green economy principles, why is this something that needs to be connected. That currently one of the global issues is related to the environment and its sustainability, both with a social approach and with the concept of green economics. Green economy has 10 principles that must be implemented so that environmental balance is realized, of course the fatwa as part of recommending to the government and the public regarding fatwas regarding the environment certainly provides argumentative reasons and content that accommodates green economic issues for the long term.

The contents of the fatwa of the Indonesian Ulema Council related to the environment can be traced from each stage before the decision is stated at the end of the fatwa. These stages start from the general reasons contained in the Koran and Sunnah, then continue with the opinions of scholars and laws that regulate the environment in Indonesia. These stages have shown that implicitly the fatwa of the Indonesian Ulema Council has accommodated the green economic concept which contains 10 indicators.

This reason can be found from every fatwa of the Indonesian Ulema Council on general provisions which contain several scientific arguments taken from studies and research on the environment. As in fatwa No. 22 of 2011 concerning Environmentally Friendly Mining, in the stipulation and general provisions section of the Indonesian Ulema Council explains points related to green economy. The points consist of 4 points in section number one and 6 points in section number two. Each of these points mentions sustainability and legal provisions to maintain the environment and ecosystem. In the following section, the fatwa of the Indonesian Ulema Council has provided recommendations to the government community and local governments related to the environment.

C. What is the legal logic of the MUI fatwa on the environment

The fatwa of the Indonesian Ulema Council is a legal product that is not directly binding on the community. But the MUI fatwa can be used as a legal reference in formulating laws by the government so that the legal reasons will become stronger. As a fatwa that provides answers related to religious and social issues, the Indonesian Ulema Council under the fatwa commission conducts a very comprehensive and gradual study to produce a law that will be conveyed to the public. The basis for taking the law studied at the level of the fatwa commission of the Indonesian Ulema Council still adheres to the Koran and hadith

Al-Qur'an and As-Sunnah, which are the main sources of Islamic law, cannot be understood by all groups of Muslims except those who study in depth about the field of religious knowledge. That's why the scholars took the role. Its role is very important in realizing religious demands in order to provide a clear and correct understanding through fatwas. In the Qur'an, Allah SWT orders people who do not understand a problem to ask experts or people who do understand, in matters of religion, of course the experts are the scholars.

At first the fatwa was given individually. Rasulullah SAW always gives answers to questions asked by friends. The answers given by the Apostle became the legal basis and are binding for Muslims as shari'ah rules (Yusuf, 2012); (Mudzhar, 1993). However, after he died, legal issues were asked to the caliph who replaced him or the scholars of that period. If they do not get guidance from the Qur'an and Sunnah, then they make ijtihad. Ijtihad is given as an individual decision.

According to al-Syāthibī the mufti replaces the Prophet's position in relation to the people because of the three roles he plays. He acts as an heir who inherits religious knowledge from the prophets. He also acts as a preacher who conveys (mukhbir) Islamic teachings to the people like the Prophet, he also plays a role as syāri' from one side because of the Syara' law, what he conveys is sometimes conveyed manqūl from the source and sometimes he also conveys it through the istinbāṭ process from . Subsequent developments, fatwas are no longer given individually, but are shifted to official institutions or institutions created by the government to receive considerations in Islamic law (Ka'bah, 1998). In the Indonesian context, the Indonesian Ulama Council (MUI) is one of the institutions authorized to issue religious fatwas (Djamil, 2012).

The Indonesian Ulema Council (MUI) as a religious institution that has a fatwa institution, has produced various legal fatwas. From the fatwas issued, there are many contemporary issues that have no legal precedent in classical fiqh studies. So inevitably the process of determining the law requires an in-depth study. One of the things that must be considered in the process of determining the law, in addition to the normative arguments from the Al-Qur'an and Sunnah, must also pay attention to the legal impacts and consequences that arise. Al-Qaradhāwī explains that every work related to fiqh law has two important aspects that must be considered; aspects of motivation behind it, and aspects of the impact and results caused by these actions (Al-Qardhāwī, 1998). This is where the concept of siyāsah syar'iyah is needed.

From the opinions and explanations explained by him, it can be understood that the legal logic of the Indonesian Ulama Council's fatwa is still guided by the Koran and hadith relating to the issues to be discussed. The Qur'an which explains general provisions related to community issues, the scholars use the hadith as a basis for explaining what is meant by the Qur'an. Hadith functions to explain the general provisions contained in the Koran so that the scholars get legal certainty and the accuracy of answers related to what is asked by the community.

Again, the next law is to look at the opinions of the scholars related to the discussion in the fatwa, this logic is used by the scholars as part of the argument, this issue has actually been discussed by previous scholars, it's just that the objects and circumstances are different, so the ulma will use reason. qiyas, istihsan, istishab and other methods of finding close answers to existing problems.

The legal logic of the Ulama contained in the study of the fatwa commission of the Indonesian Ulama Council has fulfilled the stages in accordance with scientific norms in providing recommendations to the public.

Conclusion

Fatwa is one of the important points for a Muslim to obtain legal certainty related to an existing problem. One of the interesting phenomena currently related to environmental issues is getting worse, so that many people in the world have made an agreement or consensus related to environmental sustainability with a green economic approach. As an independent institution, the MUI has issued 4 Fatwas related to the environment and each of these fatwas has a method that is in accordance with scientific studies. The results of this study show that the analysis of environmental sustainability in MUI fatwas related to the environment has used methods that are commonly used so far, while the contents of the fatwa are related to the sustainability of the existence of ecosystems and the environment, but MUI's arguments have not included the latest research results on the environment . MUI fatwas related to the environment have accommodated green economic principles as seen in the general provisions contained in the fatwa decisions. The legal logic of the MUI's fatwa on the environment always starts from the general principles contained in the Koran and Sunnah, then ijma uses the ijihad, qiyas and urf methods.

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