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Review

Implementation of Islamic Religious Value on Governance of Law and Environmental Issue

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ABSTRACT

Social environment is changing rapidly coincide with rapid change of human thinking in solving any problems. The thinking is underlying human activity in their life, so that it needs a guidance of thinking in facing every change in the life. Padjadjaran University (Unpad) as part of educational state has a guidance to support national development which is presented in principal scientific pattern (PSP) consisted of strengthen law and environmental issue. The rise opinions to restore Islamic religious values in the social order such as growing of Islamic banking system have proven its superiority at any challenges of finance problem. Therefore this paper tries to illustrate the superiority of Islamic values that are integrally introduced into PSP of Unpad's vision and mission. One of Islamic religious value has been listed in maqasid sharia is to maintaining human mind (Hifz Al Aql) in thinking and behavior and also to maintaining harmonious environment for good living. Hopefully, all of activities in the academic community of Unpad could be able to rely on Islamic PSP as a guidance in every academic activities, moreover to bring Islam blessings and prosperity for all (rahmatan lilalamiin) at the Unpad.

1. INTRODUCTION

Having a principal thinking must be in lifehood. Actually, every people would be doing based on what their thinking in advance. The principal thinking would be having by an institution which is actualized in principal scientific pattern (PSP) such as owned by Unpad (University Padjadjaran. The PSP is used to be fundamental thinking for generating any rule in the university. Historically, the Unpad`s PSP generated by environmental issue which has got special attention across the world in 1970s. United Nation (UN) held special conference in this issue in 1970 to respond the problems, then, the date of conference i.e. 5 June known as world environment day. In Indonesia the environmental problem issue has been realized by held the conference of environmental management to support national development that was held at Unpad on May 1972, by this conference, Unpad was pointed to be delegation of Indonesia in international conference in Stockholm. After the seminar held, Unpad was arranging PSP namely strengthen the law and environment, it was introduced by Mr. Mochtar Kusumaatmadja (International Law Professor), and Mr. Otto Soemarwoto (Biology professor). Principal scientific pattern (PSP) consisted of strengthen law and environmental Issue. In Islamic view, the PSP is strongly correlated with the Islamic principal to environmental conservation and enforce the law. The objective of this paper was to explain how the PSP`s Unpad is viewed by Islamic religious value.

2. STRENGTHEN LAW IN UNPAD

2.1. Islamization of International Law

International law established to modulate an interaction among country in the world. The law assumes that international people has freedom and sovereignty, so that it needs an equal coordination each other. In fact, there is possible appearing the problem during the interaction due to differenced in custom or nationality even in its national law. If among country is interacted in the trade activity, it needs one regulation which is to be approved each other. The source of international law could be derived from any system or custom, but occasionally, the system is not fit with the human right, consequently, developing country is under-control or pressure of developed

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country in the international trade, for example capitalism system has known ruin economic sector of developing country by its system which is allow private company to have a public facility such as forest, and mine. Low class of people could not get proper facilities due to their limitation in property. But, Islamic law could be presented in answer the problem. Due to the revolution of system in Islamic country in last century, nowadays, Islamic system has been reduced in many aspects such as in the international trade. Thus it needs to recall Islamic system to be established in any aspect of life in order to solve the problem.

2.2. Islamic law in International trade as problem solver

Islam is a system of life that is revealed by Allah to prophet Muhammad PBUH to regulate an interaction between human and Allah, human and himself, human and another human. According to Qoran and hadith, in every aspect Islam has a rule includes in trade rule, then human asked by Allah to obey Him through obey entire His rule (syaria). Foreign trade is part of human activity which is important to gain some advantages. Every country has a sufficiency or insufficiency in the natural resource, so that among the country there is trade to fulfill their need. To establishing good governance in trade law, Islam has some fundamental policy of foreign trade:

2.2.1 Interaction with another country should be addressed to serve people

2.2.2 Export-import value is not based on surplus revenue but it is more important to be relevant to Islamic ideology.

2.2.3 Foreign currency exchange should be followed by high intensity of domestic trade both are goods and services.

2.3. Indonesian law highlight

There are three factor of weakness on law enforcement in Indonesia, namely: law product, law actor, and law punishment. However, law product and punishment will explain at this paper. As we known, law product of Indonesia is come from Nederland that is having three fundamental missions: (1) mission of economic, (2) mission of Religion, and (3) mission of law supremacy. Meanwhile, the law punishment of crime seems too weak and too light, for example law punishment for rapist in the national crime code of articles of 285 it could be sentenced by maximum 12 years. In fact, the rape is kind of severe crime, due to the victims frequently got the sickness both re mentally or physically. Moreover, the rapist occasionally is doing the same crime after be released. Thus, weak and light punishment will be not support for good law enforcement in the future, the perpetrators will not fear due to the light sentenced. So that in the law punishment it needs to be reconsider to amend crime code such as derived from Islamic view.

2.4. Fundamental of Islamic law

There are two fundamental functions of Islamic law enforcement: jawazir (to prevent) and jawabir (to cleanse the sins). Moreover, the function of jawazir it could be effectively prevent the crime due to severe punishment of Islamic law will be make a perpetrators candidate to be fear to do a criminal. Islamic law is teaching us to glorify a justice. Allah SWT says in the Qoran: “O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allah is more worthy of both. So follow not [personal] inclination, lest you not be just. And if you distort [your testimony] or refuse [to give it], then indeed Allah is ever, with what you do, Acquainted” (Annisa: 135). Law enforcement in Islam is should be looked at the crime not the person who did the crime. Islamic law trial is applied for all people even to all state official and their family. Prophet Muhammad PBUH said: “By Allah, if Fatima the daughter of Muhammad stole something Mohammed would cut off her hand”. This hadith is explaining clearly supreme Islamic law. Another story of Islamic law enforcement is about dispute between Khalifa Ali bin abi Thalib with his people of Jew, in disputing his armor, but the Jew won due to the Khalifa did not show evidence, then the Jew was released. To reinforcement of Islamic law, there are need three principles: firstly, good people or piety, secondly, society control, and thirdly, state control. If one of three principles is broken, then Islamic law enforcement will be broke.

3. STRENGTHEN ENVIRONMENTAL ISSUE IN UNPAD

3.1. Environmental Problem

Environmental problem occurs when human interacted with environment. The interaction occurred is due to basic need of human to the environment. Primary needs such as food, water, and oxygen are taken from the environment. Unfortunately human activities are frequently affecting environmental damage in fulfill their needs. Improper attitude and greed of human in environmental management are affecting in environmental damage and its harmony, so that it will affect in natural disaster. In three last decades, standard of life of Indonesian people are relying on natural source, however, it should be paid by environmental degradation due to wrong people attitude and management. For example there are some widely forest degradation in Sumatra and Kalimantan Island, even, it is still going till now, due to human greed and wrong management. In order to protect environment from any degradation of human, to make it harmony with human life, it needs comprehension management in any point of view including in Islamic view as a guidance of life.

3.2. Islam conserve environment

Natural exists for human life but it not freely exploited depending on human greed. due to human is lack of information so that Islamic view teach the human how to maintain natural life or environment, Allah prevent any kind of damage caused by human in the qoran surah Al-A`raf verse 56: *"And cause not corruption upon the earth after its reformation. And invoke Him in fear and aspiration. Indeed, the mercy of Allah is near to the doers of good".* in the tafseer of Jalalain, the corruption in this verse it means idolatry and immorality. Environmental degradation caused by human is one of cases of immorality and it is also improperly action. Other kinds of Islamic view that Prophet Muhammmad teach us to be:

3.2.1. Do not cutting down the timber carelessy, *"whoever cuts down a lotus tree in the open desert that wayfarers and animals use for shade, merely for sport and to wrong others unlawfully, then Allah will throw him headfirst into Hellfire".* (Hadith in AL-Bukhari).

3.2.2. Do not pollute environment, "Beware of the three acts that cause you to be cursed: [1] relieving yourselves in shaded places (that people utilise), in a walkway or in a watering place." (Narrated by Mu`adh, hasan, by Al-Albani)

3.2.3. Endorse Muslim to cultivate the plant, "*if a Muslim plants a tree or sow s seeds, and then a bird or a person or an animal eats from it, it is regarded as a charitable gift (sadaqah) for him*" (Hadith in Al-Bukhari). Also in another hadith, "*If the hour (the day of Resurrection) is about to be established and one of you was holding a palm shoot, let him the advantage of even one second before the hour is established to plant it*". *"Whoever plants a tree is rewarded by Allah as much as the produce grown in that tree."* (Hadith in Ahmad b.Hanbal).

3.2.4. Do not kill animal without a right reason, "*Whoever kills (even) a little bird unnecessarily, it will complain to God on the Day of Resurrection and say, 'My Lord, so and so killed me in vain and did not kill me for a useful purpose*'." (Hadith in An-Nasa'i and Ibn Habban)

It is prohibited to eat claws bird and or fanged animal, and it should be a lesson from the prohibition i.e. the animal is predator for another pest animal such as rat and hog, so that it could be preserve environment harmonically. There is fact of pest explosion due to lack of predator so it affected in food production.

Thus, Al-Qoran and hadits have revealed to solve any problems especially in environmental issue. All suggestion of quran and hadith had done by Muslim at that era, because Islamic view is not only positive view but also it is guidance book that is possible to be practiced in daily life.

Prophet Muhammad PBUH had established an area in Madinah as a *hima*, namely conservation land (private pasture) for protecting natural life. His companion, Abu Ubaid reported that Prophet PBUH had protected a place called Naqi, at the place there are abundant of water and vegetation. He prevent people to utilize the place unless for feeding animal such as warhorse.

This hima policy had also continued by khalifa such as Umar Ibn Khatab that established wide hima i.e. *asy-Syaraf* and *Hima ar-Rabdah*, which could be loaded with 1000 animal. Another khalifa, Harun al-Rasyid reported had established animal conservation park, the king of Fance , Charlemagne, reported had given a animal gift by Khalifah.

Thus, Islam has been contributing in natural conservation. The Islamic rule had established in long history especially in the golden age of Islam (8^{th} – 13^{th} century). It has a lesson that Islam view is fitting with environmental conservation.

3.3. Environment as a public ownership

In Islamic view, the ownership is only allowed by Allah (As-Syari'), any utilize of stuff is only according to Allah`s rule. There are three kind of ownership in Islam: Private, Public and National Ownership. Generally, the environment is part of public ownership, so that it is prohibited to be owned by private or groups. Environment as a public own is defined as vital facilities that are every people must be interacted with it. If the facility is damage, it must be hard in life. In the hadith Prophet PBUH said: The Muslims are partners in three thing: water, pasture and fire (Hadith in Ibnu Majah).

According to the Islamic view on the governance of law and environmental Issue, it will be right alternative to return Islamic law in our life, especially on the principal scientific pattern (PIP) in Padjadjaran University as a little society.

4. CONCLUSION

Basically, Unpad`s PSP is correlated to Islamic value, all of activities in the academic community of Unpad could be able to rely on Islamic PSP as a guidance in every academic activities, moreover to bring Islam blessings and prosperity for all (*rahmatan lilalamiin*) at the Unpad.

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