

THE ROLE OF RELIGION IN ENFORCEMENT OF ENVIRONMENTAL LAW IN INDONESIA

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Abstract

The environment is something that is the main basis and foundation of life. If the residents in an ecology can maintain and preserve the ecology in that area, then peace will soon be achieved and balance will remain stable. So from this there is what is called human awareness as one of the owners of instruments which are quite important but have equal degrees. Many legal products are for the environment, but many also fail in them. The role of religion is very much needed in fostering a sense of human awareness of the environment so as to create a balanced and beautiful environment

Keywords: Environment, Law, Islam

INTRODUCTION

When we talk about environmental damage, we are talking about what often happens around us. We and the environment are two things that cannot possibly be separated. That's why environmental damage is our responsibility as human beings, we must minimize incidents related to environmental destruction. Environmental problems are not just small problems such as throwing rubbish out of place, problems also include the loss or destruction of natural resources around us, either because of our own actions or because of conflict in the pursuit of natural resources. (Bernadius, 2007)

Regarding environmental management in Indonesia, such as in the forest, fisheries, marine and mining sectors, it must be carried out by ensuring economic dynamism to support the growth and sustainability of the environment itself, and of course regarding law enforcement for every individual and person who carries out such protection, the state must be given strict sanctions in accordance with applicable legal regulations regardless of who they are. One of the environmental damages that often occurs in Indonesia is the felling of trees.

literally or what is usually called *illegal logging*. This problem is not a problem that has just arisen in Indonesia, this problem has existed for decades. Tropical forest damage in 1985-1997 recorded around 1.6 million hectares of land damaged due to illegal logging, then in 1997-2000 it was recorded that more than 3.6 million hectares of forest in Indonesia were affected by this illegal logging. In 2005, an article published in the Kompas Daily Newspaper reported that in a period of 20 years, 43 million hectares or the size of the combined forests of Germany and the Netherlands in Indonesia had been damaged. (Bambang, 2011).

When we talk about criminal law enforcement in Indonesia in the context of environmental law, we will know that environmental law enforcement in Indonesia is only an ultimatum remedium where the final solution to environmental health carried out by a person or entity is a criminal instrument. These limitations are also what causes the government to fail in carrying out its environmental protection function, one of which is the existence of Law no. 32 of 2009 concerning environmental management. Textually, it can be interpreted that the protection in the regulation is perfect and covers almost all aspects, but in reality in society, the law is declared a failure and it is proven that there are still many members of society who commit violations against the environment roaming around freely. All of these things are the effect or impact of law enforcement not acting in accordance with what it is supposed to do, namely providing a deterrent effect to people who commit these violations. From this we also know that Indonesian society has a bad global culture regarding concern for the environment.

If we look at the state perspective in Indonesia which has the characteristics of a very religious country, then it is certain that the role of religion in it is very important in shaping a person's attitudes and behavior so that they become a good person. All religions teach about goodness and certainly in the teachings of these religions, whether Islam, Christianity, Catholicism, Buddhism, Hinduism or so on, they definitely have teachings to love and care for nature which has been provided by God. Also emphasizing the first principle in Pancasila which is a symbol that Indonesia is a country that adheres to religious understanding should be able to provide an example of goodness for goodness sake in every behavior and action including even to nature.

RESEARCH METHODOLOGY

The method in this study uses doctrinal normative legal research or law with a philosophical and historical approach as well as a concept approach. This research is in a juridical and historical approach to study and analyze history regarding the role of politics in the field of environmental law. This type of research is a descriptive research with and at the same time explains the phenomenon of events that occur at this time. This research uses secondary data derived from literature studies in the form of data derived from books, journals, literacy, and Legal Expert Opinions as well as several other sources that can support the success of this research.

RESULTS AND DISCUSSION

Law Enforcement in Indonesia

Once again, when we talk about criminal law, criminal law can only be implemented within certain limits and its power is only to the extent that it can be proven (Jeremy, 2006). These limitations in criminal handling require a change in legal handling that is more effective return by providing maximum means of prevention, because in this case it can prevent the occurrence of criminal acts, especially those related to environmental problems. Prevention carried out in a non-disciplinary manner will provide opportunities for very broad prevention, even prevention can be interpreted as an effort to return humans to a better order. Because this return does not mean it only impacts one aspect, but rather many aspects that must be considered carefully. Therefore, in handling it, legal construction in the environment must provide prevention of the negative impacts of the many problems that arise.

Efforts to prevent a crime or criminal act are basically an integral part of social policy which can be interpreted as an effort to protect society and an effort to reach the point of social welfare. Criminal policy is one of many legal policies that determine human behavior as a crime or crime. Therefore, it is felt that criminal policy is very important to pay attention to in order to create a prosperous society. (Barda, 2011).

The construction of non-penal law in prevention covers a very broad domain and almost all social policy sectors. The main aim and objective is to improve social and community conditions which indirectly have an influence on the prevention of types of crime. (Is, 2007) Prevention of actions related to environmental law is more of a preventative action so that crimes against the environment do not occur, namely more leads to prevention of existing factors that can directly or indirectly occur soon.

The basis of environmental law which has a context for prevention does not only occur when dealing with positive laws or laws, but also includes part of local cultural wisdom. If the related prevention has entered and exists within the community, it will result in the enforcement of existing laws having a lighter risk. In criminology, prevention is a better effort than educating someone who has become a criminal, because the effort is made to criminals in an effort to prevent crimes from happening again. Prevention efforts are positive actions in various spheres such as social, culture, and economics which will continue to encourage society to take preventive measures so that a crime does not take effect, not the

other way around, a regulation which does not have good prevention and enforcement will later give rise to the public's desire to violate the law.

Prevention carried out in the community as early and early as possible is a very big step in which we can prevent even greater damage. This effort must exist in the community and must be invested as early as possible, even when it is a member society at an early age through elementary school education, ethics in society or through religious education which will create an environment that understands and understands legal morals. So it is hoped that in the future there will be full awareness that will arise in society as generations change and protect natural life and the environment. One of the keys to improving human quality is through religion which can provide a way to jointly protect the existing ecosystem. In religious teachings it will also be conveyed to all humans who will then ensure the preservation of life that all creatures on this earth are and have the right to the pleasure and beauty of nature and it would be a great shame if they were later destroyed by human greed and interests. personal. Therefore, religion is an important role in the sustainability and preservation of nature in dealing with acts of destruction of nature by humans.

Islamic Approach in Environmental Law Construction

It should be noted that the current crisis is a human error in responding to ecological or environmental problems. Lyn White said that what humans do and think is what will happen to nature and the surrounding environment. He emphasized again that nature will follow its beliefs and destiny, namely religion. This is related to the many violations that have been committed by humans which have resulted in damage to nature, such as illegal felling of trees, illegal fishing, and brutal dredging of agricultural products or mines. It cannot only be resolved by existing regulations or laws, but must also take a religious or religious approach. Several legal experts say that when imposing a punishment, whether in the form of a crime, it is advisable to use religion as a benchmark or support in carrying it out. (Barda, 2012) In theory, environmental enforcement can be carried out by influencing the community by providing education. , provide examples of real action regarding community concern for the environment, and provide legal education regarding criminal acts influencing views of society on crime and punishment. One way is by providing religious education and providing awareness to protect the existing environment.

In principle, when humans create laws it is to obtain protection related to their rights and receive proper respect as living creatures. (Ali, 1994) The construction of law

enforcement in the sense of prevention has the main objective, namely to be able to move or direct the existing community to behave and behave. Behaving in accordance with the regulations that apply in an area will create awareness among the public to protect each other and respect the environment, which is very important. One way to make every member of society aware of the importance of legal awareness that relies on environmental considerations is through a religious approach which can be conveyed through da'wah. This will be a very strong and dynamic thing where Indonesia is a country with the largest Muslim population compared to other religions.

Ideally, a country with the largest Muslim population in the world, namely Indonesia, would certainly have good legal awareness and criminal acts related directly or indirectly to environmental law should not occur. In connection with the insight regarding the command to love the environment and everything that exists on the face of the earth, it was actually already exemplified by the most noble human being who ever lived on earth 14 centuries ago, he was the Prophet Muhammad SAW who was supposed to be from the Koran and Sunnah. it is considered enough to serve as a reminder for everyone who has said the 2 sentences of the creed and will die with these 2 sentences. And from there, as someone who claims to be Muslim, without any laws or regulations that regulate the environment, a Muslim will definitely protect the environment around him very well. Islam is a perfect, full and plenary religion, complete and more complete than religions and regulations that exist anywhere. Islam regulates a Muslim from birth to death, from the time he wakes up until he goes back to sleep, Islam provides comfort and peace of mind to anyone who takes shelter under it. below, therefore Islam is the religion of rahmatan lil'alamin. There are many verses from the Koran and hadith from the Prophet Muhammad about our orders to protect the nature around us and maintain the continuity of life of all creatures on earth, even if they are in a critical situation. It should be noted that there are more verses that contain direct or indirect commands ordering us to always protect the environment than verses that explain specific worship activities.

There are several principles that a person must have when interacting with nature and the environment. There are several principles that must be grasped by a person and must be developed further when a person is going to interact directly or indirectly with the environment which can have consequences for nature or humans:

1. *Respect For Nature*

An attitude of respect for nature is a condition where we as humans have a moral

obligation to respect and protect nature. This attitude arises in humans with full self-awareness because nature also has value in itself. (Sonny, 2010) If we look at the environmental side, respect for the environment is one of the intrinsic elements of nature's ecological value. It is certainly present and based on the awareness of the community itself so that nature will have the right to be respected, this is not without reason. However, humans themselves are actually part of nature itself, so humans are part of the natural ecology. The Prophet Muhammad was a prophet who delivered a message that was not only related to one community, but to all living creatures on earth, including humans, jinn, animals, plants and inanimate objects around us. Allah enshrined this in the Qur'an, Surah Al-Anbiya' verse 107, where Allah says, stating that Islam is a religion sent down to the entire universe, not just the Muslim community, not just humans, not just creatures. Just live, but towards all nature in the world. In the interpretation of Imam Ibnu Katsir, it is explained that this verse explains to us that the message brought by Rasulullah, namely Islam, is a message that brings happiness to its followers. (Ibnu Katsir, 2005) This is why Islam can be called a way of life, because it is a teaching that balances life and life.

2. *Moral Responsibility For Nature*

It needs to be emphasized again that humans are an integral part of nature, so in relation to moral responsibility also attaches to humans who in fact are the parties most responsible for the state of nature. Moral principles compel humans to have the courage to take practical actions, efforts, policies and actions to protect the universe and what is in it. This responsibility must certainly provide output in the form of warnings, prohibitions and orders to other human beings and provide management direction to the surrounding ecosystem. Human moral responsibility to the environment must exist and be present in order to maintain balance in the cosmic world. (Sonny, 2010). Allah explains the main function of the creation of humans in the Koran, Al Baqoroh verse 30, where in this verse Allah tells about how the first human, namely Adam AS. created and the purpose of the creation of humans on earth. Allah in this verse mentions the word "Caliph" or protector/leader on the face of the earth. It should be noted that the meaning of caliph in this verse does not only mean leader/protector, the meaning of caliph on earth means that humans are the only entity that can bear and be responsible for what is entrusted to them, namely the universe. In this verse, it is as if Allah reminded the Prophet Muhammad to convey again the purpose and purpose of creating humans to

visit the earth that Allah created with the beauty that is in it. (Sayyid, 1992) In this verse, Allah also warned and informed the Prophet and the Ummah regarding how it started they were created and they should be aware of the trust and burden placed on Adam A.S. and his descendants regarding the recorded presence in this world. (Al-Shibuni, 1999)

3. *Cosmic Solidarity*

Similar to the two previous principles, the principle of solidarity is a principle that will emerge by itself within a human being or society. In this principle, humans must be aware that they have the same level as all creatures in this world, so humans should not act arbitrarily in the name of a higher position. This fact will give rise to awareness that humans and all creatures in nature are the same. (Sonny, 2010) According to Shaikh Yusuf Qordhowi, in this modern era there is a lot of pollution to the environment, including water which is a source of life for humans. He said that there is a lot of environmental pollution that occurs in the water environment in this modern era, such as the dumping of waste and dangerous substances in rivers and seas and we often see pools of oil in very large oceans.

4. *Caring For Nature*

As fellow creatures who live in nature together, we as creatures who are equipped by God with a mind must be able to provide a sense of compassion and concern for our fellow living creatures. This awareness can also arise when fellow living creatures are aware that they have something to protect, nurture, not hurt and care for. (Sonny, 2010) Nsbi also provides a guarantee to its community that if they plant a plant, they will then benefit from the plant, either by eating the seeds, taking the fruit, and other benefits, except that the planting will have the value of charity. This then becomes the meaning that planting plants for a Muslim is something that is only worth worship and The person will receive a reward that continues to flow as long as the plant lives and is used by the creatures around it.

CONCLUSION

The most important thing that must be given to the Indonesian people is awareness about protecting the environment and nature. We are part of the natural ecosystem at the same level, so never act like a ruler. Allah created the earth and everything in it to fulfill the needs

of humans, not their greed and gluttony. No matter how the law is made and no matter how the rules are made, if there is no awareness among humans about the importance of the environment, then the goal of the law will not be achieved. Therefore, the role of religion in these conditions is very much needed, especially the religion of Islam which can spread love for the environment by means of preaching, and it needs to be emphasized again that Islam is a religion that loves and respects what is in this world because of Allah's command to Man is to be Caliph on earth.

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