

ENVIRONMENTAL GOVERNANCE IN INDONESIA: MUHAMMADIYAH'S ROLE, STATE INTERVENTION, AND LEGAL PRACTICE DYNAMICS

¹Muhammad Wahdini, ²Kamsi, ³Hasse Jubba

¹ Student of Islamic Politics Doctoral Program, University of Muhammadiyah Yogyakarta, Indonesia

² State Islamic University Sunan Kalijaga Yogyakarta, Indonesia

³ Muhammadiyah University Yogyakarta, Indonesia

Email: muhammadwahdini99@gmail.com¹, kamsi@uin-suka.ac.id², hasse@umy.ac.id³

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Abstrak: Penelitian ini mengeksplorasi penyebab kontroversi antara Muhammadiyah dan Negara dalam kebijakan hukum ekologi di Indonesia. Eksplorasi tersebut menggunakan metode penelitian hukum normatif yang mengumpulkan dokumen-dokumen resmi hukum Muhammadiyah dan produk hukum pemerintah Indonesia dan kemudian melakukan pendekatan komparatif terhadap keduanya yang menimbulkan kontroversi. Hasil penelitian ini menunjukkan bahwa kontestasi antara Muhammadiyah dan Negara dalam politik hukum ekologi di Indonesia bersumber pada dua faktor utama: perbedaan epistemologi dan perbedaan paradigma politik hukum. Epistemologi Muhammadiyah sejalan dengan konsep ekologi Islam yang menekankan pada tauhid, khilafah, amanah, halal, haram, keseimbangan, dan istishlah. Epistemologi ini berbeda dengan pendekatan negara yang didorong oleh industrialisasi yang tercermin dalam peraturan perundang-undangan yang seringkali tidak berkeadilan ekologis. Kedua, perbedaan paradigma, Muhammadiyah mengedepankan pendekatan teoantroposentris, yang memandang dirinya sebagai wakil Tuhan di muka bumi dan mengadopsi perspektif kenabian. Sebaliknya, negara lebih mengedepankan industrialisasi untuk pertumbuhan ekonomi, sehingga menimbulkan kontestasi dalam politik hukum. Kontestasi ini telah mempengaruhi arah politik hukum ekologi di Indonesia, di mana Muhammadiyah berhasil melakukan uji materi, mengkritisi kebijakan negara, dan melakukan advokasi hukum bagi masyarakat yang terlibat dalam konflik ekologi. Secara akademis, penelitian ini menunjukkan bahwa kontestasi epistemologi, paradigma, dan praktik menghasilkan strategi dan kebijakan yang berbeda antara negara dan Muhammadiyah dalam menyikapi persoalan ekologi di Indonesia.

Kata kunci: Muhammadiyah, Hukum Politik, Ekologi.

Abstract: The study explores the causes of the controversy between the Muhammadiyah and the State in the policy of ecological law in Indonesia. The exploration uses a method of normative legal research that collects official Muhammadiyah legal documents and Indonesian government legal products and subsequently carries out a comparative approach of the two that raise controversy. The results of this study show that that the contestation between Muhammadiyah and the State in the politics of ecological law in Indonesia stems from two primary factors: epistemological differences and differing paradigms in legal politics. Muhammadiyah's epistemology aligns with the concept of Islamic ecology, emphasizing tauhid, khilafah, amanah, halal, haram, balance, and istishlah. This epistemology is in contrast with the state's approach, which is driven by industrialization, reflected in laws and regulations that are often not ecologically just. Second, there is a difference in paradigm, and Muhammadiyah prioritizes a theoanthropocentric approach, viewing itself as God's representative on earth and adopting a prophetic perspective. In contrast, the state prioritizes industrialization for economic growth, leading to contestation in legal politics. This contestation has influenced the direction of ecological legal politics in Indonesia, with Muhammadiyah successfully conducting judicial reviews, criticizing state policies, and carrying out legal advocacy for people involved in ecological conflicts. Academically, this research shows that



the contestation of epistemology, paradigm, and practice produces different strategies and policies between the state and Muhammadiyah in addressing ecological problems in Indonesia.

Key words: Muhammadiyah, Legal Politic, Ecology.

INTRODUCTION

The ecological crisis is a concern for many with its various threats.¹ Attention to this issue began in the 1960s when many people started to reconsider their relationship with nature as human actions began to threaten the balance of nature and alienate humans from other forms of life.² By the 1980s, awareness of the issue had become widespread, and the number of scientific articles discussing it increased significantly. Lynn White argues that nature and humans are distinct entities and that the ecological crisis is rooted in the exploitation of science and technology.³ The world's attention was then drawn to United Nations Conference on Environment and Development, also known as the Earth Summit, held in Rio de Janeiro, Brazil, in June 1992.⁴

In Indonesia today, the facts show that the increase in the level of environmental damage is directly correlated with the emergence of the concept of modernity. The choice of development orientation in the New Order and Reform phases is a clear example of this in the Indonesian context.⁵ W. W. Rostow's idea of modernity regarding the stages of economic growth was firmly accepted by the New Order, and this was later incorporated into the Five-Year Development Policy (PELITA). The adoption of the concept of modernity led to the growth of large-scale industry. Existing natural resources could be utilized to support the policy in a way that was able to support the process of industrialization, which is the main factor that makes up a modern society. The inevitable result is a significant environmental damage.⁶

Data collected by the Ministry of Environment and Forestry of the Republic of Indonesia shows that damage to the natural environment in Indonesia has increased in various aspects.⁷ Human activities have damaged many rivers, forests, seas, and air.⁸ Furthermore, throughout the President Joko Widodo's administration, Wahana Lingkungan Hidup (WALHI) recorded 827 cases of criminalization and violence against citizens. 145 people were arrested, 28 people were detained, 620 people were injured due to violence by the authorities, and 6 people died. Not only WALHI, but also the Nature Lovers Group (KPA) stated that during President Joko Widodo's administration, 1,615

¹ Jason W Moore, "The Capitalocene, Part I: On the Nature and Origins of Our Ecological Crisis," *The Journal of Peasant Studies* 44, no. 3 (2017): 594–630.p.594 <https://doi.org/10.1080/03066150.2016.1235036>

² Yusdani, Ahmad Arifai, dan Januariansyah Arfaizar, "The Jejuluk in Komerling Tribe Weddings in the Globalization from a Siyasa Perspective," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 2 (26 Desember 2023): 211, <https://doi.org/10.18326/ijtihad.v23i2.211-234>.

³ Lynn White Jr, "The Historical Root of Our Ecologic Crisis Dalam Jurnal Science," 1967.p.1205

⁴ Michael Grubb et al., *The Earth Summit Agreements: A Guide and Assessment: An Analysis of the Rio'92 UN Conference on Environment and Development*, vol. 9 (Routledge, 2019).p.3

⁵ Muhammad Hasan, "The Interaction of Fiqh and Science in the Dynamics of Determining the Beginning of the Hijri Month in Indonesia," *Journal of Islamic Law* 4, no. 2 (31 Agustus 2023): 237, <https://doi.org/10.24260/jil.v4i2.1433>.

⁶ Lailiy Muthmainnah, Rizal Mustansyir, and Sindung Tjahyadi, "Kapitalisme, Krisis Ekologi, Dan Keadilan Intergenerasi: Analisis Kritis Atas Problem Pengelolaan Lingkungan Hidup Di Indonesia," *Mozaiik Humaniora* 20, no. 1 (2020): 57–69.p.58

⁷ Muhammad Rasyid dkk., "Science and Its Role in Changes in Islamic Legal Thought (An Analysis of Changes in the Fatwa of the Indonesian Ulema Council Due to Recent Scientific Findings)," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (2023): 120, <https://doi.org/10.18592/sjhp.v23i2.11361>.

⁸ Ridwan Santoso, Heri Ratnawati, and Dwi Riyanti, "Klusterisasi Tingkat Deforestasi: Ekologi Kewarganegaraan Indonesia," *Indonesian Journal of Conservation* 11, no. 1 (2022): 34–38.p.35

people were criminalized, 38 of whom were shot, and 69 people were killed for defending land rights.⁹ At the same time, the Indigenous Peoples Alliance of the Archipelago (AMAN) recorded 687 cases of criminalization of indigenous peoples. Conflicts over forest areas (42 percent), mining (13 percent), plantations (11 percent), infrastructure (10 percent), and land fires (2 percent) are the sectors that most often lead to the criminalization of indigenous peoples.¹⁰ Political crises cause ecological and climate disasters, in addition to criminalization and violence. According to WALHI, 90% of the disasters that hit Indonesia during the leadership of the seventh president from 2015 to 2022 were ecological disasters.¹¹

This phenomenon encourages Muslim scientists and Muslim communities to respond seriously to the ecological crisis in Indonesia. Muhammadiyah is among the Muslim communities that prioritize ecological issues.¹² These issues initially arise from the concerns of the community's elites and then gain strategic importance during the 47th Muhammadiyah Congress held in Makassar.¹³ The mainstreaming of ecological issues by Muhammadiyah has also led to contestation in the politics of ecological law in Indonesia. The contestation is based on the assumption that the emergence of ecological problems in Indonesia, such as environmental pollution and destruction, is also caused by the lack of ecologically just legal regulations.¹⁴

The contestation is evidenced by a series of responses from the Muhammadiyah Movement in addressing the political problems of ecological law in Indonesia, namely: first, the Judicial Review of Law No. 7/2004 on Water Resources (SDA Law), which contains commodification and privatization of water management.¹⁵ The lawsuit was registered as Case Number 85/PUU-XI/2013. The petition was granted in its entirety by the Constitutional Court with a verdict dated February 18, 2015, stating that the Water Resources Law was unconstitutional and therefore void, re-enacting Law No. 11/1974 on Irrigation. Second, legal advocacy for the community was carried out by Muhammadiyah elite figures in response to government policies in the environmental sector.¹⁶ For example, advocacy was carried out for the Wadas community, Pakel Village, and also in the Kendeng Mountains, Rembang Regency, which are considered disadvantaged by state policies in the environmental utilization sector. Third, resistance in the form of criticism of the politics of ecological law in Indonesia. For example, the rejection of the Job Creation Law, which is considered to ignore AMDAL and environmental permits, minimizing the importance

⁹ Marwadi Marwadi, "Renewing the Thoughts of the Hijri Calendar of Muhammadiyah, Nahdlatul Ulama and Persatuan Islam and Its Implications for Realization of National Hijri Calendar," *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 1 (14 Juni 2021): 19, <https://doi.org/10.24090/mnh.v15i1.4870>.

¹⁰ Norcahyono Norcahyono, "Problematika Sosial Penerapan Hukum Islam Di Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 18, no. 1 (30 Juni 2019): 23, <https://doi.org/10.31958/juris.v18i1.1399>.

¹¹ Wahana Lingkungan Hidup (WALHI), "Dari Krisis Politik Ke Krisis Ekologi," Revisi (WALHI Nasional, 2024), https://www.walhiriau.or.id/wp-content/uploads/2024/01/CATAHU-REGION-SUMATERA_Revisi.pdf.

¹² David Efendi, Nanang Indra Kurniawan, and Purwo Santoso, "From Fiqh to Political Advocacy: muhammadiyah's Ecological Movement in the Post New Order Indonesia.," *Studia Islamika* 28, no. 2 (2021).p.350 <https://doi.org/10.36712/sdi.v28i2.14444>

¹³ Muhamad Ali, "The Muhammadiyah's 47th Congress and 'Islam Berkemajuan,'" *Studia Islamika* 22, no. 2 (2015): 377–86.p.380 DOI:10.15408/sdi.v22i2.1978

¹⁴ Isamu Gunadi Widodo, J Andy Hartanto, and W Pranjoto, "Constraints on Enforcement of Environmental Law against Corporate Defendants," *Envntl. Pol'y & L.* 49 (2019): 76.p.78

¹⁵ Ibnu Sina Chandranegara and Yance Arizona, "Jihad Berkonstitusi: Muhammadiyah Dan Perjuangan Konstitusional Melawan Komodifikasi Air," n.d.p.26

¹⁶ Ali Noer Zaman and Nurul Fitralaila Tanjung, "Muhammadiyah Dan Advokasi Perlindungan Lingkungan," *KAIS Kajian Ilmu Sosial* 2, no. 2 (2022): 183–200.p.185

of instruments to prevent pollution, and environmental damage that can threaten the agricultural sector.¹⁷

So far, there have been many studies that focus on Muhammadiyah and the politics of ecological law, but they tend to be empirical in nature, focusing on the phenomenon of the Muhammadiyah Movement in the political sector of ecological law. Such as the study of David Efendi and friends who looked at the fiqh paradigm that led to the Jihad Movement of the Constitution on water resources.¹⁸ At the same time, Ahmad Zia Khakim also highlighted the same case by stating that Muhammadiyah, in its environmental law enforcement, brought Islamic principles.¹⁹ Furthermore, in general, there are also studies on the political paradigm of Muhammadiyah law, such as Ridho Alhamdi²⁰ and Nispul Khoiri²¹ who stated that Muhammadiyah's political paradigm aims to release humanity from colonization, oppression, and poverty based on Islamic values.

Based on the facts of the literature, this research looks at the factors that cause the contestation between Muhammadiyah and the State in the political sector of ecological law. This research specifically looks at differences in epistemology law, legal paradigm, and practice in the context of the politics of ecological law between Muhammadiyah and the State.

METHOD

The method in this research is a normative legal method, which is also classified as qualitative research.²² Positive law, such as legislation, is the focus of normative legal research. This research also relies on secondary legal sources. Peter M. Marzuki said that research on secondary legal materials includes publications on law that are not official documents.²³

The main sources in this research are official Muhammadiyah documents such as the Muhammadiyah Islamic Life Guidelines, legal products produced by Muhammadiyah such as Fikih and Fatwa, and discourse about Muhammadiyah movements in the ecology sector. Then the main source for exploring the state's perspective in the politics of ecological law comes from laws and regulations to government practices in implementing ecological sector management.

After the documents are collected, this research operationalizes the approach in this research, which uses a comparative approach, by comparing the epistemology, paradigm, and practice between Muhammadiyah and the State in the politics of ecological law. The data sources in this research were collected through library research.²⁴

¹⁷ Diko, "Merugikan Rakyat, Muhammadiyah Menolak RUU Cipta Kerja," *Suara Muhammadiyah*, 2020, <https://web.suaramuhammadiyah.id/2020/05/20/merugikan-rakyat-muhammadiyah-menolak-ruu-cipta-kerja/>.

¹⁸ Efendi, Kurniawan, and Santoso, "From Fiqh to Political Advocacy: Muhammadiyah's Ecological Movement in the Post New Order Indonesia."

¹⁹ Ahmad Zia Khakim, "Muhammadiyah Perspective Constitutional Jihad Paradigm (Case Study of Muhammadiyah's Request Against Law Number 7 of 2004 Concerning Water Resources)," *Journal of Transcendental Law* 4, no. 1 (2022): 31–40.p.31 <https://doi.org/10.23917/jtl.v4i1.18699>

²⁰ Ridho Al-Hamdi, "Consciousness To Liberate: In Search of the Political Paradigm of Muhammadiyah," *Journal of Contemporary Islam and Muslim Societies* 5, no. 2 (2022): 165–97.p.165 <http://dx.doi.org/10.30821/jcims.v5i2.9537>

²¹ Nispul Khoiri, "Pemikiran Politik Hukum Islam Muhammadiyah," *Ayy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 47, no. 1 (2013).p.169 <https://doi.org/10.14421/ajish.v47i1.61>

²² S H Muhammad Wahdini, *Pengantar Metodologi Penelitian Hukum* (Penerbit K-Media, n.d.).p.32

²³ Marzuki Mahmud Peter, "Legal Research," *Jakarta, Indonesia: Prenada Media*, 2005.p.181

²⁴ Muhammad Wahdini, *Pengantar Metodologi Penelitian Hukum*.p.34

The researcher then analyzed the comparison using content analysis. Content analysis focuses on integrative and conceptual analysis methods and is usually aimed at finding, identifying, processing, and analyzing legal sources to understand their meaning, importance, and relevance.²⁵

RESULTS AND DISCUSSIONS

Political Theory of Law

Political Law, according to Mahfud MD, is: first, legal development, which includes making and updating legal material to suit the needs. Second, the implementation of existing legal provisions, which includes the recognition of the function of the legal system, legal institutions, and law enforcement guidance.²⁶ In simple terms, it can be interpreted as an official state policy (legal policy) that will be enforced or not. In the process of forming laws and regulations in Indonesia, it cannot be separated from legal politics.²⁷ Then Mahfud divides three groups of legal politics as follows: the first is the official outline of the law to be applied to achieve state goals, which includes replacing old laws and making new laws altogether; the second is the political background and other societal subsystems underlying the birth of the law, including the official outline of the law that will or will not be applied; and the third is issues related to law enforcement, including whether the law will be applied or not. In the case of Indonesia, the relevant political basis consists of the goals and legal system embodied in the Preamble of the 1945 Constitution, especially Pancasila, which creates the guiding methods of law to realize the goals and legal system of the country concerned.²⁸ The interpretation of legal politics is then also in line with the thinking of adherents of legal criticism studies such as Roberto Mangabeira Unger and friends, who state that law and politics cannot stand alone, both of which are closely related. This is in opposition to Hans Kelsen's pure legal theory and other positivist theorists,²⁹ as the theory that the concept of law is the core of social and political life.³⁰

Political law provides a paradigm for how political institutions such as parliament and the executive interact to influence each other in the policy formulation process.³¹ The politics of law is present as an alternative legal scientific discipline amid methodological blurring in giving deep meaning to legal science and its relationship with entities other than law, in this case, one of which is political science.³² This aligns with what William A. Edmundson's assertion that legal theory is also related to political philosophy.³³ Satjipto Rahardjo describes legal politics as the act of choosing and means to achieve a social goal with certain laws in society. This includes answers to several important questions, namely: first, what goals are to be achieved through the existing system; second, what methods and which ones are considered the most effective to achieve these goals; and third when and how the law should be applied to achieve these goals.³⁴ Then Andi Hamzah said that legal

²⁵ Burhan Bungin, "Metodologi Penelitian Kualitatif: Aktualisasi Metodologis Ke Arah Ragam Varian Kontemporer," 2011.p.203

²⁶ M D Mahfud, "Politik Hukum Di Indonesia, Cetakan Kedua," Jakarta: Pustaka LP3ES, 2001.p.9

²⁷ Mahfud.p.2

²⁸ Anna Triningsih, "Politik Hukum Pengujian Peraturan Perundang-Undangan Dalam Penyelenggaraan Negara," *Jurnal Konstitusi* 13, no. 1 (2016): 124–44.p.126-127 <https://doi.org/10.31078/jk1316>

²⁹ Zainal Arifin Mochtar, *Politik Hukum Pembentukan Undang-Undang* (Buku Mojok, 2022).p.12

³⁰ Raymond Wacks, *Understanding Jurisprudence: An Introduction to Legal Theory* (Oxford University Press, 2020).p.34

³¹ Ahmad Rosandi Sakir et al., *Politik Hukum Indonesia* (CV. Gita Lentera, 2023).p.2

³² S H Ni'matul Huda, *Politik Hukum Dan Pembangunan Sistem Hukum Nasional* (Sinar Grafika, 2024).p.4

³³ William A Edmundson, "What Is the Argument for the Fair Value of Political Liberty?," *Social Theory and Practice*, 2020, 497–514.p.331 <https://www.jstor.org/stable/45378042>

³⁴ Satjipto Rahardjo, *Ilmu Hukum* (Citra Aditya Bakti, 2000).p.352-353

politics has two components: material and formal. Lawmaking, law implementation, and law review are the material components of the notion of legal politics.³⁵

So basically, the description of the political theory of law put forward by these experts finds the same red thread: law cannot be separated from politics in the process of its formation in a country. Political reality is very influential in the preparation of legal products or policies in a country.

Ecological Politics in Indonesia

Ecology is the relationship between organisms and their natural surroundings or environment. Ernst Haeckel first used the term ecology in 1869, derived from the Greek *oikos*, which means home, and *logos*, which means science or knowledge.³⁶ According to Forsyth, political ecology is an approach that combines environmental problems with political economy and the dynamics between the environment and humans and between various groups of people, ranging from local to transnational individuals.³⁷ Paul Robbins, in his book entitled *Political Ecology*, says that political decisions are very influential in natural conditions.³⁸ So from this description, it can be interpreted that political ecology law is an approach in law relating to environmental protection and sustainable use of natural resources. This includes policymaking, regulations, and legal practices that aim to maintain ecological balance, prevent environmental damage, and promote environmentally friendly practices in human activities.³⁹

Indonesia, through Article 33, paragraph 3, of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), states that the management of land, water, and natural resources is carried out by the state, whose purpose is the prosperity of the people.⁴⁰ The implicit meaning of the verb relating to the sovereignty of the people in the management of land, water, and natural resources has been agreed that the politics of ecological law in Indonesia is not oriented towards the power of the state over its people, but the power of the people over the state through the granting of power in the management of natural resources.⁴¹ Furthermore, Article 33, paragraph 4 reads; "The national economy is organized based on economic democracy with the principles of togetherness, fair efficiency, sustainability, environmental soundness, independence, and by maintaining a balance of progress and national economic unity." The term "environmental soundness" and "sustainability", written in Article 33, paragraph 4 are defined by Law Number 32 of 2009 as: "the unity of all objects, forces, conditions, and living things, including humans and their behavior, which affects nature itself, the continuity of life, and the welfare of humans and other living things".

³⁵ Andi Hamzah, *Hukum Pidana Indonesia* (Sinar Grafika, 2017).p41

³⁶ Djohar Maknun, *Ekologi Populasi Komunitas Ekosistem Mewujudkan Kampus Hijau Asri Islami Dan Indah: Djohar Maknun* (Djohar Maknun, 2022).p..1

³⁷ Michael Acheampong, "Critical Ecosystems' as a Concept in Political Ecology—Developing a Comprehensive Analytical Framework," *Journal of Political Ecology* 27, no. 1 (2020): 190–212.p.201 <https://doi.org/10.2458/v27i1.22909>

³⁸ Paul Robbins, *Political Ecology: A Critical Introduction* (John Wiley & Sons, 2019).p.4

³⁹ Zuly Qodir, "Post-Islamism and Reform Islamic Law: The Challenges and Future of Political Islam in Indonesia," *AHKAM : Jurnal Ilmu Syariah* 23, no. 2 (30 Desember 2023), <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/31484>.

⁴⁰ Surya Sukti dkk., "Political Dynamics of Islamic Law in the Reform Era: A Study of the Response of Muhammadiyah Cadres in Central Kalimantan," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (31 Desember 2022): 1022, <https://doi.org/10.22373/sjhk.v6i2.12415>.

⁴¹ Qurbani Indah Dwi et al., "Legal Politics For The Establishment Of Laws Regarding Climate Change In Promoting A Green Economy Climate In Indonesia," *Russian Journal of Agricultural and Socio-Economic Sciences* 134, no. 2 (2023): 93–106.p.93

In reality, the mandate of the constitution at the level of implementation faces extraordinary challenges. Many policies derived from ecological issues are suspected to be contrary to the spirit of the Constitution.⁴² So it causes many problems that lead to conflict. Ecological conflicts in Indonesia have occurred since the old order era. For example, the agrarian conflict between the Indonesian Communist Party (PKI) and Nahdlatul Ulama (NU) occurred after the Basic Agrarian Law (UUPA) was passed in 1960. Then, in the New Order era, conflicts became more frequent because the government adhered to the doctrine of developmentalism, which argued that industrialization involving a lot of capital was the only way to improve the quality of the nation's economic life through the development of physical infrastructure, which then gave birth to Law Number 1 of 1960 on Foreign Investment. This has made many foreign investors invest in Indonesia with a contact-work scheme.⁴³

Factors Causing Contestation Between Muhammadiyah and the State in the Politics of Ecological Law

Alfian in Muhammadiyah: Political Behavior of a Muslim Modernist Organization under Dutch Colonialism points to Muhammadiyah as part of political change in Indonesia. He places Muhammadiyah in three categories: as a religious reformer, as a driver of change, and as a political force.⁴⁴ The reformist spirit continues to develop today. One of the domains Muhammadiyah focuses on is environmental protection for human survival. This narrative is seen in the theme of Muhammadiyah's 111th anniversary, "Ikhtiar Manyelamatkan Semesta", where the initiation departed from concern for the climate crisis that hit Indonesia and the world.⁴⁵

Since 2000, Muhammadiyah has established the Institute for Environmental Studies and Management (LSPLH).⁴⁶ The decision of the 45th Congress officially stipulated the establishment of the Environmental Institute (LLH). This organization was established in Yogyakarta on December 15, 2005. At the 46th Congress in Yogyakarta, the Environmental Institute (LLH) was changed to the Environmental Assembly (MLH) to show Muhammadiyah's active participation in environmental management and protection.⁴⁷ This gave birth to a big movement. The 47th Muhammadiyah Congress emphasized the active participation of all members of the association in universal humanitarian issues such as environmental disasters and climate change. This is due to Muhammadiyah's efforts during the Second Century to prevent climate disasters. One of the goals of this jihad is to improve Indonesia and enlighten the universe.⁴⁸

⁴² Verdinand Robertua, "Politik Lingkungan Indonesia Teori & Studi Kasus" (Uki Press, 2020).p.5

⁴³ Mustabsyrotul Ummah Mustofa et al., "Radical Grassroots Movements Dalam Politik Ekologi Di Indonesia Pasca Reformasi," *The Indonesian Journal Of Politics And Policy (IJPP)* 4, no. 1 (2022): 83–100.p.84 <https://doi.org/10.35706/ijpp.v4i1.6623>

⁴⁴ Alfian, *Muhammadiyah: The Political Behavior of a Muslim Modernist Organisation under Dutch Colonialism* (Gadjah Mada University Press, 1989).p.94

⁴⁵ Istianah Zainal Asyiqin dkk., "Mushārah Mutanāqīshah (Diminishing Partnership) Regulation for Housing Finance in Indonesian and Malaysian Law," *Al-Ahkam* 34, no. 1 (30 April 2024): 147, <https://doi.org/10.21580/ahkam.2024.34.1.20133>.

⁴⁶ Arief Rahman dan Danang Wahyu Muhammad, "Legal Review of the Execution of Movable Objects Based on Fiduciary Guarantees Against Default Debtors from the Perspective of Islamic Law," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 2 (31 Desember 2021): 259, <https://doi.org/10.30631/alrisalah.v21i2.799>.

⁴⁷ Rifdah Alifiyah dan Isa Anshori, "Legal Protection for Children in Cases of Domestic Violence in the Indonesian Households," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (30 Desember 2023): 348, <https://doi.org/10.22373/ujhk.v6i2.19153>.

⁴⁸ M.Pd Nailul Izzah, S.Pd.I., M.S.I. I Kisandrianto, S.Pd. I M. Asep Rahmatullah, M.Pd.I. Dr. Eko Harianto, M.S.I. I Agus Hermanto, M.I.Kom. I M. Nur Rofiq Addiansyah Dr. Sa'diyah El Adawiyah, S. Sos., M.Si. I Dr. dr. Fanny Septiani Farhan, M.Biomed. Dr.dr. Busj, *Encerahkan Semesta (Refleksi Satu Abad Muhammadiyah*

Muhammadiyah's concern for ecological issues led to a massive movement that led to contestation with the state in legal politics.⁴⁹ Movements such as Muhammadiyah's constitutional jihad won a lawsuit against some of its laws relating to natural resources, such as Law No. 7/2004 on Water Resources and Law No. 22/2001 on Oil and Gas. These laws are considered to hurt the environment. In addition, criticism by Muhammadiyah of Indonesian government policies in the field of ecology is also often carried out.⁵⁰

The contestation in the author's findings begins with differences in views between Muhammadiyah and the State, these differences are both at the conceptual and practical levels, which the author then maps in the following table.

Contestation Factors	Muhammadiyah	Country
Epistemology	Tauhid	Industrialization
	Caliph	Capitalism
	Amanah	Exploitation
	Balance	
	Kemasalahatan	
	Sustainability	
	Paradigm	Teoantroposentris (Prophetic)
Praktik	Judicial Review	Job Creation Law
	Legal Advocacy	Minerba Law

Epistemology of Environmental Management in Islamic Law-State Law

The evidence on environmental ethics in Islam has many aspects that can be used.⁵¹ The Qur'an tells about Allah's promise to create the heavens, earth, and mountains, as in Q.S Al-Ahzab verse 72, which reads: "Indeed, We have offered a trust to the heavens, the earth, and the mountains; but all of them were reluctant to take up the trust and they feared

Mencerdaskan Bangsa), ed. Fuad Hasyim (Yogyakarta: Litera Cahaya Bangsa (LCB) & MPI PDM Yogyakarta, 2022).p.144-145

⁴⁹ Syariful Alam, Sholahuddin Al-Fatih, dan Merve Ozkan Borsa, "Islamism and The Challenge of Democratization in Indonesia," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (29 Desember 2023): 198, <https://doi.org/10.18860/j-fsh.v15i2.23398>.

⁵⁰ Hasse Jubba dkk., "Changes in the Political Behavior of Towani Tolotang as a Minority Religious Group: Fiqh Al-'Aqaliyyât Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (29 Desember 2023): 392, <https://doi.org/10.19105/al-lhkam.v18i2.10184>.

⁵¹ Riham R. Rizk, "Islamic Environmental Ethics," *Journal of Islamic Accounting and Business Research* 5, no. 2 (2014): 194–204.p.197

that they would not carry it out (heavy), so the trust was taken up by man. Indeed, man is very unjust and very foolish".⁵²

In addition, there are around 750 verses in the Qur'an discussing the creation of nature, the laws that govern it, and how it affects human life. For example, the word water is mentioned in more than 60 places in the Qur'an and is described as the source of all biological life (Quran 21:30). In addition, the Qur'an provides detailed information on the source, form, cycle, and how it affects the ecosystem as a whole.⁵³

Furthermore, in its development, thoughts related to environmental fiqh (fiqh bah) were born. Etymologically, the term environmental fiqh (fiqh al-bi'ah) comes from two words arranged in idafah and belongs to the category of bayaniyyah (the second word or mudaf ilaih as a description of the first word or mudaf) as expressed.⁵⁴ Therefore, the term "environment" serves as an explanation and purpose of fiqh studies. To achieve the benefits of life in the environment, experienced scholars have established rules on how humans should behave in the environment. These rules are known as environmental fiqh.⁵⁵ According to environmental fiqh, the law of behavior is the law that is responsible for all human behavior so that it runs within the framework of virtue and wisdom and does not interfere with other parties in the sense of the environment, so that benefit can be achieved. In this capacity, the truth of fiqh can be judged based on how effectively it can transform biotic societies into more prosperous, sustainable, and vibrant ones.⁵⁶

In line with this concept, Muhammadiyah then developed Environmental Jurisprudence, which was embodied by the Muhammadiyah Tarjih Council by presenting fiqh products such as Fikih Air, Fikih Agraria, and Fikih Kebencanaan.⁵⁷ In the concept of epistemology, Muhammadiyah views Islam as a path (as shirt), which means shari'ah, and is a way of life-based on a statement or testimony (shahadah) about the oneness of God (tauhid). According to this understanding, Islamic teachings on the environment are based on five pillars of sharia: 1) tauhid, 2) khilafah, 3) amanah, 4) balance, and 5) istishlah. Shari'ah is a value system that builds Islamic normative concepts or values, such as tauhid, khilafah, amanah, halal, and haram.⁵⁸

Muhammmayah's epistemology in environmental management can at least be described in the following table:⁵⁹

⁵² Sholahuddin Al-Fatih dkk., "Academic Freedom of Expression in Indonesia: A Maqashid Sharia Notes," *El-Mashlahah* 13, no. 2 (31 Desember 2023): 203, <https://doi.org/10.23971/el-mashlahah.v13i2.7573>.

⁵³ Maryamossadat Torabi and Seyed Masoud Noori, "Religious Leaders and the Environmental Crisis: Using Knowledge and Social Influence to Counteract Climate Change," *The Ecumenical Review* 71, no. 3 (2019): 344–55.p.345

⁵⁴ Muhammad Fazrianur Arridho dkk., "Tinjauan Hukum Islam Menurut Ulama Kota Sampit Terhadap Depo Sampah Di Sekitar Lingkungan Pendidikan (Studi Kasus Depo Sampah SAHATI 04, Kecamatan Baamang, Kabupaten Kotawaringin Timur, Kalimantan Tengah)," *JOURNAL OF ISLAMIC AND LAW STUDIES* 6, no. 2 (25 Desember 2022): 115, <https://doi.org/10.18592/jils.v6i2.12520>; Dian May Syifa dan Muhammad Noor Ridani, "Efektivitas Bank Sampah sebagai Inovasi dalam Membangun Perekonomian: Tinjauan Prinsip Syariah," *SULTAN ADAM: Jurnal Hukum dan Sosial* 2, no. 1 (1 Januari 2024): 35.

⁵⁵ Ahmad Thohari, "Epistemologi Fikih Lingkungan: Revitalisasi Konsep Masalahah," *Az-Zarqa': Jurnal Hukum Bisnis Islam* 5, no. 2 (2013).p.148 <https://doi.org/10.14421/azzarqa.v5i2.1317>

⁵⁶ Christian Schlekot, William Stubblefield, and Kathryn Gallagher, "State of the Science on Metal Bioavailability Modeling: Introduction to the Outcome of a Society of Environmental Toxicology and Chemistry Technical Workshop," *Environmental Toxicology and Chemistry* 39, no. 1 (2020): 42–47.p.43

⁵⁷ Mohammad Ikhwanuddin, "Muhammadiyah's Response to Climate Change and Environmental Issues: Based on Tarjih National Conference," in *1st Borobudur International Symposium on Humanities, Economics and Social Sciences (BIS-HESS 2019)* (Atlantis Press, 2020), 762–66.p.763 <https://www.atlantispress.com/proceedings/bis-hess-19/125939534>

⁵⁸ Muhjiddin Mawardi, *Teologi Lingkungan: Etika Pengelolaan Lingkungan Dalam Perspektif Islam* (KLH & Muhammadiyah, 2011).p.21

⁵⁹ Mawardi.p.21-31

No	Principle	Dalil	Explanation
1	Tauhid	QS: Al-Qamar: 49, Al - A'raf: 54, Al-A'la: 2-3, Ya-sin: 38-40	Everything created by Allah has a "measure" (qadar), and therefore it is relative and depends on God, including environmental issues
2	Khilafah (Guardianship)	QS. Al-Baqarah: 30, Al-Isra : 70, Al-An'am: 165 dan Yunus: 14	As the representative of God, humans must be able to show themselves with the attributes of God. One of Allah's attributes about nature is to function as a preserver or guardian of nature
3	Amanah	(Q.S. Al-Ahzab: 72)	To maintain their existence and fulfill their needs, humans have the right to utilize natural resources, also known as natural resources. However, humans, whether individually or in groups, do not have the absolute right to control natural resources. these natural resources.
4	Halal and Haram	<i>Maqhasid Syariah</i>	Halal means everything is good, has good results, is beneficial, and reassuring. Everything that is beneficial or has good consequences for a person, society, and its natural and social environment is halal. Conversely, everything that is bad, harmful, or damaging to a person, society, and its natural and social environment is haram. Everything that harms and damages the physical (body) and soul (spirit) of man, as well as his natural environment is haram.
5	Balance (I'tidal)	QS: Al-Mulk: 67	This balance is the law of God which also applies to nature including humans
6	Kemashlahatan (istishlah)	QS: AlA'raf: 56	The ultimate goal of the protection of nature and ecosystems is universal benefit and welfare (istishlah) (for all creatures) both in the present life (in the world) and in life. in the future (hereafter)

These principles contest the reality of the implementation of political ecological law in Indonesia. Massive exploitation in development efforts so that Indonesia can compete with developed countries often causes environmental damage in developing countries such

as Indonesia.⁶⁰ For example, in the legal politics of the existence of the Job Creation Law, when viewed from the perspective of the impact of the elimination of environmental permits for business activities in the Job Creation Omnibus Law, there is no good commentary on the elimination of environmental permits. This is a problem because environmental permits have a preventive function and are one of the tools used to prevent environmental damage and pollution. In addition, with the elimination of environmental permits, there will be a loss of authority to carry out environmental pollution control.⁶¹

The Theoanthropocentric-Anthropocentric Paradigm in the Politics of Ecological Law in Indonesia

Muhammadiyah's interpretation of the ecological law paradigm uses a framework model in the interpretation of the Quran. Muhammadiyah looks at verses related to ecological issues and how the mufassirs fight the problem of the ecological crisis, which is discussed in the book *Guidelines for Islamic Life of Muhammadiyah Citizens*.⁶² The paradigm used to interpret ecology is ecotheocentric, which means that all processes that occur on Earth belong to ecological creatures and are responsible to God. Specifically, Haedar Nashir (Chairman of PP Muhammadiyah) also called the Muhammadiyah paradigm theoanthropocentric. As khalifatullah fil ardh (God's representative on earth), Haedar stated that Muhammadiyah prioritizes a prophetic perspective. According to him, this view requires humans to be responsible and have the moral belief that life on Earth belongs to everyone. Therefore, the development paradigm should not be destructive.⁶³

The ecocentrism paradigm, proposed as the antithesis of anthropocentrism in the 1990s,⁶⁴ argues that the relationship between living beings and other abiotic objects is related to each other in their environment. Moral obligations and responsibilities are not limited to living beings; they also apply to all aspects of the environment.⁶⁵ Ecocentrism will present the meaning of environmental sustainability as a shared responsibility, including the legal aspect.⁶⁶

Muhammadiyah's important agenda in the field of the environment continues to be built. The official documents of the association show the development of discourse on this issue consistently or not. The Muhammadiyah Islamic Life Guidelines (PHIWM) and Environmental Theology have shown that Muhammadiyah clarified the importance of the maqasidi-based environmental and ecological paradigm. Then, based on this paradigm, Muhammadiyah at least provides legal principles in the utilization of natural resources, namely:⁶⁷ First, the interests of the community or nation must be more important than individual interests. Second, suffering or damage must be avoided rather than profit. Third,

⁶⁰ Ali Agil Aufa, "Prinsip Sustainable Development Dalam Penegakan Hukum Lingkungan," *Staatsrecht: Jurnal Hukum Kenegaraan Dan Politik Islam* 1, no. 2 (2021): p.212

⁶¹ Muhamad Bilal and Imam Budi Santoso, "Analisis Dampak Perizinan Lingkungan Dalam Omnibus Law Terhadap Lingkungan Kegiatan Usaha," *Jurnal Analisis Hukum* 4, no. 2 (2021): 173–86. p.184-185

⁶² Pusat Pimpinan Muhammadiyah, "Pedoman Hidup Islami," *Yogyakarta: Suara Muhammadiyah, Tabun*, 2000.

⁶³ Afandi, "Muhammadiyah Tawarkan Paradigma Teoantroposentris Untuk Hadapi Masalah Kerusakan Alam Dan Kemanusiaan," Muhammadiyah, 2024, <https://muhammadiyah.or.id/2023/11/muhammadiyah-tawarkan-paradigma-teoantroposentris-untuk-hadapi-masalah-kerusakan-alam-dan-kemanusiaan/>.

⁶⁴ Marina Dantas de Figueiredo and Fábio Freitas Schilling Marquesan, "Back to the Future: Ecocentrism, Organization Studies, and the Anthropocene," *Scandinavian Journal of Management* 38, no. 2 (2022): 101197.p.102 <https://doi.org/10.1016/j.scaman.2022.101197>

⁶⁵ Sutoyo Sutoyo, "Paradigma Perlindungan Lingkungan Hidup," *ADIL: Jurnal Hukum* 4, no. 1 (2013): 192–206.p.202

⁶⁶ Olena Gulac et al., "Overcoming the Environmental Crisis in the Forestry Sector of Ukraine in the Context of the Ecocentric Paradigm," *Revista de La Universidad Del Zulia* 13, no. 38 (2022): 59–71.p.59 Overcoming the Environmental

⁶⁷ Mawardi, *Teologi Lingkungan: Etika Pengelolaan Lingkungan Dalam Perspektif Islam*.p.31-32

Based on this graph, the contestation between Muhammadiyah in practice and the politics of ecological law stems from paradigm differences. Muhammadiyah wants a theocentric paradigm so that legal products in the field of ecology present Islamic principles that are oriented toward benefit. On the other hand, the State also, in practice, needs to industrialize in the context of economic growth, so currently, state policies do not fully accommodate the principles of the ecological justice paradigm principles.

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CONCLUSION

Based on the description above, it can be concluded that the contestation between Muhammadiyah and the State in the politics of ecological law in Indonesia stems from two primary factors: epistemological differences and differing paradigms in legal politics. Muhammadiyah's epistemology aligns with the concept of Islamic ecology, emphasizing tauhid, khilafah, amanah, halal, haram, balance, and istishlah. This epistemology is in contrast with the state's approach, which is driven by industrialization, reflected in laws and regulations that are often not ecologically just. Second, there is a difference in paradigm, and Muhammadiyah prioritizes a theocentric approach, viewing itself as God's representative on earth and adopting a prophetic perspective. In contrast, the state prioritizes industrialization for economic growth, leading to contestation in legal politics. This contestation has influenced the direction of ecological legal politics in Indonesia, with Muhammadiyah successfully conducting judicial reviews, criticizing state policies, and carrying out legal advocacy for people involved in ecological conflicts. Academically, this research shows that the contestation of epistemology, paradigm, and practice produces different strategies and policies between the state and Muhammadiyah in addressing ecological problems in Indonesia.

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