

CHAPTER I

INTRODUCTION

A. Background

Recently the environmental issues have a concern the entire population of the world due to the nature of the increasingly critical. Forest as the main supplier of oxygen has been cleared, sea water and polluted rivers, depleting the ozone layer, as well as land. Currently soil serving as a medium to grow crops has been widely contaminated by hazardous substances. It makes the soil fertility and productivity decreases.¹

The fertile soil is an appropriate means of developing the land as forest. A forest is not only as a water storage and flood protection by the human, but is also credited with producing the most important human needs, that is oxygen.² Land which has been contaminated by chemicals makes soil fertility and productivity decreases. All of this is very detrimental and negative impact of human life.

The losses that suffered by human is a result of environmental damage, it is manifested in various forms. Landslides, floods, mud, and air pollution are a scourge to humanity in the world.

¹ Nadjamuddin Ramly, *Islam Ramah Lingkungan*, Grafindo Khazanah Ilmu, Jakarta, 2007, Cct. 1, p.17

² *Ibid.*, p. 18

Human dependence on nature has led to the womb of the earth entrails drained and leaving large holes in the land.

Human activities on the earth are very brutal, included in Indonesia. The ongoing deforestation in Kalimantan, Sulawesi, Papua and some areas in Indonesia were increasingly to making it vulnerable to natural disasters. For example, flash floods occurred in the area of nature tourism *Bahorok* in North Sumatra in 2003, flooding caused by the rain water does not accommodate in this region. Its problem has yet to make a conscious human being to be changed. Additionally, based on data from Vulkanologi and Geological Hazard Mitigation (BMKG), in the same year landslides also occurred almost 70% in Indonesia region.³

Another fact indicates that there is disharmony between man and nature has led to a variety of natural sector damaged. Not only the ground that damaged, but also another sectors, such as thickening of the lining of CO₂ resulting in an increase in temperature, the depletion of ozone layer (O₂) because some of the greenhouse effect, then the overflow of sea water due to abrasion and many again another disaster threats.⁴

Environmental problem becomes a common problem and responsibility for all human beings, both individually and in groups. The government, community, the developed countries, and developing

³ Fakhruddin M. Mangunjaya, *Konservasi Alam Dalam Islam*, Yayasan Obor Indonesia, Jakarta, 2005, p. 10

⁴ Gerald Foly, *Global Warming: who is taking the Heat?*, Ponas Institut, London, 1999, p. 14

countries did not spare from this responsibility, especially for the clergy.⁵ On the historical level, the efforts to preserve the environment actually were done by human beings. It can be seen from the practice of customs or their local wisdom in protecting the environment, such as *Animism* and *Dynamism* (worshippers Tree and Stone), although it looks simple, but a series of rituals that practiced by them give implies about the importance of the preservation of nature, big trees and rocks they regarded as a God, because of where the source of their life. In literature of religion, God has created man as a living being who is authorized to live on earth, activities and interact with the environment as the word of God:

وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا وَادْعُوهُ خَوْفًا وَطَمَعًا إِنَّ رَحْمَتَ اللَّهِ قَرِيبٌ
مِّنَ الْمُحْسِنِينَ (٥٦)

“Do no mischief on the earth, after it hath been set in order, but call on Him with fear and longing (in your hearts): for the Mercy of Allah is (always) near to those who do good.”

The verse above shows that the environmental preservation of the damage is the duty of every person. It is considered to the severity of the destruction of nature, and then all elements of society must maintain its sustainability so as not to threaten the life together. Meanwhile, Islam is very concern about the preservation of nature. as shown in the word of God (Al-Qur'an) or the words of the Prophet

⁵ Ashidiqqi Fahmi Basha Albar, *Etika Pengelolaan Sumber Daya Air Dalam Perspektif Hadist Nabi*, UIN Sunan Kalijaga, Yogyakarta, 2008, p. 2

⁶ QS. Al-A'rāf [7]: 56

(*Hadis*). Many of Verses and *Hadis* discuss about environment but it is not yet practiced by Muslim in this world, include in Indonesia country that Muslim-majority that has been many disasters caused by human activities and the lack of attention to the nature of Muslims around.

Here the role of man as a caliph of God (*Khalifah*) is needed to maintain and preserve nature. In Islam, the right to manage of this nature couldn't spare from the obligation to maintain and preserve this environment. The number of verses and saying by the prophet that contains restrictions undermine the earth be an indication that Islam is very attentive to the preservation and beauty of the earth.⁷

One of the important things that are the focus attention of environmental activists today is the poor management of lands in our public. As we know that the excessive exploitation of land resulting in an imbalance of the natural ecosystems in this country. The imbalance of the ecosystem is evident in disasters occur such as floods, landslides and earthquakes. In this case Islam has guided us for moderation and not extravagant in everything that we do, include in using lands. Allah SWT said in Holy Qur'an:

يَا بَنِي آدَمَ خُذُوا زِينَتَكُمْ عِنْدَ كُلِّ مَسْجِدٍ وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ^٨ (٣١)

⁷ Nadjamuddin Ramly, op. cit., p. 27

⁸ Qs. Al- A'rāf [7] : 31

“O Children of Adam! wear your beautiful apparel at every time and place of prayer: eat and drink: But waste not by excess, for Allah loveth not the wasters.”

Then Allah SWT said:

إِنَّ الْمُبْدِرِينَ كَانُوا إِخْوَانَ الشَّيَاطِينِ وَكَانَ الشَّيْطَانُ لِرَبِّهِ كَفُورًا (٢٧) ^٩

“Verily spendthrifts are brothers of the Evil Ones; and the Evil One is to his Lord (himself) ungrateful.”

Excessive prohibition in the Qur'an above covers everything, including utilizing natural. It nature should use only as needed, because of the massive exploitation of nature that resulted in the destruction of nature that banned by Islam. Islam looked at the use of universe blindly and without consider to the balance is a tyranny that was detrimental to living human.¹⁰

How great care in maintaining nature of Islam is also contained in a *Hadīṣ* that states:

"Those who cut the *Bidara* tree, Allah SWT will dip his head into the fire of hell". (HR. Abū Daud).

From the *Hadīṣ* above clear that Islam prohibits to cutting down trees unnecessarily, which cut down the tree that does not bring benefits to human beings in general.

⁹ Qs. Al- Isrā' [17]: 27

¹⁰ Nadjamuddin Ramly, op. cit., p. 28

In Islam the position of *Ḥadīṣ Sunnah* is very important, because it is the second source of Islamic law. It said to be the second source by muslim because the position of *Ḥadīṣ* in his capacity as an explanatory of Qur'an.¹¹ It means that the prophet PBUH explained either by oral, action, and agreement (*takrīr*), about all of things that still are global in the Qur'an. Thus, the *Ḥadīṣ* occupy a very important position as guidelines to held and adhere together by Muslims.

In addition to attention to plants or trees, the prophet was also very attentive to the land / vacant land:

مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيَمْنَحْهَا¹²

"He who has land should cultivate it or give him to someone else"

Land is one of the resources that prepared by God for man in order to fulfill their duty as a caliph on the earth. By land, the humans can fulfill his need because God has made it easier management as revealed God to human in the Qur'an, Surah Al-Mulk [67]: 15.

هُوَ الَّذِي جَعَلَ لَكُمْ الْأَرْضَ ذُلُولًا فَامْشُوا فِي مَنَاكِبِهَا وَكُلُوا مِن رِّزْقِهِ وَإِلَيْهِ النُّشُورُ¹³ (١٥)

¹¹ QS. an-Nahl [16] : 44

¹² This Hadīṣ was narrated by al-Bukhārī in kitāb *Al-Muzāra'ah*, chapter *Ma Kana min asshabun Nabi Shallallahu 'alaihi wa Sallam*, Lidwa Pustaka-i- Software : Kitab Hadis 9 Imam, Volume . 8, p.152, Number of Hadis. 2172

"It is He Who has made the earth manageable for you, so traverse you through its tracts and enjoy of the Sustenance which He furnishes: but unto Him is the Resurrection."

Allah SWT confirmed in the holy Quran:

وَلِلَّهِ مَا فِي السَّمَاوَاتِ وَمَا فِي الْأَرْضِ وَكَانَ اللَّهُ بِكُلِّ شَيْءٍ مُّحِيطًا¹⁴ (١٢٦)

"And Belongs to Allah what is in the heavens and whatsoever is in the earth, and the (knowledge) of Allah encompasses all things."

Because the rights of land ownership, inherent in God while the other man is not only limited to the recipient's mandate by human land management should be based on the will of God.¹⁵

Islamic history has records of land management has become essential for the spread of Islam in the early days was a war that brought much a consequence of the spoils in the form of soil (soil *kharaj*¹⁶). Status of this land was of course different from the land '*Uṣr*¹⁷ that belonging to the Muslims. Therefore, it made a consequence of differences in treatment in terms of ownership and management.

¹³ QS. Al-Mulk [67] :15

¹⁴ Qs. an-Nisā [4]: 126

¹⁵ Yasin Ghadiy, *Al-Amwal wa Al-Amlak al-'Ammah fil Islam, (mu'tah: mu'assasah raam)*, 1994. p.19.

¹⁶ *Kharaj* is land that got by muslims, is the consequence of conquest a region, with or without warfare.

¹⁷ '*Uṣr* is land was owned by muslims then it carry the consequence of difference of treatment in ownership and for it management.

Besides, there are also an areas was established by government as a nature reserve area (*Hima*) which serves as a protective flood and field supplier of the dry season when his lawn.¹⁸ The subdivision and land management is becoming extremely complex due to the vast Islamic empire and diverse characteristics of the land area or the spoils of so many ideas and we find that the typical land management practices from time to time.

Therefore, in this research, the writer as a researchers will try to analyze how the concepts of land management in Arabia at the time of the Prophet PBUH, to conduct a study of some *Hadīṣ* that have related to land management and practices (*Hadīṣ* perspective), whether through of *Sanad* and *Matan*. In addition, researchers also will analyze how these *Hadīṣ* relevance to the lifestyle of the Indonesia as a majority of Muslims country it were in accordance with the *Sunnah* that recommended by the Prophet PBUH or not.

B. Research Question

Based on the background above, the problem of this research is formulated into the question as below:

1. How is the practice of land management in Prophet era (*Hadīṣ* perspective)?
2. How is the relevance of *Hadīṣ* about land management to the agrarian law: case in Indonesia?

¹⁸ Fakhruddin M, Mangunjaya, *op. cit.*, p. 58

C. Aim of Research

Basically this research to determine the land management practices in the prophet era through the *Ḥadīṣ*. The aims this research also to determine the hadit *Ḥadīṣ* of land management by the context in Indonesia country that Muslim majority. Another of aims is this research to describe and seek answers to the some phenomena about disaster that occur during and about the clearing of protected forest. Besides, this research also aims to determine the implications of understanding for this nature conservation awareness to the general public. In addition, specifically to determine the implications of the prophetic understanding of the real problems for the environment, especially in Indonesia, which is often hit by floods and landslides due to deforestation.

D. Library Research

Conservation of the environment is one of the global issues. This issue as booming now because bad attention from human about the ecosystems of this nature. This is evident in some of the natural disasters in recent years, particularly damage to the land sector lately needs to get more attention from us.

Actually this research is not the first paper that discuss about land, there are books about environment and conservation, either generally or religion. Are:

1. S. Uji Prastya, ed, *Undang-Undang Agraria No. 5 Tahun 1960 Peraturan Dasar Pokok-pokok Agraria (Agrarian Law*

No. 5 1960 Basic Regulation of Agrarian) (2012). This book explain the law of Agraria sistem in Indonesia. Beside that, its also give some interpretation of section in agraria law. This book so pure discuss about agraria law in Indonesia.

2. Ridwan, *Pemilikan Rakyat dan Negara Atas Tanah Menurut Hukum Pertanahaan Indonesia Dalam Perspektif Hukum Islam (Ownership of the People and the State on Land According to the Indonesian Agrarian Law in Islamic Perspective)* (2010). This book describe about claimed of Land by citizen and country. Its shared the cronological of the rise land law in indonesia and give explain about historical backgroun.
3. Yūsuf Al-Qardāwī, *Ri'āyat al-Bi'ah fī Syarīat al-Islām* (2001). This book reveals the essence of environmental issues and problems. First, in general reveals how religious perspectives on environmental issues. Second, the view of Islam in particular, such as linking against *Tauḥīd*, *Taṣawwuf*, *Fiqh*, *Syarīat*, and toward Al-Quran and *Ḥadīṣ*.
4. Fakhruddin M, Mangunjaya, *Konservasi Alam Dalam Islam (Nature Conservation In Islam)* (2005). This book describes the environmental problems in the Islamic perspective. According to him, that the damage in the earth was caused by excessive of human for mastery it over for the nature. Whereas, Islamic *Shari'ah* has been formed and organized to manage the environment and ecosystem.

5. Dr. Nadjamuddin Ramly, M.Si, *Islam Ramah Lingkungan Konsep dan Strategi Islam dalam Pengelolaan, Pemeliharaan dan Penyelamatan Lingkungan (Environmentally Friendly Islam, Islamic Concepts and Strategies in the Management, Maintenance and Environmental Rescue)* (2007), this book explain about concepts of nature management and milieu. This book also explain that Islam teach human to behave wise in manage and exploit the nature. But in this books did not explain about land management as special. Because the theme is general.
6. M. Mansur, BA., *Pandangan Islam Terhadap Pengembangan dan Kelestarian Lingkungan Hidup dalam Pembangunan Indonesia (Against Islamic View of Development and Environmental Sustainability in Development Indonesia)* (1986). Here, the writer gives more emphasizing in Indonesian development with the environment continuity. However, he took some theorem both from Qur`an and *Hadīś* perfunctorily, or over thrust. It can be understood because the aim of this research is to join a competition of religion reading for mature held by departement of religion affairs in 1980/81.

Beside some books, there are also some academic writing as paper and thesis. It is *'Etika Pengelolaan Sumber Daya Air dalam Perspektif Nabi (Ethics of Water Resources Management in*

Perspective Prophet).¹⁹ This research intends to describe and look for the answer to happening phenomenon gets over the year, it is water commercialization. Beside it, this research intent to know the implication of that grasp for the consciousness of the nature conservation for society in common. Besides it is also to know the implication of *Ḥadīṣ* grasp to the real problem notably in Indonesia that over been knocked over lack of fresh water and healthy.

Another thesis is '*Konservasi Lingkungan di Ḥadīṣ (Environmental Conservation In Ḥadīṣ)*, (2011).²⁰ This research is to look for the concept of environment in General based on *Ḥadīṣ*. Its implementation is by using the *hadis* about conservation nature generally; according to this research, Islam has explained the importance of protecting the environment. The main problem is to act is still only in saying. Only a few people who care about the importance of conservation and keep it balance.

Seeing from the prior research above, the researcher come to the conclusion that there is no study about Management of Soil in Perspective *Ḥadīṣ* as comprehensively, starting from study of *Sanad, Matan*, historical background, till the contextualization in the recent time. Therefore, in this case the researcher still needs to pursue the previous research, with the expectation there is a solution for the problem as explained before.

¹⁹ Asshiddiqi Fahmi Basya Albar, *Etika Pengelolaan Sumber Daya Air dalam Perspektif Nabi*, UIN Sunan Kalijaga, Yogyakarta, 2009

²⁰ Faishol Ahmad, *Environmental Conservation in Hadith*, IAIN Walisongo, Semarang, 2011

E. Methodology of Research

1. Type of research

This research is qualitative research or can be classify as Library Research.

2. Data Collection

In this research, researcher take the primer and secondary data. Determining *Ḥadīṣ*, will determined based on the correlation words of land such as, ‘*Ard, Gharsun, Ḥima*’, *Muzābanah*. The principal resourch is operational of *Kutub al-tiṣah (Ṣaḥīḥ al-Bukhārī, Ṣaḥīḥ Muslim, Sunan al-Tirmidhi, Sunan Abī Dāwud, Sunan al-Nasāī, Sunan Ibn Mājah, Muwaṭṭaʿ Mālik, and Sunan Al-Dārimī)*. For facilitating in research the book, after find the *Ḥadīṣ*, researcher use the helping of books and soft equipment computer. *al-Mujām al-Mufahras li Alfāḍ al-Ḥadīṣ al-Nabawī al-Syaṛīf* written by A.J. Wensinck, *Lidwa Pustaka-i- Software : Kitab Ḥadīṣ 9 Imam, CD-ROM Mausūah al-Ḥadīṣ al-Syaṛīf al-Kutub al-Tiṣah, and CD-ROM Maktabah al-Syāmilah, dan CD-ROM Gawamiul Alkalem*.

3. Data Analysis

The methode that used is thematic methode to collectif some *Ḥadīṣ* that has correlation with environment and soil conservation in *Kutub at-tis`ah*, then clasify and analysis it. Phenomenological that used is hermeneutis-historic analysis. A historical analysis is for determining

validity and authenticity the *Ḥadīṣ*. The way is with use some methodes that is expanded by some expert in *Ḥadīṣ* such as: seriality the Sanad of *Ḥadīṣ*, all Rawi must *ʿadil* and *dhabit*, also avoid *Syudzud* and *illat*.

Beside, this historical analysis be intended to get some fact of history that is true from *Ḥadīṣ*. It has purpose to avoid awkward comprehension, lack for development era, and to avoid possibility misunderstanding distortion the real meaning of *Ḥadīṣ*. It cause remembering that some *Ḥadīṣ* was narrated by Prophet pbuh in certain case, local-temporal, and partial, so human will have their own dimention that is not permanent and universal.

Utilizing of hermeneutics is as bound by the interpretation of this study. In this interpretation, the text and the context get dialectic. Therefore, the understanding of the text and context of the dialectic is as necessary hermeneutic approach.

There are many steps in operating the *Ḥadīṣ* hermeneutics, namely: (a) in terms of understanding the language, (b) understanding of the historical context, (c) relate in a systematic and comprehensive and integral from other data, (d) using the text and keep the basic ideas, (e) analyzing the cognitive analysis of social, political, cultural, economic

(in accordance with the assessed problems) and of relevance to the current context.²¹

Data processing that is collected and classify ; first, to explore certain *Ḥadīṣ* about environment and land management. Second, to classify the *Ḥadīṣ* with their quality; third, read the *Ḥadīṣ* that is made clear in previous approach.

F. Structure of Writing

This thesis consists of five chapters; each chapter consists of several sub-chapters. In the first chapter is an introduction that consists of academic anxiety as a frame of reference the author's thesis writing. In addition this chapter also presented the methodological framework and research writing theoretical framework as the basis of analysis problem.

Chapter II contains the deepening of the theory related to land management. It is important for a consideration the theory put forward as a fundamental reference in analyzing a problem.

In chapter III, clearly explored about the meanings of words from *matan Ḥadīṣ* relating to land management. This is done in order to gain an understanding of etymology approaching the truth.

²¹ Nurun, Najwah, *Ilmu Maʿani Hadith: Metode Pemahaman Hadith Nabi, Teori dan Aplikasi*, Cahaya Pustaka, Yogyakarta, 2008, p.18-19.

In Chapter IV expressed the reality of land management base on agrarian law in Indonesia. It expected to gain a comprehensive understanding of the land management in Indonesia so it will be able to get dialogue between what is understood from the text that is "normative" a contextual understanding.

Chapter V is a cover that includes conclusions and suggestion of researchers within the framework that has been presented experiences to answer.