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Legal reasoning, environmental movements and philanthrophy in Muhammadiyah

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ABSTRACT

This article aims to describe practical implications of legal reasoning of Muhammadiyah toward the concept of environment in Indonesia. The data are collected through literature study as well as direct observation by defining some thoughts that are relevant with the current environmental issues in Indonesia. The findings reveal at least three points regarding the concern. First, legal thought in Muhammadiyah are theoretically depicted and described in official documents conveying environmental moral, environment, and fiqh of water. They are the official products of Muhammadiyah in response to the massive deforestation and other natural resources concerns. Second, Muhammadiyah employs legal reasoning through three models of reasoning, namely *bayani*, *burhani*, and *irfani*. Lastly, practical implications of such thoughts stimulate Muhammadiyah that has been considered as social, and educational-based organization to initiate advocacy movements dedicated for legal structures. This is due to some tendencies that the former law such as Foreign Investment Law and Law on Water Resources tend to exploit the natural resources.

Key words: Legal reasoning, Environmental conservation, Philanthropy

Introduction

Ecological crisis currently becomes a significant issue not only in the context of economic and industrial development, but also in the context of basic vision of society. It relates to how conservation of natural resources is reflected in nation and religiouscontects (fiqh)(Marius Morariu, 2020).

Religion's role as the pillar of ecological conservation is pivotal as deforestation in Indonesia increases due to mining industry and palm plantation for about 1.15 million in Sumatera and 1.1.2 million in Kalimantan. As a results, Indonesia becomes the country with highest ecological crisis in South East Asia (Sudarsono, 2008). Therefore, several societies

reflect the environmental awareness into their monism cosmology principle (Suwito, 2012).

Muhammadiyah is one of mainstream Islamic movement in Indonesia whose legal thoughts and activities is significant with Moslems' behaviour in Indonesia (Harjono and Asa, 1995). Technically, such activities are conducted by a certain council called the Fatwa and research Council. Besides, in order to deal with the environmental crisis, Muhammadiyah has established Institute of Environmental Studies in 2003. However, after Muhammadiyah Congress in Jogjakarta in 2010, the name is changed into Muhammadiyah Environment Council (Nashir, 2016).

In Muhammadiyah, contemplative awareness as

in monism cosmology is not compatible enough to solve the echological crisis. The massive environmental damage requires a better strategy. One of the best solution offered is through environmental philanthropy (Hamdi and Masmulyadi, 2019).

Environmetal philanthropy in Muhammadiyah is highly considered as it is not only organizing things in the basis community impacted by the crisis, but also advocating concrete environmental policies. One of them is attempting to rearranging state's legal structures (law) that is opposed to environmental conservation, for instance Law on Water Resources, Law on Coal and Mineral Mining, and Law on Foreign Investment (Khairuddin, 2016).

Reconsidering explanation above, this present article aims to provide thorough description regarding the relevance between legal reasoning and environmental philanthropy in Muhmmadiyah. Legal reasoning is supposed to be the basic logic in proposing or formulating rules (*fiqh*) of Islam and state (law) in responding the environmental crisis. Therefore, methodological principles of holistic-integrative vision used in this reasoning should be further studied. Thus, it can be transmitted as a transformation model of environmental movements(Nashir, 2015).

The keywords to understand the thoughts of Muhammadiyah movement are dynamics. Such keywords are selected as the reflection after a long discussion as Muhammadiyah strive for the context ualization of movements in accordance with current generation. Thus, it remarks three kinds of historic roles of Muhammadiyah's thoughts in Indonesia. The roles are as the religious reformer, the agent of social change, and the politics reinforcer (Alfian, 2010).

The involvement of this reformer and modernist spirit makes legal (fiqh) reasoning developed in Muhammadiyah higher than formal and instrumental reasoning as what has been understood in the classic *fiqh*(Nashir, H., 2015: 349-350). In other words, the *fiqh* term is not a mere set of concrete rules deductively, normatively concluded as what most jurists believe during codification of Islamic law (Anwar, 2016). Thus, this study focuses on defining practical implications of legal reasoning of Muhammadiyah toward the concept of environmental philanthropy in Indonesia.

Muhammadiyah's efforts in actively conserving the environment can be traced by understanding the job description of internal structure of Muhammadiyah. The first one is The Fatwa and Islamic Research Council. This council is one of Muhammadiyah organizations that is responsible to formulate legislation based on Islamic Law (Islamic jurisprudence or *fiqh*), to conduct research and studies on contemporer issues, to disseminate the differences among religious reasoning, and to provide religious *fatwa* (legal opinion) (Alqadri Burga, 2020).

Considering the function, Fatwa and Islamic Research Council has what is called impactful rights or authority as this council' product is in the form of religious guidelines that hierarchically binds all sort of structure in this organization (Nasution, 1986). While basically Fatwa and Islamic Research Council consist of personal management from various multidisciplinary fields, this council is generally considered as a big board that hold independent reasoning (*ijtihad*) resulted from employing individual *ijtihad* (Muhammadyiyah, 2016).

Meanwhile, in term of institutional paradigm framework, this council also becomes the center for the innovation products. In Muhammadiyah, praying provisions or procedures of activities are determined by considering two things, namely purification and balanced dynamic. Therefore, the determination of the *fatwa* (legal opinion) about environment is based on the textual and contextual paradigm. Textual-oriented fatwa is related to acts while contextual-oriented fatwa refers to the responses regarding the actual condition of human and environment.

The second council in Muhammadiyah is Muhammadiyah Environmental Council. This council technically responsible to conduct *da'wah* in form of empowerment to increase people's awareness, concern, and environmentally friendly behaviour. Since its establishment in 2003, this council has branches up to the regional level. That is why each regional board has particular management in environmental field (Ilyas, 2018).

In addition to empowering institution's capacity, this council is also obliged to hold network expansion, resources management, and environmental conservation programs. Thus, Muhammadiyah's roles and practical model in conserving the environmental is determined by theis council as the leading sector (M. Muhammadiyah and Deputi Komunikasi Lingkungan and Pemberdayaan Masyarakat, 2011)

The last council in Muhammadiyah involved in this study is the council of Community Empowerment. This council aims to develop community emISMAN ET AL S353

powerment models for various communities including labor community, farmers, fishermen, and marginalized community throughout the nation. The existance of these councils is associated with people's awareness to change from industrial community to risk society as what Beck proposed (Beck and Ritter, 2013). In the context of industrial society, knowledge comes together with a risk. It is resulted from knowledge supremacy of managing bigger natural resources while neglecting the the principles of environmental conservation (Desfor and Keil, 2004).

Materials and Methods

This study employed a method that is in accordance with the research topic regarding legal reasoning and environmental philanthropy as a form of Muhammadiyah's response in conserving the environment. This approach allows researcher to observe the perspective of values as an idea to apply the products of religious thoughts and practices. The data is in the form of qualitative data that is collected through literature review.

The data are categorized based on theoretical classification aforementioned in the section of literature review. In analyzing the data, constructuvism approach is employed in order to identify the relevance between products of Muhammadiyah's thoughts and its practices.

Results

The keywords to understand the relation between legal reasoning and environmental philanthropy in Muhammadiyah are ethics modalities. Vision of environmental preservation in Muhammadiyah is the dependent variable of reasoning. Simply, reasoning is the independent variable that influences the whole environmental philanthropy in Muhammadiyah.

Legal Reasoning (National and Islamic)

Semantically, prophetic is illustrated as "if something, it described or suggested something that did actually happen later" (Collins, 2016). According to this definition, Muhammadiyah through the Council of Fatwa and Islamic research commit not only to preserve the prospective kindness values, but also to gurantee the prosperity of ideology in environmental philanthropy to be comprehensively involved in

the formulation of contextual reasoning procedures (Latief, 2017).

Three types of modality in prophetic reasoning addressed in this article are genealogically generated from the theory of Al-Jâbirî. In the theory, Al-Jâbirî proposed three types of reasoning in the context of studies, namely bayânî, burhânî, and 'irfânî. Bayânî reasoning is a philosophical study towards knowledge system in which revelation is put as the reference and its meaning is associated with other prophetic reasoning. types Whileburhânîreasoning is initiated from rationale (ta'aqqulî) abstraction process towards the reality, 'irfânî reasoning refers to certain understandings based on inner experience (dzwq), intuition (qalb)(Al-Jâbirî, 1991).

The use of bayani reasoning can be analyzed from the integration between the acts and the meanings. Its authenticity is determined by three conditions. The first one refers to the text arrangement of Islamic Law and Principles. For instance, texts conveying orders and prohibitions, whether its is dependent or independent and concrete or abstract. The second is the texts that surpasses substantive and metaphorical analysis process. The next is the text whose priority hierarchy had been analyzed by prioritizing *muhkam* or text that doesn't need interpretation instead of the text that needs further interpretation (mubham and mufassar). The last one refers to correlating the text's relevances based on the application context, namely al ibarah (narrative meaning), al-isyarah (implicite meaning), al-iqtidha (behaviour-based meaning) (Abbas, 2012).

For *burhani* reasoning, the main keywords to understand it are abstraction, experimentation, and expression. The procedure is initiated with rational abstraction of an event to create conception (*tashawwur*) in which this conception is actualized to express the rational meaning between the text and the context. Abstraction is an induction process to align a concern with applicable legal resources in Qur'an verses as well as in the prophetic traditions. On the other hands, experimentation involves deductive process in order to support the expression as a concrete actualization of the meaning conclusion (Al-Jābirî, 1991).

The following explanation is regarding the last principle of prophetic reasoning, the irfani reasoning. Different from the previous two reasoning principles that emlply rational way, irfani reasoning is a intuitive reasoning (Muslih, 2005).

Once those reasoning procedures are particularly applied in drafting the gauidances of religious activities, practically the output will be universal, breaktrough solution (Latief, 2017). However, those reasing should not be in a linear relation, otherwise they might me overlapping. Therefore, Muhammadiyah purposively tries to make them functional as its own yet compile to each other in order to keep them in spiral circular form (Abbas, 2012).

Environmetal Ideology of Muhammadiyah

Principles Ideology in Muhammadiyah can be categorized into three parts, namely holistic, interpretation, and idealization. In term of the holistic vision, Muhammadiyah's environmental theology consider that this world or realm is the representation this world's existence created by the God. God has commanded to preserve the environment and not to destroy it (Muhammadiyah *et al.*, 2011).

Meanwhile, holistic principle of Muhammadiyah' environemtal Ideology is oriented to transformative act. (Majid, 1995). That is why it should have a concrete, positive impact. Simply, it can be said, that transformation is associated with basic changes in one's life from putting sacred things as the main object to adjusting an actual changes that are in accordance with the objectives (Brockelman, 1999).

Genealogically, transformative act in Muhammadiyah is a subjective sublimation to constructive social and environmental ethics. As the results, the environmental ideology on sacred values in Muhammadiyah is not solely defined as isolation practice, instead it is manifested into good ethics in responding environmental crisis in Indonesia (Arief, 2017).

In term of its interpretation model, environtmental ideology of Muhammadiyah has universal coherence conducted through balanced particular aspects in order to achieve the intended universal objectives. Basically, such interpretation uses interdisciplinary model. In other words, it employs consistency and correlation of concrete events in interpreting the law (sharia and national law). This model is inevitable part of prophetic reasoning that influence the products of thoughts in this organization; bayani, burhani and irfani.

Those three aforementioned coherence interpretation can be distinguished from several features guidelines produced by some councils. For example, *fiqh* on water (Fatwa and Islamic Research Council,

2016), fiqh on environment (Library and Information Council, South Kalimantan, 2016), fiqh on mitigation (Fatwa and Islamic Research Council, 2015), and fiqh on agrarian field (Fatwa and Islamic Research Council, 2020). Furthermore, coherence interpretation is also influenced by public figures in Muhammadiyah such as Kuntowijoyo with Social Science, Moslim Abdurrahman with Transformative act, and Munir Mulkhan with Sharia (Bachtiar and UMM, 2015).

Simply, the keywords to understand the Muhammadiyah's environmental ideology are depicted in the environmental ethics that are based on values, leadership or thrusteeship, trust, permitted and forbidden aspect, equilibrium (*I'tidal*) and public interest (Muhammadiyah *et al.*, 2011).

Discussion

Correlation between Legal Reasoning and Environmental Philantropy

Environmetalphilantropy is a concrete action from Muhammadiyah in actively participating to conserve the environment in Indonesia. It is a part of social actions to strengthen, empower, and build sustainable environmental conservation.

Environmental philanthropy is the answer for the absence of ecology awareness. This movement put purification spirit as the basic spirit to break what so called materialistic paradigm (Audah, 2019). Besides, this action is also considered as a transition action from subjective into objective ones by enhancing society's awareness in conserving the surrounding environment (Budianta, 1997).

Referring to the use of transformative act as the theological basis of environmental philanthropy, are correlated to environmental conversation through strick bayani reasoning. On the other hands, Rabbani reasoning as the basis in perceiving how humans are and nature are related. Rabbani reasoning asserts that the correlation between Islam, people and environtmental conseration is not merely a conditional or situational relationship. Instead, it is an absolute relation since conserving environment is a trust given by God for human as a khalifah (leader) (Mawardi et al., 2011). As the results, moral of a Moslem is represented by his/her awareness in conserving the environment (Mawardi et al., 2011). Interpretation shows environmental philanthropy tends to employ bayani reasoning (textual investigaISMAN ET AL S355

tion), especially to interpret particular terms related to trusteeship, trust, and the concept of permitted and forbidden. However, in the context of building equilibrium and public interest, Muhammadiyah tends to employ burhani reasoning (Mawardi *et al.*, 2011).

Environmental philanthropy as a product of legal reasoning that is developed by Fatwa and Islamic Research Council of Muhammadiyah is initiated by Islamic contextualization in attempting to reduce ecological crisis. Broadly speaking, there are four principles rely on this action. The first principle is *almuraa'at* (conservation). Conservation is preserving values implied in the order to solving problems related to ecological crisis (Hamid and Gunawan, 2015).

The second principle is called as *at-tahdits* (modernization). It refers to attempts in contextualizing values to meet peoples and society's needs that suit current development. This principle motivates Muhammadiyah to create diversification environmental conservation movements. Some of them are scavenger empowerment through a program called 'collecting garbage, collecting good geeds', mousque's society empowerment through "garbage" alms, and constitutional efforts that environment-friendly (Efendi, 2017; Hamid and Gunawan, 2015).

The third principle is creation (al-ibtikar). It concerns about constructive-creative procedures of worship guidelines generated from the actual events, is measured by using prophetic reasoning according to supervision of Fatwa and Islamic Research Council Board Center of Muhammadiyah. This principle is developed in accordance with three norms of hierarchy. The first is al-qiyam al-asasiyah or basic principles and values in environmental conservation such as equilibrium and public interest that should be put as the basis of ethics and regulations. The second is al-ushul al-kulliyah. It explains about ideal relationship between human and nature or environment. The las one is al-ahkam al-far'iyah. It refers to constitutive obligation am concerning the existence of conservation of environment areas called as al-harim and hima (protected areas) (Anwar, 2016).

Practical Implications of Environmental Philantropyin Muhammadiyah

A concrete act prove of Muhammadiyah in building sustainable environment is represented through its

active participation in responding to various ecological crisis, whether in regional, national or international context. This action is initiated by strengthening institution's capacity by enhancing environmental-friendly cultures in society and then continued by proposing structure of law through constitutional discussion conducted by Central Board of Muhammadiyah and related councils as well as Univesities' boards.

Waste Management and Scavanger Empowerment

Waste management through scavenger empowerment is a part of environmental philanthropy that represents two actions, namely empowerment and conservation that has been conducted since 2015. The agenda is started by providing education about the standard of healthy life for scavangers in Yogyakarta as the subjects. After that, recycling activities are conducted in order to improve scavangers' skills as well as provide alternative source of income. The third step is providing policy advocation that take sides of scavangers and society around the landfill. Last but not least, utilizing appropriate technology that can be implemented in the local surrounding.

This program is carried out by Council of Community Empowerment Central Board of Muhammadiyah in collaboration with Government of the Special Region of Yogyakarta and BAZIS Bank Pembangunan Daerah of Yogyakarta since 2015. Since then, scavengers around Piyungan Yogyakarta are still prioritized as the main subjects of this program (S. Muhammadiyah, 2017).

Eco-friendly Mousque and Waste Alms

Another action of environtmental philanthropy that has been massively held by members of Muhammadiyah is waste alms. Waste alms is an activity of collecting, recycling and selling household waste, such as cardboards, papers, old newspapers, cans, or bottles of mineral water. Profit from the sales then ais used as social fund to help the poor access health and social facilities (Muftisany, 2012).

This program strive to provide helps addressed for the poor in Yogyakarta that are carried out by Muhammadiyah Environmental Council. At the same time, it proves that Muhammadiyah strongly concerns about environmental conservation and society empowerment (MLH PP Muhammadiyah, 2018).

Law Structure Dedication against the Environmental Conservation

third action of Muhammadiyah's environtmental philanthropy movement is resuffling legal structure that seems against the environmental conservation. Legal restructuring is performed as there is an indication of massive natural resources use based on materialism and capitalism. One of regulations being sued is Law on Water Resources (Law Number 7 of 2004). Formerly, the late regulation on Water Resources, Law Number 11 of 1974 is considered completely fail to regulate water resources limitation by private sectors. Those regulations are suspended by Supreme Court and has no binding legal force. Therefore, in the near future, Muhammadiyah will continue taking efforts to restructure other regulations, one of them Law Number 30 of 2009 on Electricity (Nasrullah, 2015).

This lawsuit, in the context of political opportunity and value rationality, is perceived having consecuences or manifesto on reasoning renewal of Muhammadiyah. This is due to imbalance relation between government and citizens, for instance imbalance in justice and welfare (1945 constitution of the Republic of Indonesia article 33) and high politic model to keep the nation on track.

Conclusion

Considering the given explanation, it can be concluded that the core of reasoning in Muhammadiyah is a close relationship between bayani reasoning (textual context), burhani reasoning (empirical context), and irfani reasoning (action context). The implementation of bayani reasoning can be identified from the integration between the text and the meaning. On the other hands, the other two reasonings are quite different. While the keywords to interpret burhani reasoning are abstraction, experimentation, and expression, irfani reasoning is considered intuitive and action.

From the results of analysis, it can be inferred that legal reasonings (both of Islamic and nation law) significantly influence the definition of environmental Ideology in Muhammadiyah. In this case, the principles of Muhammadiyah's environmental Ideology are categorized into three aspects. The first is holistic vision that uses transformative thought and action as the basis.

The second aspect is universal coherence model-

based interpretation that is operated through several integral particular things to achieve universal purposes. As for the third aspect refers to idealized principle that uses environmental ethics including trusteeship, concept of permissible and forbidden things, equilibrium, and public interest as the basis.

The relation between legal reasoning with environtmental philanthropy can be identified, In this case, this is pivotal to transfer normative basis in interpreting the relation between human and the nature.

The implementation of bayani reasoning also plays an important role in defining the principles of transformative environmental ideology. Thus, a Moslem's attitude is represented by their awareness in conserving the environment. Furthermore, modernization (*At-tahdits*) is considered as the efforts in contextualizating principles and values in order to with environment preservations, is measured according to supervision of Fatwa and Islamic Research Council Board Center of Muhammadiyah.

As the last finding, the results showed that the proposition of prophetic reasoning is developed based on three norms of hierarchy. The first is *al-qiyam al-asasiyah*or basic principles and values in environmental conservation such as equilibrium and public interest that should be put as the basis of ethics and regulations. The second is *al-ushul al-kulliyah*or principles about ideal relationship between human and nature or environment. The last one is al-ahkam al-far'iyah. It refers to constitutive obligation in Islam concerning the existence of conservation areas called as *al-harim*and *hima*(protected areas).

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