

***Hifdzul Bi'ah* in the Development Map of Indonesian New Capital City**

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Abstarct

The construction of the New Capital City of the Republic of Indonesia is an interesting topic to discuss. Given the increasing population density and increasingly complex environmental problems, relocating the capital is an option worth considering. The plan to move the national capital to Central Kalimantan has been launched by President Joko Widodo in 2019 and is a major project in the 2020-2024 National Medium-Term Development Plan (RPJMN). Several academic documents and manuscripts, with various dimensions and points of view, have been created in response and contribution to the project of relocating the capital of this country. Starting from a historical, juridical, socio-anthropological point of view, even to a mystical point of view. In Islamic law, some academics have also studied it from the aspect of *maslahah* and *maqashid shari'ah*. This study tries to answer and uncover the role of Islamic law in *Fiqhul Bi'ah* towards the development of the National Capital. This perspective and approach is considered important because the relocation of the capital city also has the potential for significant environmental damage. This *fiqhul bi'ah* perspective is also important so that the development of the country's capital city does not ignore religious or religious dimensions, therefore the *Fiqhul bi'ah* point of view needs to be used as social control. Because this research is library research, researchers use the descriptive study method of analysis (*dirasah washfiyyah tahliliyyah*) by looking at some phenomena that arise from the development of the National Capital and studying it in the perspective of *fiqhul bi'ah*.

Keywords: *fiqhul bi'ah*, development of the National Capital, environmental damage

Introduction

So far, it is believed that Indonesia has a development gap problem, especially between Java Island and the western region. President Jokowi on August 16, 2019 announced that the new national capital for Indonesia was moved to Kalimantan Island, precisely in East Kalimantan. Several academic studies say that East Kalimantan was chosen as the location for the relocation of the national capital in addition having a large source of energy reserves (Nugroho, 2020), also because it is considered having a smaller risk of disaster impact than other regions in Indonesia. (Kurniadi, 2019)

As a large project, the relocation of the national capital caused reactions in favor and against. The reaction of the pros and cons was born due to the interests and views of each of the parties. As citizens, of course we hope that the development of the new national capital city which will be named Nusantara will be able to bring a positive impact on a broad scale for the people of Indonesia, especially for the people of Kalimantan island and be able to eliminate the stigma of development disparity between Java and outside Java that has been happening.

When viewed from the obscenity of environmental jurisprudence, the relationship between humans and the environment is a unity that cannot be separated, humans are created from components that exist in the universe, as evidence that humans are an inseparable part of nature. (Al-Qaradhawi, 2001) Likewise with the

transfer of the national capital. Jurisprudence cannot turn a blind eye to such a huge project. That is, environmental Fiqh needs to provide signs and understanding of the environment affected by the construction of the new capital city of the Republic of Indonesia and. This understanding is important in determining whether the legality of the construction of a new capital city is shar'i.

Methods

This study tries to answer the uncovering role of Islamic law in *Fiqhul Bi'ah* towards the development of the National Capital. That is whether in the process of developing the National Capital there are dimensions that can be used as objects of study of *Fiqhul Bi'ah*. Because this research is library research, researchers use the descriptive study method of analysis (*dirasah washfiyyah tahliliyyah*) by looking at some phenomena that arise from the development of the National Capital and studying it in the perspective of *fiqhul bi'ah*.

Findings dan Discussion

The construction of mega projects in the form of the construction of the National Capital City must cause pros and cons. Those who oppose the development of the National Capital argue that the development will cause environmental problems. It is even believed that the environmental destruction that occurred on the island of Java which for decades has become the capital of the State, environmental damage will also be experienced by the island of Kalimantan which has been under pressure due to the wood and palm oil industry. (Gokkon, 2019) That is, the relocation of the national capital to the Kalimantan island will risk damaging the environment, damaging the life of fauna and flora. This damage is as a result of urban development, residential areas, shops, and markets. Kalimantan's forests, known as the lungs of the world, may be left in the future only memories due to human actions.

In that regard, when viewed from the perspective of classical *fiqh*, the concern of discussions and studies that care about the environment has not been explored optimally. This is considered reasonable because in the days when the fuqaha and other *fiqh* experts were still alive, the conditions and environmental situation did not suffer (much) damage. Along with the changing times, when the objective conditions of the environmental crisis are getting worse, the paradigm of *Fiqhul Bi'ah* becomes important and non-negotiable.

Without realizing it, the state and government have actually implemented the concept of *Fiqhul Bi'ah* as an important instrument in the transfer and development of the National Capital to the Kalimantan Island. In this case, *Fiqhul Bi'ah* becomes a supporting system for all circles. Including the role of religion in addressing issues of environmental damage affected by the displacement and construction of the National Capital.

Fiqhul Bi'ah consists of 2 words, namely the words *fiqh* and *al-Bi'ah*. Linguistically, the word *Fiqh* means *al-'ilmu bis-shay'i* (knowledge of something), *al-fahmu* (description). While in terminology, *fiqh* is a set of knowledge related to the practical laws of sharia which source is from detailed postulates. (Al-Bannani, 1982)

The word *Al-Bi'ah* can be understood with the meaning of the environment, namely: unity of space with all objects, forces, conditions, and living things, including man and his behavior, which has an influence on nature, the survival and absence of life, and whether or not humans and other living beings are prosperous. (Zulaikha, 2014)

From the understanding of *Al-Bi'ah* above, it can be understood that *Fiqhul Bi'ah* is part of Islamic studies based on detailed propositions related to human behavior towards the environment with the intention of realizing the benefit of the earth's population in general in order to avoid damage.

Therefore, the environmental *fiqh* in question is the knowledge or demands of *syar'i* that pay attention to ecological problems or *syar'i* demands that are used to highlight human behavior that tends to treat the environment destructively and exploitatively.

In the Quran, Allah Almighty affirms that man is the caliph on earth who is responsible for safeguarding and nurturing the universe. Verses in the Quran such as Surah Al-Baqarah verse 30 and Surah Ar-Rahman verses 10-13 show how important it is to preserve nature and maintain the balance of ecosystems.

The concept of ecology in the Qur'an is broader, comprehensive, and clearer in scope because it is included in the field of study that is around humans, what is influenced by humans and who interacts with it, including things that come from outer space such as the sky, sun, moon, stars, planets and days, nights and light, and is included in the meaning of any environment that surrounds humans, place of residence and place of practice. The use of the environment must provide the benefit of religion and the world.

Some hadiths of the Prophet emphasize the importance of *Fiqhul Bi'ah*, for example the hadith which states that "Cleanliness is part of faith". Also the hadith narrated by Sa'id bin Zayd where the Messenger of Allah once said "whoever cultivates the land that dies (arid) then the land belongs to him". To the famous Hadith such as "Whoever plants a tree or plants a grain, then he will get a reward from Allah Almighty as long as the tree or grain is still alive"

The footing of the above propositions is enough evidence of how firmly Islam commands humans to pay attention to the environment so that, build and protect the environment, not vice versa to damage the environment blindly.

Therefore, in the framework of National Capital City Development, the government needs to set a strategy and integrate infrastructure and nature sustainability in the development of the New Capital City of Indonesia, while maintaining potential environmental damage that needs to be watched out for and providing solutions to reduce its negative impacts.

One strategy that can be done is to integrate infrastructure development with nature sustainability. This can be done by considering environmental aspects in each stage of development, such as choosing the right site, the use of environmentally friendly technology, and good waste management. In addition, efforts are needed to strengthen nature conservation around the New Capital City of Indonesia, such as by building national parks or conservation areas that can protect wildlife and their habitats.

Integrating infrastructure development with nature preservation is in line with the basic principles of Islam in order to provide protection and maintain the existence of the environment, namely : (Yafie, 2006)

First, Protection of the body and soul (*hifdzun Nafs*) is the most important and primary;

Second, The life of the world should be used as a stepping stone to the eternal and eternal afterlife;

Third, The balance of nature (ecosystem) must be upheld. Disturbing and damaging ecosystems is judged to be equivalent to destroying all life ;

Fourth, All beings are noble. Exploiting all kinds of beings to the point of causing their lives to be disrupted is sinful and forbidden;

Fifth, Man is khalifatullah fil ardh, the actor of the management of the universe that determines the preservation of life. All forms of action will be held accountable both in this world and in the hereafter.

In addition, efforts are needed to reduce the negative impact of the development of the New Capital City of Indonesia on the surrounding community. Large infrastructure development can lead to significant social and economic changes, such as increases in land prices and the cost of living. Therefore, there is a need for programs that can help the surrounding community to adapt to these changes, such as job training programs and social assistance.

Protection of the surrounding community in Islam is considered an effort to avoid ikemudharatan. This is in harmony with the *maqashid shari'ah* formulated in *kulliyāt al-khams*, namely: *hifzu al-nafs* (protecting the soul), *hifzu al-aql* (protecting reason), *hifzu al-mal* (protecting property), *hifzu al-nasb* (protecting offspring), *hifzu al-din* (protecting religion). *Maqashid Al-shari'ah* in this case becomes the main indicator in analyzing the actualization of the application of *fiqh bi'ah*. Because in general *maqashid shari'ah* is a foundation in *shar'i* law which then undergoes development based on its sub-discussion, in the environmental aspect it is called *fiqh bi'ah*.

In general, preserving the environment is a demand to protect the five objectives of the *Shari'ah*. Thus, behavior that leads to the destruction of the environment so as to cause harm to humans, can be interpreted as an act that threatens life, reason, property, fate, and religion.

The relocation of Indonesia's new capital city also raises concerns related to significant environmental impacts. Large and rapid infrastructure development can cause significant environmental damage, such as loss of wildlife habitat, and increased greenhouse gas emissions. This negative impact appears likely to be caused by widespread pruning of trees. Therefore, countries need to carry out appropriate strategies to reduce these negative impacts, for example by reforestation and planting in different places.

In *Fiqhul Bi'ah*, there is indeed a hadith that forbids his people to cut trees carelessly: "Whoever cuts down the angel tree that shelters *Ibn Sabil* and livestock in a cruel and bad way, then Allah will pour hot water on his head later in hell." The hadith narrated by Abu Dawud strictly forbids the indiscriminate cutting of trees. However, cutting down the ones that are already large and the tree can be used, then followed or preceded by planting new plants so that later new plants appear, then of course it is allowed and not included in the prohibition of the hadith of the Prophet above. The tree as one of God's creatures was created to be used by humans. The important thing is how the cut down there is a replacement. The provision for the replacement of felled trees should be in the laws and regulations used as the basis for the development of the National Capital, so that the existing ones are utilized, new ones grow. As a rule is needed, every time one tree is cut down there must be one hundred new trees planted, because a large tree that is cut down will cause damage to the vicinity so the replacement is not just one, but one hundred trees.

Fiqhul Bi'ah (environmental *Fiqh*) does not prohibit humans from environment benefiting, what is forbidden is their indiscriminate exploitation. Because in Islam, the living environment must be seen as a fellow creation of God that must be maintained in order to remain sustainable. This concept is important to understand so that there is legality for an action or behavior in society related to the environment.

In addition to the negative impacts that have the potential to arise, we cannot also close our eyes to the possibility of positive impacts on the environment, such as improving air quality and reducing pollution. This potential improvement in air quality in the conception of *fiqhul bi'ah* is called the theory of *ma'alat*.

The theory of *ma'alat* is one of the rules of *tasyri'* that harmonizes between the law both *zahir* and *bathin*. This rule will also maintain conflicts or contradictions between the law and the *maqashid shari'ah* when the law is applied. The theory of *ma'alat* in terminology can be understood as an attempt to glance at or predict the consequences that will be caused by a law or action whether the consequences are good so that the action is recommended, or even results in harm or causes something that is contrary to the *maqasyid shari'ah* so that the action becomes forbidden. (Basri & Ismail, 2019). With this theory, the process of building the National Capital City which *dzohir* seems to be in the form of pruning trees is an act that seems not good, but it is believed that the process will actually have a good impact, namely improving air quality. That is, the good impact can be used as a benchmark that in theory *ma'alat* is a good and commendable deed.

Conclusion

Fiqhul Bi'ah does not forbid man to benefit from the environment, what is forbidden is his indiscriminate exploitation. Because in Islam, the living environment must be seen as a fellow creation of God that must be maintained in order to remain sustainable. This concept is important to understand so that there is legality for an action or behavior in society related to the environment. In addition to the environment, protection of the surrounding community is also an important aspect, and it in Islam can be realized in the form of avoiding harm to the community. Therefore, in the framework of National Capital City Development, the government needs to set a strategy and integrate infrastructure and nature sustainability in the development of the New Capital City of Indonesia, while maintaining the potential for environmental damage that needs to be watched out for and providing solutions to reduce its negative impacts. This is important so that the construction of the New Capital City in a *shar'i* manner has legality and does not contradict the purpose of Islamic law itself, which is to realize the benefits of the entire universe.

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