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State Islamic Institute of Tulungagung
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Preface
Director of Graduate School of IAIN Tulungagung

The Graduate School of State Islamic Institute of Tulungagung has conducted an International Conference on Interdisciplinary Islamic Studies, social Science and Humanities, on July 16-17, 2018 at the 5th floor of the Postgraduate School Building in the State Islamic Institute of Tulungagung, East Java, Indonesia. The conference was in the form of Call for Papers in which all papers must be written and presented in English. All incoming papers must be published in international proceedings.

The international conference was held in the auditorium on the 5th floor of the Tulungagung IAIN Graduate School building and was attended by more than 350 participants consisting of lecturers, students and audiences of science studies. The International Conference program focusing on interesting actual themes was moderated by Dr. Erna Iftanti, M.Pd. The invited Keynote Speakers of the Conference were: 1) Prof. Sumanto Al Qurtubi, a Lecturer of Cultural Anthropology at King Fahd University of Petroleum and Minerals, Dhahran, Saudi Arabia with a paper entitled *Anthropology and Its Contribution to the Study of Islam: History and Contemporary Development*. 2) Prof. Dr. Norshah Saad, a lecture at Kolej University of Unga Seri Begawan, Brunei Darussalam with a paper entitled *International and Culturally Diverse Learning Environment Elements in Teaching and Learning*. 3) Dr. Abdul Majid Hakimollahi, a Vice President of Relations and International Affairs at Al-Mustafa International University, Qum, Iran with a paper entitled *Faith and Rationality (Knowing God by Intuition)*. 4) Azmil Tayeb, Ph.D., a Senior Lecturer at Universiti Sains Malaysia with a paper entitled *Islamic Education and Public Discourse in Malaysia and Indonesia*, and 5) Prof. Dr. Akhyak, M.Ag, the Director of the Postgraduate School at the State Islamic Institute of Tulungagung, East Java, Indonesia with a paper entitled *Strengthening Movement on Character Education in Islamic Society*.

The themes was reinforced by a number of parallel discussions of 47 papers grouped in four studies, namely: 1. Education (2). Thought and Philosophy, (3). Islamic Laws, and (4). Islamic Economics. State Islamic Institute of Tulungagung (IAIN Tulungagung) as one of the Islamic religious colleges in Indonesia, has a high commitment to continue conducting studies on Interdisciplinary Islamic Studies, social Science and Humanities. The study is expected to be able to find comprehensive interdisciplinary approaches in order to play a role and contribute to the development of the academic world in Indonesia. It is expected to have sustainable to make Islam in Indonesian as a center for the global multidisciplinary Islamic studies. These studies which can be integrated with theological Islamic studies into transdisciplinary Islamic studies are also expected to produce lawyers, economists, physicists, engineers who have a basic insight of Islam. Islamic studies with this interdisciplinary approach can be as a solution to

address the challenges of the Islamic world today. This interdisciplinary Islamic study should prioritize an interdisciplinary, multidisciplinary or even transdisciplinary approach.

In response to the above-mentioned fact, the proceedings of the International Conference on Interdisciplinary Islamic Studies, social Science and Humanities "(ICIIS-SSH), is a manifestation of the responsibility of Graduate School of IAIN Tulungagung to encourage the scientific dynamics of actualizing philosophy in all segments of life.

The Director of Graduate School of IAIN Tulungagung expresses his gratitude to all those who have contributed to the process of publishing this international proceeding, especially to the foreign reviewers of the proceedings.

Tulungagung, November 19th 2019
Direktur Pascasarjana IAIN
Tulungagung,

Ttd

Prof. Dr. H. Akhyak, M. Ag

Acknowledgement

Rector of IAIN Tulungagung

All praise belongs to Allah SWT, the great universal universe. God who bestows the ocean of knowledge and depth of ratio so that His existence can be understood. The gift of knowledge is manifested in the history of people which creates a rational civilization, so that it represents His grandeur and greatness.

Prayers and greetings may always be bestowed upon His Majesty- the honorable Prophet- the selected person for his wisdom, so that all people in this world are able to be introduced to the source of truth and knowledge.

Following up on the International Conference on Interdisciplinary Islamic Studies, Social Science and Humanities, on July 16-17, 2018 at the 5th floor of the Graduate School Building in the State Islamic Institute of Tulungagung, East Java, Indonesia, it is necessary to publish a codified publication of the results of the discussion in an international proceeding. In the introduction section of this proceeding, I would like to remind you about the mission of *Da'wah* and Civilization which became both the vision and orientation of developing IAIN Tulungagung.

First, the term *Da'wah* and Civilization was deliberately chosen to mark the distinguishing factors of the IAIN Tulungagung campus with other campuses within both PTKIN and public campuses environment. Those two terms are interrelated, integral and inseparable. *Da'wah* is a spirit and an action which guides people to get wisdom and breadth of knowledge. Meanwhile, civilization is the embodiment of the vast ocean of knowledge. Without *da'wah* there can be no civilization, and conversely, that there has never been found a great civilization unless human culture is able to be recognized, developed and disseminated into the sources of knowledge. Building a campus that develops the vision of *Da'wah* and Civilization means to realize the campus as the center of developing knowledge and its distribution in order to build the splendor of human civilization. Both the development of science and the embodiment of civilization are either as manifestations of servitude to God or as recognition of the greatness of God. That is the reason why the campus of IAIN Tulungagung is expected to be different from the other campuses.

Second, the term *Da'wah* and civilization represents the orientation of scientific development at IAIN Tulungagung. Unlike the other institutes within PTKIN, IAIN Tulungagung develops the concept of knowledge integration which has different paradigm, uniqueness and excellence. Through *Da'wah* and Civilization, IAIN Tulungagung develops a more holistic concept of scientific integration without breaking into the framework of labeling science with religious doctrine. The development of the concept of scientific integration at IAIN Tulungagung is characterized by an attitude of cosmopolitanism towards science. This means that the concept of integration should be started with accepting and celebrating the entire epistemology of scientific knowledge. The development of knowledge should always be started with strengthening the epistemology and methodology bases. The concept of integration is operationalized in the realm of axiology, namely the ethical and moral dimensions of science. People need to be aware of their existence as the representatives of God carrying messages of wisdom for human history and civilization. To celebrate the methodology is tantamount to instill the commitment of all academicians at IAIN Tulungagung to take part in developing, exploring, and disseminating knowledge. Each individual working at IAIN Tulungagung should

also be aware of his existence to spread the wisdom and benefit for human culture and civilization. Through this concept of integration, it is expected that every academicians at IAIN Tulungagung, carries out a scientific prophetic mission, which is to spearhead the development of science as a means of understanding both the universe and humans and remembering the ethical position as a disseminator of wisdom and benefit for the people.

Third, the concept of *Da'wah* and Civilization marks the commitment of IAIN Tulungagung as an institute which is rooted from the society and its history. Yet, like other institutes, IAIN Tulungagung also has its own historical roots. It was born and grew up in a typical sub-culture of the Mataraman community, which has a strong commitment to Islam and tightly holds Javanese identities. Compared to the other subcultures, the Mataraman subculture is unique in terms of the authenticity of the Buddhists and the traditions that develop in their communities.

In accordance to the cultural basis and ecosystem of the people who really appreciate Javanese tradition and culture, IAIN Tulungagung develops an official policy to be accommodative of the richness of the cultural treasures and traditions developed among the people. The richness of cultural treasures is one of the important assets for IAIN Tulungagung, because it can be a living laboratory for scientific development at IAIN Tulungagung. Through both academic and non-academic efforts, IAIN Tulungagung continues making the community's cultural ecosystem as an inseparable part for the development of the mission of *Da'wah* and civilization.

I, as the Rector of IAIN Tulungagung, expect that the publication of this International proceeding of the International Conference on Interdisciplinary Islamic Studies, social Science and Humanities (ICIIS-SSH), can be as an important effort done by IAIN Tulungagung to interpret the goal of *Da'wah* and Civilization on this Archipelago. Amen, ya Rabb al-Alamin.

Tulungagung, November 21th 2019
Rector of IAIN Tulungagung

TTd

Prof. Dr. Maftukhin, M.Ag

TABLE OF CONTENT

A. EDUCATION

1	Effective Classroom Management in Islamic Educational Institutions (Susanto, Dian Daru Purwanti, Muhamad Khoirul Umam, Yunis Hidayati, Miftah Kusuma Dewi).....	1
2	Head of School's Transformational Leadership to Develop student's Character (Case study in Islamic Elementary School Blitar) (Muhtarom, Nilam Nur Rohmah, Moh. Muslim, Nur Idam Laksono, Lana Durrotul Abidah,Binti Mualamah.	8
3	Islamic Education Transfiguration in Creating Moslems' Personality in MTs Plus Raden Paku Trenggalek (Triono Al Fata, Imam Turmudzi, Siti Kusnul Kotimah, Ibadul Muthoi, Esti Lailatul Faizah).....	14
4	Learning Management on Curriculum 2013 to Develop a Character Education of Elementary School Students (Sulistyorini, Lailatul Nikmah)	20
5	Logic Model Evaluation to Work Oriented Education Program through Joint Madrasah Community (Reflianto, Eddy Sutadji, Agus Setiawan, Ika Ratih Sulistiani)	29
6	Organizational Culture in Leading and Achieving Islamic Educational Institutions (Efforts to Improve the Quality of Islamic Education Institutions Comprehensively) (Luluk Atirotu Zahrok)	34
7	Quality Improvement of Character Based Learning With the FDS System at Al-Azhaar Islamic Elementary School (Hikmah Eva Trisnawati, Prim Masrokan Mutohar, Sulastri Rini Rindrasari)	46
8	Relationship of Empowerment of Human Resources in Total Quality Management (TQM) with Effective School (Ahmad Tanzeh, Maftukhin, Chusnul Khotimah, Mukhamad Sukur, Suyitno)	51
9	Revitalization of Character Education Concept in Making Personality Perspective Children Al-Qur'an Letter Of Luqman Of Verses 12-19 (Nurul Hidayah, Nany Soengkono, Rikhlatul Ilmiah, Adi Wijayanto, Imam Bukhori, Siti Khoirun Nisak)	57
10	Strategy for Improving Quality of Education through MEDP Programs (Case Study at MI Thoriqul Huda Juwet Ngronggot Nganjuk) (Bustanul Arifin, Achmad Patoni, Nur Efendi, Zaini Fasya, Imam Junaris)	61
11	Strategy of Values Implementations, Attitudes and Case Study in MIN I Jombang and SDI Tebuireng Ir Soedigno Jombang) (Moh. Arif, Siti Nur Khairiah, Abd Aziz, As'aril Muhajir, Henes Puji Pengestuti)	66
12	Teachers' Consideration in Developing Integrated Skill-Based Lesson Plan For EFL Students: Some Subtansial Suggestions (Arina Shofiya, Nany Soengkono Madayani, Anni Latifatun Na'imah, Zaenal Arifin)	73
13	Teaching and Learning Paradigm in History; A Case Study at State Islamic Institute of Tulungagung (St. Noer Farida Laila).....	77

14	The Students in English Program; Cross-Cultural and Language Adaptation (Ima Fitriyah)	81
15	The Concept of Idealism Philosophy in Islamic Education According to Imam Al-Ghozali (Ahmad Suhaimi, M. Wildan Habibi, Annas Ribab Sibilana, Ahmad Nur Fathoni).....	87
16	The Correlation Between Gender and The School of Origin Against Relational Reasoning in Student Validating the Argument Geometry (Musrikah, Purnomo)	93
17	The Education Based Tawheed in Perspective Al-Qur'an (Muhammad Khoiruddin)	98
18	The Implementation of Prophetic Education in Students' Discipline (Case-Study in SDI Makarimul Akhlaq Blimbing Gudo Jombang) (Moh. Syamsul Falah, Kojin, Meiliana Hidayati, Mahfud Efendi, M. Lukman Hakim)	102
19	The Phenomenon of School Environment-Based Learning (Nur Kholis, Lilik Indriharta, Nuril Mufidah)	107
20	The Strategy to Resolve the Funding of Islamic Educational Institutions (Nita Agustina Nurlaila Eka, Marita Lailia Rahman, Nani Zahrotul Mufidah)	111
21	The Translation of the Quran in Indonesia and Other Country: Two In One, One Is For The Enhanced Understanding of the Content Of The Quran, Ones is for Developing the Science And the Islamic Teaching (Munardji, Elfi Muawanah, Umy Zahroh, Fendik Hanafi, Muhammad Khoiri, Anwar Muti)	117
22	Transformational Leadership Model of Head Madrasah (Case Study in MTsN 1 Trenggalek) (Munarji, Eny Setyowati, Adi Wijayanto, Yahya Zahid Ismail, Hildawati Eka Saputri, Muhibbudin)	122
23	Transformative Strategy of Educational Marketing through Brand Image Improvement on Educational Institution (Case Study at Madrasah Ibtidaiyyah (MI) Al Azhar Bandung Tulungagung - Indonesia) (Agus Zaenul Fitri, Eko Sigit Purwanto, M. Asep Fathur Rozi, Indah Komsiyah, Luluk Indarti, Mas'ut).....	125
B. THOUGHT AND PHYLOSHOPY		
1	A Religious State' (a study of Hasyim Asyari and Muhammad Iqbal's Thought on the Relation of Religion, State and Nationalism) (Arik Dwijayanto, Yusmicha Ulya, Afif).....	133
2	Biculturalism among Indonesian Lecturers of Arabics of State Islamic College in East Java (Ahmad Nurcholis, Sukarsono, Ahmad Ali Said)	139
3	Build Tolerant Moslem among Pluralism of Indonesian (Ekka Zahra Puspita Dewi, Haris Syamsuddin, Zulva Ismawati, Muhibur Rohman, Asmawi, Yuni Pangestutiani)	145
4	Building Social Cohesion and National Identity against Radicalization and Terrorism (Nora Afnita, M. Ismail Makki, Reflianto)	150
5	Da'wa Ethic Through New Media To Keep Indonesia Diversity (Dimas Prakoso Nugroho, Lutfi Ulfa Ni'amah, M., Abad Badruzaman).....	155

6	Sufism Counseling Method of an Ex-hoodlum and Prostitute Toward Islamic Behaviour Shift (Quran Memorizers): A Case Study of Sholawat Mafia (as An Alternative Study of Nusantara Islam Counseling) (Elfi Muawanah).....	161
7	The Creative Traditions of Indonesian Islamic Thought (Mujamil Qomar)	169
8	The Development of Tasawuf in Mataraman and Social Religion Change (Dita Hendriani, Abad Badruzzaman, Khoirul Anam, Zulva Ismawati, Mohammad Ja'far As hodiq, Moh. Bachrudin	174
9	The Epistemology of Tafsir Ibnu Asyur and its Implications of Determination of Maqashid al-Quran in the al Tahrir wa al-Tanwir (Imam Ahmadi, Ahmad Zainal Abidin, Anis Azimah, Farhan Masrury, Sukri)	128
10	The Values of the Syadziliyah Tariqah Sufficiency (Case Study of the Adherents At PETA Islamic Boarding School Tulungagung) (Syamsun Ni'am, Ahmad Syauqi, Budi Harianto, Ahmad Yuzki Faridian N, Diyanus Abd. Baqi, Dwi Astuti Nurhayatin)	192
 C. ISLAMIC LAW		
1	Analysis of Hajj Pilgrimage Regulation in Indonesia (Qomarul Huda, Helmi Purwo Puruhito Rais, Nur Rokhim, Agus Tohawi Lolita Febridonata).....	203
2	Application of Article 5, 6 and 7 Compilation of Islamic Law about Recording of Marriage and Determination of Marriage in Trenggalek (Purwanti, Salamah Noorhidayati, Muhassin, M. Abdul Qohir, Mohamad Shodiq)	209
3	Determining The Qiblah Direction of the Graves (Ubaidillah Nashrul Haq, Misbahul Khoironi).....	217
4	Marriage of Different Religions and Nationalities Indonesia's Positive and Islamic Law (M. Aji Purwanto, Darin Arif Mu'allifin, Fahmie Amrullah, Misroh Anik, Luqman Bahtiar).....	222
5	Moderate Of Islam Indonesia Perspective Indonesian Hadith Scholar (Fatihunnada).....	229
6	Polemic of Marital Age Limitations Setting Variety in Pluralism Cultural Perspectives in Brebes (Arifah Millati Agustina, Syamsul Umam)	239
7	The Narrative Literature of Cupping in Islamic Prophetic Tradition (Salamah Noorhidayati, Ahmad Saddam, Fardan Mahmudatulimamah)	243
 D. SYARIAH ECONOMIC LAW		
1	Al-Qur'an Verses Analysis about Treasure (Mal) in The al-Qur'an (Nurul Hidayat, Dian Fikriyani, Agus Muharyanto, Agus Eko Sujianto)	249
2	Legal Compliance of Small and Medium Industry in the Regulation of Halal Product Guarantee (Iffatin Nur, Agnes Lutfiana Ni'mah, Melisa Fitriani, Fakhruddin Alfarisy, Imroatul Mufidah)	252

3	Legal Protection in Fiqh Muamalah Perspectives and Civil Law Franchise Agreement (Studies on Franchise Martabak Hawaii Tulungagung) (Hanni' Sunnatul Khususna, Imam Mahmudi, Kuku Budianto, Anindita Badianti, Ahmad Muhtadi, Anshor, Iffatin Nur).....	260
4	Legal Protection of Consumer Finance Technology in Indonesia Perspective Positive Law and Business Ethics Islam (Kutbuddin Aibak, Reni Dwi Puspitasari, Fajrina Eka Wulandari, Afif Nikmatul Khoiriyah, Eti Rohmawati, Tito Hadi Putra)	267
5	Legal Protection Pay Per Click on Business Transactions In Indonesia Perspective Civil Law and Law Muamala (Dian Ferricha, M. Sukma Ridlo Pamungkas, Berliananda Sehatiin).....	275
6	Liquidity Management of Islamic Banking (The interpretive study of Islamic Bank in maximizing asset portfolio and efficiency (Binti Nur Asiyah, Amin Wahyudi)	279
 E. SOCIAL SCIENCE		
1	Al-Farabi Perspective Religion And Practical Ratio (In the study "Frank E. Reynolds and David Tracy Religion and Practical Reason"; By Paul E.Walker) (Aminudin & Habibie Yusuf)	285
2	Strengthening Of The Function Of Consultation Extension Bureau And Tulungagung Iain Legal Assistance Through The Role Of Advocacy Of Indonesian Migrant Workers (Pmi) In Tulungagung Regency (Dr. H. M. Darin Arif Mu'allifin, S.H., M. Hum)	289
3	Leadership of Senior High School Principal In Building Organizational Culture (Case Study in State Islamic Senior High School of Tulungagung) (Soim)	300
4	Implementation of Ijtihad Maqasidi In Relationship (Qira'ah Mubadalah) With Ecofeminsme As Confirmation of Fiqh Al-Bi'ah (Ahmad Muhtadi Anshor & Arifah Millati Agustina)	305

Implementation of *Ijtihad Maqasidi* in Relationship (*Qira'ah* *Mubadalah*) with Ecofeminsme as Confirmation of *Fiqh Al-Bi'ah*

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Abstract: In various problems regarding ecological distortion, women based on facts and data appear to have more concern in protecting the environment. This fact is caused by various factors, sometimes personal perspectives on the environment, men tend to be less collective in dealing with ecological crises, whereas maintaining the environment is a commandment of God to humans without distinguishing the opposite sex (Q.S.Al-A'raf 56-58). Some researchers revealed that the reason was influenced by biological factors, as well as historical and cultural factors. The God's orders, to mankind to care for the environment (hifdz al-bi'ah) are not only for one particular sex, although in reality women have more roles and preserve the environment. From the data of the Ministry of Environment and Forestry (KLHK), it is realized that the role of women to mobilize a community is very large. Supported by 2017 Central Bureau of Statistics (BPS) data, there are around 69.6 million women in Indonesia supporting various sectors including the economy and environmental preservation. Ecofemenism is a women's movement that cares about environmental welfare. This movement was allegedly the point of women's jihad against the ecological crisis. in the rise of industry and the development of patriarchal science, this theory developed to counteract inhumane actions. In Islamic literature this theory is in line with the concept of maqasid al-shari'ah, namely hifdz al bi'ah. Between women and the environment like two currencies that cannot be separated. Both have the attitude of mubadalah (loneliness) that perfects one another.

*Keywords: Ijtihad maqasidi,
women, hifdz al-bi'ah, ecofeminism*

A. INTRODUCTION

Industrial development which is carried out on a large scale by the Indonesian government requires more awareness and care from various community groups, this fact is difficult to avoid because entering the 21st century people face a series of environmental problems that have a very significant impact on the resilience of the flora and fauna layers commonly known as biosphere.⁴⁶ This will be a big threat to living things because in a short time it will become an incurable disease. Sazkia Sassen, a Columbia University professor in her research noted that around 24% of land degradation continued to roll from 1981 to the end of 2003,⁴⁷ this condition is supported by global warming which attacks the surface of the earth, also supported by the accumulation of waste due to massive industrial projects.

According to data from the Central Statistics Agency (BPS) in 2017, there are around 69.6 million women of productive age who are very concerned about the environment and are productive in a community working to make a movement to protect the environment. Realizing this, the Ministry of Environment and Forestry (KLHK) designed social activities with the theme of preserving the environment specifically for women.⁴⁸ Proven in many environmental cases, women's track record is unavoidable which has been proven to have more sensitivity to protect the environment. Puji Retno Hadiningtiyas in his research explained the resistance of women in combating environmental injustice and ecological issues in Papua, women have a very important role in maintaining the stability of the survival of the Papuan people. The struggle of Papuan women in freeing themselves from violence, especially originating from the structure and culture of society, natural conditions, and customs has given rise to resistance to women's positions. In Papua, the patriarchal system is still very thick, where women are positioned as workers, processors of foodstuffs, and harvest sellers play the role of both producer and consumer.⁴⁹

The attitude of isolation between women and the environment described above is a form of implementation of the *qira'ah mubadalah* because it

⁴⁶ Thalbah and Ahmad Mufid, *Fiqih Ekologi Menjaga Bumi Memahami Makna Kitab Suci*, Yogyakarta: Total Media, 2008, xi.

⁴⁷ Saskia Sassen, *Expulsion: Brutality and complexity in the global economy*, Cambridge: The Belknap Press Of Harvard University Press-Cambridge, 2014, 153.

⁴⁸ <http://ppid.menlhk.go.id/cgi-sys/suspendedpage.cgi>

⁴⁹ Puji Retno Hadiningtiyas, Resistensi Perempuan Papua di Lingkungannya dalam Roman Isinga Karya Dorothea Rosa Herliyani, *Jurnal Aksara*, Vol 28 No.2 2016, 4.

has manifested the message of the Qur'an to become a caliph on earth whose job is to care for and preserve nature and its contents. Coupled with the aim of creating the earth and its contents are nothing but a means of worshipping God so that humans easily realize the role of their servants, this argument is in line with the cosmology of the Qur'an Taha verses 53-54, that the relationship between humans and nature cannot be separated because between the two will be realized mutual perfection.⁵⁰ The word caliph itself in this phrase is general, there are no takhsis aimed at men and women, Muslims and non-Muslims, but are general that applies to all creatures.

But the reality is, protecting the environment (*hifdz al-bi'ah*) experiences a distortion of meaning, women from patriarchal culture must ultimately accept labeling as a creature that - should be more concerned about - environmental preservation.⁵¹ Why is that? because women have more responsibility to look after their reproductive organs as well as maintaining overall organ health. The case of mining and the construction of a cement factory in Kendeng, Central Java illustrates how women must occupy the first line to refuse the operation of the project, as well as women in the Dani tribe who must be at the forefront to avoid the consequences of the Freeport company.

From this fact, the writer wants to portray the attitude of women (*mubadalah*) and environment, both of which have a reciprocal attitude to realize the perfection as intended by shari'a. the writer will use the *ijtihad maqasidi* approach as an intermediary for achieving balance and benefit between God as the rule maker and humans as the executor. The benefit as referred to by Jasser Auda is the construction of the old model *maqasid* which uses the nature of protection and preservation (maintaining and preserving) to the attitude of development and rights (development and fulfillment of rights). which aims so that humans as law enforcers are not wrong in capturing shari'ah messages.

B. IJTIHAD MAQASIDI AS APPROACH

Maqasid al-shari'ah is an approach that prioritizes the principles of humanity and benefit. From the sentence form *maqasid al-shari'ah* consists of the word *maqasid* which means purpose and al-sharia which means the commands and prohibitions of God related to human behavior.⁵² In the context of Islamic law, Al-Syatibi is called the

⁵⁰ Q.S. Thaha (20:53-54)

⁵¹ Jasser Auda, *Maqasid al-Shari'ah as Philosophy of Islamic Law a System Approach*, Herndon: International Institute of Islamic Thought, 2008, 5.

⁵² Abd al-Majid An-Najjar, *Maqasid al-Syrai'ah Bi 'Ab'ad al-Syari'ah*, Tunis: Dar al-Gharb al-Islami, 2012, 15.

first scholar of the originator of this theory, through his classification of human benefit can be realized if the five basic elements of human life can be realized and maintained, namely religion or belief, soul, reason, descent, descent and property, this classification then in summary on the scale of priority *maslahat* include *daruriyat*, *hajiyyat*, and *tahsiniyyat*.⁵³ In the period after al-Syatibi, *maqasid al-shariah* as a tool to explore the law (*ijtihad maqasidi*) experienced a very rapid increase, increasingly complex problems triggered scholars of Islamic law to reinterpret and develop methodologies. The name al-Raysuni appears that sees every *amaliyah* law in human life always related to the creed, so that the *maqasid al-sharia* becomes a tool to lead to the wisdom behind the words of god, faith, purpose and benefit.

Slightly different from al-Raysuni, Ibn Ashur defines the *maqasid al-sharia* as wisdom that is maintained by *shari'a* in every behavior, generally applies to all types of legal purposes, and the legal meaning which is generally not considered as a whole but is maintained in the form of protection other.⁵⁴ This is what Jasser Auda called development and right which is the development and fulfillment of rights which then creates a form of protection to maintain environmental balance and ward off the ecological crisis in human life called *hifdz al-bi'ah* or protection of the environment. the word *bi'ah* in that word is explicitly not listed directly in the Koran and al-Sunnah, but implicitly the components contained in the word *bi'ah* (environment) include animals, plants, metals, the universe and geographical area.⁵⁵

During the renewal of contemporary methodology, the name Jasser Auda is often mentioned in addressing millennial problems. Auda's main reason for developing this methodology is for the realization of humanity, benefit and fulfillment of rights, both for humans and animals, plants and objects created in the universe, therefore making *maqasid al-syaria'h* an approach that is a choice right. But according to him, to be able to answer the increasingly complex contemporary problems one must develop a methodology. Therefore, Auda developed the concept of *maqasid*

⁵³ Al-Syatibi, *al-Muwāfaqāt Fī Usūl al-sharī'ah*, Beirut: Dar al-Kutub al-'Ilmiyah, t.t, 228, al-Qardhawi, *al-Siyāsah al-Shar'iyyah fī Dhaw' Nusus al-Shariah wa Maqasidiha*, Kairo: Maktabah Wahbah, 1998, 272 .

⁵⁴ Tahir Ibn Asyur, *Maqasid al-Syariah al-Islamiyah*, Tunisia: *Dar Sukhun Li al Nashr wa al Tawzi'*, 2007, 49.

⁵⁵ Muhammad Khalil 'Itani, *al-Mu'jam al-Mufasssal li Mawadi' al-Qur'an al-Munazzal*, Beirut: Dar al-Ma'rifat, 2000, Usamah Kamil Abu Shaqra, *Dalil al-Mawdu'at fī al-'Ayat al-Qur'an al-Karim*. Beirut: Mu'assasah al-Rayyan, 2001.

al-sharia from the old individualistic theory to a more comprehensive method.⁵⁶

As a form of appreciation for Auda in developing Islamic legal methodology is through the application of *maqasid al-shari'ah* through several steps. Firstly, Auda distinguishes the degree of *fiqh* as a legal product from a fixed *syariah*, therefore *fiqh* must not be silent as a problem that is always changing and in every law there is a hidden wisdom. Second, the nature of the sensitivity possessed by law makes the law partially incomprehensible, get to the root of legal philosophy. Third, the nature of openness of Islamic law contains a divine dimension and morality so that the *maqasid* (goal) of God as *shari'a* and human beings as *mukallaf* (perpetrators of law) are reached. the four characteristics of humanity and interconnectedness with all elements of Islamic law that are not enough are only classified in *daruriyat*, *hajiyyat*, and *tahsiniyyat*, because they will only reduce the urgency of each. Fifth, contemporary *Fiqh* whose products do not stand alone but have interconnection and are multi-dimensional.⁵⁷

Auda also developed the mechanism of *Maqasid al-Sharia* to a broader understanding or development not only stop at the effort for preservation or preservation. As an example of *maqasid* development, we will at least explain it in the table below:

Num	Maqasid type	Development	Explanation
1	<i>Hifdz al-din</i>	<i>hurriyyah al-I'tiqad</i> religious freedom	The meaning of preserving religion does not stop at carrying out religious orders, because textualist

⁵⁶ Ahmad Musonnif, *Maqasid al-Syari'ah dalam konteks Fikih Nusantara*, the article delivered in Launching Centre Of *Fiqh Nusantara* IAIN Tulungagung 2018. Compare with Muhammad Faisol, "Pendekatan Sistem Jasser Auda Terhadap Hukum Islam: Ke Arah *Fiqh Post-Postmodernisme*", *Kalam: Jurnal Studi Agama dan Pemikiran Islam*, Volume VI, Nomor 1, Juni 2012.

⁵⁷ Muhamamad Lutfi Hakim, "Pergeseran Paradigma *Maqasid Shariah* dari Klasik sampai Kontemporer", *Jurnal al-Manahij*, Vol X, No 1, Juni 2016, compare with Jasser Auda, *Maqāsid al-Ahkām al-Shar'iyyah wa 'Ilaluhā*, http://www.jasserauda.net/modules/Research_Articles/pdf/article1A.pdf . Compare with Muhammad Faisol, "Pendekatan Sistem Jasser Auda Terhadap Hukum Islam: Ke Arah *Fiqh Post-Postmodernisme*", *Kalam: Jurnal Studi Agama dan Pemikiran Islam*, Volume VI, Nomor 1, Juni 2012.

			understanding of religion will only lead to radical and inclusive attitudes
2	<i>Hifdz al-Nasl</i>	<i>hifdz al-Ussrah</i> (look after the family)	Maintaining <i>nasab</i> not only in the context of guarding from adultery, but more broadly to the meaning of protecting the family starting from the control of education, association and even food that is consumed daily.
3	<i>Hifdz al-Nafs</i>	<i>hifdz al-karamah al-Insaniyyah</i> atau <i>hifdz al-Huquq al-Insaniyyah</i> (protect human rights).	Safeguarding lives is not only limited to saving lives, but more broadly protecting the rights of every citizen / community
4	<i>Hifdz al-Aql</i>	Development of Science, Technology and science.	Keeping the mind is not limited to avoiding alcohol so that the mind / brain is not disturbed, but it enables the mind to think in a wider range in order to understand science
5	<i>Hifdz al-mal</i>	Financial and economic management	The understanding of safeguarding assets does not stop in the effort to give alms but extends to maintaining

			financial management and economic stability.
6	<i>Hifdz al-Bi'ah</i>	<i>Hifdz al-'Alam</i>	Protecting the environment does not only pay attention to the surrounding environment in a narrow range, but preserves all elements in the universe such as the sea, forests, plants, mountains, springs, rivers, animal air, metals and the atmosphere which aims to maintain a healthy body, and maintain tools special reproduction for women.
7		<i>Hifdz al-mujtama'</i>	maintain community stability
8		<i>Hifdz al-dawlah</i>	maintain state stability

One of the human needs is to maintain environmental cleanliness, nature, maintain beauty, maintain health and protect from damage. This human nature eventually gave birth to creative ideas so that gave birth to art and diversity of works.⁵⁸ In the teachings of Islam, the holy book of the Koran is one proof of God's masterpieces that are extraordinary, full of meaning and beauty of the language, this fact is of course addressed to the Arabs who at the time of the revealed of the holy books many loved poetry and art prose, although in general the Koran is intended for all Muslims in the world. Another reason is focused on God's love for beauty, because with high beauty and art it will bring wisdom and wisdom.⁵⁹

⁵⁸ Siti Aesijah, "Latar Belakang Penciptaan Seni: Background of Creative Art", *Jurnal Al-Manahij* Vol. 1 No. 2/September – Desember 2000.

⁵⁹ Kamali Nader and Javdan Moosa "The Relationship between Art and Psychology", *Journal of Life Science and Biomedicine*. 2 (4), 2012

C. INTERJECTION OF *IJTIHAD MAQASIDI* WITH ECOFEMINISM: AN IMPLEMENTATION OF *QIRA'AH MUBADALAH*

The beauty that is manifested in the universe must actually be encouraged by caring for the environment. There is a very close relationship between humans and the environment. God as the One who loves beauty so directs mankind to always carry out environmental surveillance in order to complete human life and at the same time perfect servitude to Him. Therefore, the creation of the whole sky and its contents is both a means of worship and at the same time as a tool for civilization and *muhasabah*, in line with this argument, Allah explains in Q.S. Thaha verses 53-56:

الَّذِي جَعَلَ لَكُمُ الْأَرْضَ مَهْدًا وَسَلَكَ لَكُمْ فِيهَا سُبُلًا وَأَنْزَلَ مِنَ السَّمَاءِ مَاءً فَأَخْرَجْنَا بِهِ أَزْوَاجًا مِنْ نَبَاتٍ شَتَّى كُلُوا وَارْزُقُوا أَنْعَامَكُمْ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِأُولِي النَّهْيِ مِنْهَا خَلَقْنَاكُمْ وَفِيهَا نُعِيدُكُمْ وَمِنْهَا نُقَدِّمُ آيَاتِنَا كُلَّهَا فَكَذَّبْ وَأَبَى نُخْرِجُكَ تَارَةً أُخْرَى

“ he is the god who made the earth for you a stretch, and he has created a way, raining down from the sky. So we created you various kinds of plants, fruits. Eat all of you, and feed your animals, all of these contain bunches of Allah's mercy to those who think”

The above verse implies the meaning that God wants the universe and its contents to be used by humans to carry out survival, therefore it needs to be balanced with the preservation, preservation and good care of the environment, so that a common benefit arises. *Maslahah* in the terminology of *Ushul Fiqh* is understood as everything that can manifest goodness and avoid the consciousness and interpretation in human life.⁶⁰ That is, all of the stipulated provisions have goals (*maqasid*), not only containing the main idea, but also a moral idea that is hidden in it so that it can be understood what the true meaning of God aspires.

In understanding the problem, the author is interested in classifying *maslahat* with the terms *qath'iy* and *zanny* or in other languages *tsawabith mutaghayyirat*. Although in understanding the meaning of both there are *khilafiyah* among scholars. Not in line with Masdar Farid Mas'udi who interpreted *Qath'iy* as a principle, clearer fundamental, and *zanny* for the elaboration of these principles, KH Husein Muhammad mentioned Masdar Farid's offer in terms of *kulliyat* and *juz'iyat* namely the content of universal meaning and particular.⁶¹

⁶⁰ Abu Hamid Al-Gazali, *Al-Mustasfa*, Beirut: Dar al-Fikr, t.th. 286.

⁶¹ Faqihuddin Abdul Kodir, *Qira'ah Mubadalah : Tafsir Progresif untuk Keadilan Gender dalam Islam*, Yogyakarta: IRCiSoD, 2019, 145.

Starting from these two opinions, the writer implements *qath'i* and *zanny* in understanding *maslahah* as an attempt to explain the idea of *qira'ah mubadalah*, in this context is interpreting the idea of *hifdz al-bi'ah* which is one of the main ideas of *ijthad maqasidi*. So that the terminology of *maslahah qath'iy*, *maslahah zanny*, and vice versa appear the terms *mafsadah qath'iy* and *mafsadah zanny*. *Qat'iy maslahah* is a positive value that absolutely does not change for any legal reason, *zann al- maslahah* is the dilemmatic benefit between positive and negative impacts. While the meaning of the negation, *mafsadah qath'iy* is damage whose impact is not negotiable, whereas *mafsadah zanny* is damage whose impact is due to inequality or injustice, actually *mafsadah zanny* is not much different from the *zannah* problem, only the *zann* problem dominates its *maslahah* value whereas *mafsadah zanny* is more dominant.

In this paper, the sensitivity of women in protecting the environment due to the ecological crisis is an example of the implementation of *maslahah*. This view is by Vandhana Shiva, a sociologist from India called *ecofeminism*.⁶² *Ecofeminism* is an effort to build knowledge that connects women and the environment. More specifically, *ecofeminism* emerged as a theory that discussed the relationship of women to the ecological crisis, due to industrial development and the outbreak of waste, thereby disrupting human life from productivity, growth and necessities of life. Development projects are a core reason that will destroy women's health and women's productivity, because projects in the name of development have usurped the management and control of land, water and forests from women's hands.⁶³

There is interconnection between *maslahah* and *ecofeminism*. *Ecofeminism* supports the activities of women to jointly fight patriarchy, capitalist attitudes and understandings that reduce women's freedom. According to Shiva, women must be saved from development productivity which causes *mafsadah*, because the impact of the ecological crisis is very fatal. Women with nature are like parents and children, women protect nature because they want to look after their children and family, so women treat the natural environment very feminine. Women will consider the consequences of littering if they do not distinguish between organic and non-organic, women do not dare to poison the land or the sea because they do not want their children and families

⁶² Vandhana Shiva, dan M. Mies. *Ecofeminisme: Perspektif Gerakan Perempuan dan Lingkungan*. Terjemahan Kelik Ismunanto dan Lilik. Yogyakarta: IRE Press, 35.

⁶³ Puji Retno Hadiningtyas, Resistensi Perempuan Papua di Lingkungannya dalam Roman Isinga Karya Dorothea Rosa Herliyani, *Jurnal Aksara*, Vol 28 No.2 2016, 145.

poisoned. Women do not smoke because they are very concerned about the respiratory health of children and families. All this happens because women are individuals who are more often in contact with nature, every day in contact with water to boil, to bathe themselves and their families, contact with cooking spices all of which must be clean and free of drugs so that families are free from the exploitation of the universe. Therefore ecofeminism is a form of benefit that must be upheld.

The relationship created between women and the environment is not just material, but intimate interconnection between the earth and its society,⁶⁴ this is also another reason why women have more sensitivity to protect the environment than men.⁶⁵ Men who smoke affected women, Yu Patmi, Kendeng women along with other female peers are considered irresponsible because they leave the family due to their actions cementing the legs, even though these women are supporting the family's needs. From this fact, the relationship between masalah and ecofeminism lies in the massive movement of women who simultaneously maintain the preservation of nature in order to avoid interpretations in the form of extractive exploitation of nature. Women no longer think about individual interests, but think about the fate of the people around them, because the impact received due to the ecological crisis is not a normal problem and therefore women no longer pay attention to *almasalah al-Khasah* but pay attention to *al-maslahah al-'amah*. In other languages women prioritize the public interest rather than personal interests.

Due to the basic reasons above, the obligation of women to protect the environment and nature is a *qath'iy* issue, absolute and non-negotiable. Because for women destroying nature is the same as destroying children and families, poisoning nature is the same as killing children and their families, ironically, women will not be convinced of their lives if the environment is reduced by waste and the like. While industrial development is carried out on a massive scale is *masalah zanny*, because on one side there are those who need and receive benefits, but on the other choice there are those who receive *mafsadah*. This dilemmatic situation positions development carried out by the State or private companies does not mean that it does not carry *masalah* values, only that strategies are needed so that industrial development is not radically and patriarchally realized, so that what is called justice. While waste pollution, tree deforestation, littering, spraying medicines on plants is *mafsadah qath'iy*, namely damage that cannot be forgiven and absolutely harms many parties. the whole community will receive negative impacts without classification of sex, age and even social status.

D. PRINCIPLES OF HUMAN INTERACTION WITH *HIFDZ AL-BI'AH*

The principle of protecting the environment (*hifdz al-bi'ah*) is a moral idea that is not only related to physical or material needs, but more than that, the principle of protecting the environment is proof of my loyalty to his god. In surah ad-Dzariyat verse 56, God says the word of *khalaqtu al jinn wa al ins illa liya'budun*, the first thing that is the main purpose of God for the creation of creature is to see the level of loyalty of the creature to his god. In the same language God explained in Surah al-An 'Am verse 165:

وَهُوَ الَّذِي جَعَلَكُمْ خَلَائِفَ الْأَرْضِ وَرَفَعَ بَعْضَكُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ لِيُبْدِيَكُمْ فِي مَا آتَاكُمْ إِنَّ رَبَّكَ سَرِيعُ الْعِقَابِ وَإِنَّهُ لَغَفُورٌ رَحِيمٌ

"Dan Dialah yang menjadikan kamu penguasa-penguasa di bumi dan Dia meninggikan sebagian kamu atas sebagian yang lain dengan beberapa derajat, untuk mengujimu tentang apa yang diberikan-Nya kepadamu. (And it is He Who has made you rulers of the earth, and He has exalted some of you with others, with some degree, to test you of what He has given you)"

In understanding the above verse, Imam Ibn Kathir interprets the *khalifah fi al-ardh* in the verse as a person who takes steps to prosperity and success for the generations to come, not to do harm to the next generation. Because in principle, Islam does not allow leaving a weak generation. That is, efforts to prosper not only stop at one time, but continue continuously from another generation of generation.⁶⁶ Therefore, humans are required to have a major role in terms of caring for the environment. The natural environment needs attention for the future prosperity of the next generation. Because by paying attention to nature will create a balance between creatures on earth. Protecting the environment is also evidence of expressions of thankfulness to God for the creation that has been given, so that humans get the mandate to do justice to nature. Because human beings really need plants, nature and everything in order to carry out life, and vice versa, humans as caliphs must be willing to protect the natural surroundings so that they are intertwined between caring for one another and benefiting one another, and the title of *khalifah al ard* is the most important principle for humans in protecting the environment.

Another principle that underlies the importance of humans protecting the environment is how much man utilizes the universe that God created. In surah al-Jasyiah verse 56 Allah explains that the purpose of creating the universe is to bring about benefit, not to cause harm. even the entire creation of God on

⁶⁴ Shiva, *Ecofeminisme*, 154.

⁶⁵ Shiva, *Ecofeminisme*,, 54.

⁶⁶ Ibn Kathir, *Tafsir al-Quran al-'Azim*. Beirut: al- Maktabah al- 'Asriyya, 1996, 185.

earth has benefits without being in vain.⁶⁷ Another principle that underlies the importance of protecting the environment is the individual's responsibility to other individuals, all of whom have rights and obligations that have been organized regularly as *sunnatullah*. Nature has the right to get respect from humans, because humans will also use the universe, the ability given to humans and make humans a creature that is more important than other creatures is the principle affirmed by God to humans to have a good and human personality.

In the micro sphere, Islam through methodological channels has explained the problem of the principle of protecting the environment, for example in the case of industrial development, water retention from reservoirs. When the cause of the above cases is carried out procedurally (*muwafiq al-'adah*) and still within reasonable limits, then such conditions can still be tolerated. However, if it results in sustainable adherence and the use of industry is not accompanied by improper and unprocedural use (*mukhalif al-'adah*), then that must be followed up on.⁶⁸ This kind of law applies if it is not related to legal and binding regulations. But the government has set a ban on environmental destruction, such as disposing of waste not in a procedural way, then the government is absolutely authorized to provide action or determine compensation for any environmental damage caused. This principle is in line with the government's main obligation to do good for the people and to anticipate any negative excesses that are likely to emerge (*fi'lu al-ashlah wa raf'u al-dlarar*).

E. CONCLUSION

Maqasid sharia in entering the contemporary era must be implemented in the form of development, no longer maintaining or preserving, in the language of Jasser Auda protection prevention to development and right, then *hifd al-bi'ah* is no longer understood as protecting the environment but developing into *hifdz al-'alam*.

In this paper, the idea of *qira'ah mubadalah* which has an interconnectivity with the theory of ecofeminism is interpreting the idea of *hifdz al-bi'ah* using the terminology of *qath'iy* and *zanny*. So that the terminology of the *qath'iy maslahah*, the *maslahah*, and vice versa, the term *mafsadah qath'iy* and *mafsadah zanny* appear. The obligation of women to protect the environment and nature is the *qath'iy al-maslahah*, because it is absolute and non-negotiable. While industrial development is carried out on a massive scale is the issue of *zanny*, because on one side there are those who

need and receive benefits, but on the other choice there are those who receive *mafsadah*, and letting the ecological crisis with the pollution of the surrounding nature is included in the *zanny al-mafsadah* category.

⁶⁷ Qahtan al-Duri, *Safwat al-Ahkam min Nayl al-Awtar wa Subul al-Salam*. Amman: Dar al-Furqan., 1999, 458

⁶⁸ Ahsin Sakho', *Fiqh al Bi'ah*, Jakarta : Conservation International Indonesia, 2006, 45.

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