



Integration of transcendence, liberation, and humanism into the construction of environmental legal thought

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Abstract

To solve various environmental damage in Indonesia, a breakthrough is required to provide an asymmetrical change in the aspect of legal thought. This article describes the importance of an ideal proposition on how the law works in influencing the protection of environmental ecosystems from the damage caused by human behavior. This article was research using descriptive method, and the data were collected using library research by referring to relevant articles and reference books. The transcendental view will make it clear that science and technology only provide partial, relative, and temporary truths. The ideal construction of environmental legal thought is by placing a prophetic paradigm. The goal of science is to transform behavior that combines transcendence, liberation, humanization, and historical activism as an integral unit. Real knowledge is the result of the human reading of the verses of God when that knowledge loses its spiritual dimension. Mastery over the universe to become civilization and culture means mastery of the natural laws that bind and control the universe.

Keywords: legal thought, environment, transcendental, liberation, humanism

Introduction

Various environmental damage has become a global issue caused by various sectors and human interests in meeting primary and secondary needs. The increasing number of environmental damages, if we look closely, is rooted in the perspective and behavior of humans to the natural environment. The recent environmental damage is caused by human irresponsible behavior.

For example, environmental pollution due to irresponsible gold mining along Kahayan River in Palangka Raya city, Central Kalimantan, ultimately threatens the safety and life of people around the river. Most people in remote villages in Central Kalimantan make a living as gold miners as there are many gold mines both legal and illegal. This gold mining has been running on for quite a long time and seems to be unattended. In the mining process which is actively carried out by the village community, the impact of pollution and environmental damage caused by human greed for the environment should be considered. In this case, the morals of the community must be improved, and it must be prioritized to save and improve the environment.

Humans are constantly trying to improve the welfare of their lives. However, it does not mean that they must damage and pollute the environment that can threaten the sustainability of life and reduce the rights of future generations. Therefore, we must continuously protect, manage, and preserve the environment. However, we should continue to build to improve welfare without compromising the rights of future generations. As Muslims, we should be able to understand the basics of environmental management as it cannot be separated from human responsibility as caliph on this earth. Humans were created as caliphs on earth to regulate life and maintain environmental heritage, but humans have caused a lot of damage on this earth.

In historical reflection, when humans were created for the first time on this earth and given superiority compared to other creations, namely reason, resulting in a dialog occurred between God and humans. At that time, God also acted as a teacher who taught about the names of objects, about something that is not known to humans (Kathir, 1986) ^[9], and a conceptual knowledge that has the potential of creation. It was from the first human dialog with his God that later developed into a religious science that provides a moral basis and the meaning of human devotion to God (Asy'arie, 2016) ^[6]. Religion is a science that teaches human procedures to *get along* and relate personally and intensely to the God who created them, how humans express gratitude to God, and how they do obedience and devotion to God, both formal and informal. Only religion teaches how to thank, worship, and prostrate to God (Meister, 2009) ^[11].

Islam is a religion that regulates all aspects of life on earth, including how humans protect the environment. Islam has its view on the environment because humans are created as caliphs on earth, who must protect and preserve the earth. If a Muslim understood and realized that interaction with the environment is also part of worship, there would not be great environmental damage today.

Philosophy is a science that is extensive, meaning that it is closely related to everyday human life. Philosophy is the driving wheel of our daily lives as individuals and as collective human beings in the form of a society or

nation (Adib, 2010) ^[3]. Philosophizing is inseparable from the science of religion and natural science that are interconnected. Belief in absolute truth in the thinking process is based on the values of the Qur'an and Hadith which were revealed from Allah in the form of revelations to the Prophet Muhammad which were studied in the science of Islam. Meanwhile, the relative truth that exists in humans and nature has a logical consequence that humans recognize that there is something not relative (absolute) in science.

The philosophical paradigm cannot be separated from a variety of modern thoughts. In the paradigm of legal thought, according to Satjipto Rahardjo as quoted by Hugo Shinzeimer, the law is not dealing with a vacuum but a dynamic society (Warassih, 2011). It must follow changes that occur in society and the reality of science. It must also adapt to the asymmetrical conditions as a form of legal dynamics. Satjipto Rahardjo also said that law must be able to see through the eyes of other disciplines as a solution to the multidimensional crisis that occurs. This is supported by Schuyt that *wetenschap is afkijken* meaning that science is looking in all directions (Rahardjo, 2009) ^[13] as suggested by Wilson through his consilience.

According to Absori (2015) ^[1], the entire universe is connected to God as a cosmic unity. This view shows that there is an absolute reality, namely God, and a relative reality in the outermost or lowest structure, namely humans and nature. Firmness in connecting humans and nature with theological aspects is necessary and produces ontological communication and ethical communication, verbal through revelation and non-verbal through nature. According to Esmi Warassih (2016), the concept of legal development in terms of drafting a law and its enforcement must be based on the spiritual and cultural dimensions. The spiritual dimension is a legal aspect that is closely related to the value of the concept of belief in religious teachings. This spiritual perspective shows that all problems in society, including law, are not merely anthropocentric activities, but they are also inseparable from the teachings of moral goodness by religion and the beliefs of every individual who lives in a society. Talking about a legal typology, the law should also discuss the teachings of a religion or belief in moral goodness. With this, the law is attached to values, religion, and beliefs, and beliefs can create an order with moral development based on the concept of divinity before the law of human creation. This is because science is interrelated and interconnected. Therefore, legal science requires other sciences to realize the formation and enforcement of the law.

Based on the explanation above, the points that become the focus of the discussion relate to the construction of environmental legal thought with transcendental, liberation, and humanism paradigms. This rationale seeks to describe justice based on the relationship between science and religion. The legal thought is expected to provide insight and solutions to the public and policymakers to apply the prophetic paradigm for values of justice.

Research Method

This article was research using descriptive method. It aims to create an objective picture of environmental damage that requires the building of ideal legal thought. This article attempts to describe justice based on the relationship between science and religion. In collecting data, library research was used by referring to articles, books, the Internet, and relevant media. This article aims to provide a view of the construction of environmental legal thought with transcendental, liberation, and humanism paradigms.

Discussion

The natural environment or environment, *lingkungan* or *lingkungan hidup* in Indonesian, is a natural condition consisting of interconnected living and non-living things (creatures) on earth or part of the earth naturally (Asaad, 2011) ^[5]. According to Law No. 32 of 2009 concerning Environmental Protection and Management Article 1, the environment is a unitary space with all objects, power, circumstances, and living things, including humans and their behavior, which affect nature itself, the continuity of life, and the welfare of humans and other creatures.

The socio-cultural element inherited from civilization is the social and cultural environment created by humans as a system of values, ideas, and beliefs in behavior as social beings. Community life can achieve order due to a system of values, norms, and rules that are recognized and obeyed by all members of society.

There is a dynamic relationship between humans and the environment. Changes in the environment will cause changes in human behavior to adapt to new conditions. Since it is the human mind that is aware of the existence of the universe, there is no philosophical view regarding human awareness of nature.

1. Nature is changing from a system that evolves naturally. In this case, the human mind can be considered as an abstract element of the environment.
2. Humans are separated from their environment and are only actors while the environment is an object that can be exploited to its fullest for their interests.
3. Humans and the environment are unity. There is an inclusive view that humans are part of nature (Harahap, 1997) ^[8].

The ideal view is to combine the three in a balanced way that humans are an absolute part of their environment, humans have more abilities, especially controlling consciousness. Changes in human behavior will then cause changes in the environment. With the existence of a dynamic-circular relationship between humans and the environment, only in a good environment can humans develop optimally, and only with good humans can the environment develop optimally. Therefore, the following describes an offer of construction of environmental legal thought with transcendental, liberation, and humanism paradigms.

The argument about the existence of God was voiced by Immanuel Kant (Zaprul Khan, 2013) ^[17] an 18th-century German philosopher regarding God and conscience. Moral awareness starts from an absolute obligation. Such an absolute binding obligation can only be imposed on humans by an entity. This entity is not an ordinary human like us because we are limited beings. Thus, moral awareness in conscience presupposes the existence of this entity whose orders must be obeyed. That entity is God. By acting morally and following the conscience (*praktische vernunft*), humans acknowledge the presence of God. Awareness of the presence of God is beyond the reach of purely theoretical thought (*theoretische vernunft*). In conscience, man is aware of the demands of God who gives and guarantees eternal law. Kant calls it conscience (a moral obligation that comes from God), which is awareness of an authority that binds humans to their obligations.

Meanwhile, God is a moral institution that gives humans absolute commands as the obligations of their conscience. It appears that genetic factors do not influence and shape human behavior, including in the formation of law. The philosophy of man tries to uncover the mysteries of man in all its dimensions, such as the nature of humanity, the motives that underlie every activity, the values, goals and meaning of life, and everything related to his existence. Human existence is very complex, encompassing spiritual, emotional, intellectual, moral, as well as physical dimensions, both in personal and social experiences. According to Zainal Abidin (2003), metaphysical, spiritual, and universal aspects, dimensions, or values in humans that are unobservable and unmeasurable through scientific methods are the most important material for the study of human philosophy.

The interconnection into the construction of legal thought is the openness between the disciplines of science, philosophy, and the universe. This openness aims to achieve the willingness of science, philosophy, and the universe to interact, synergize, and be open to each other for the truth of science, philosophy, and the universe. This attitude is needed to respect each other for the truth findings from science that are found by humans with visionary thinking to be applied in life in the universe for a constructive collaboration to overcome the problems of human greed with a multidimensional universe simultaneously.

Integration of transcendence, liberation, and humanism is an ideal proposition in the construction of legal thought in Indonesia. From a transcendental view, science and technology only provide partial, relative, and temporary truths. Transcendence is to build transcendent awareness in science and technology which only functions as a tool, not the goal of human life. Science and technology are tools to study the objects of reality which are the study for humanity to advance human civilization and culture. Science and technology are tools to improve the quality of worship or human devotion to God (Yahya, 2004) ^[16].

The transcendence of science and technology will not make a person fall into narrow and arrogant fanaticism but will lead him to see a transcendent dimension in this life and affirm the limits of authority and human life itself. Transcendence teaches humans to be humble in accepting transcendent truths that are absolute beyond the partial, relative, and temporary truths of science and technology. The transcendence of science and technology is to realize the welfare of living together and does not cause damage to the life of the universe and everything in it. Transcendence will open wide horizons and lead the human heart to see the metaphysical reality in this life more clearly. The reality as the center of the study of science and technology is an objective reality that does not stand alone but is part of a larger reality. Objective reality focused on a particular material is a narrow view because it separates the small reality from the big reality that determines its existence. With transcendence, the small, focused reality becomes a bridge to extend the big reality that gives meaning to human life (Asy'arie, 2016) ^[6].

Therefore, instead of only focusing on one aspect or more of human beings as individuals and social groups, aspects such as spirituality and physicality (spiritual and physical), freedom and determinism, divinity and worldliness, as well as dimensions such as sociality and individuality are placed in a unified phenomenon which is then integrally highlighted in human philosophy.

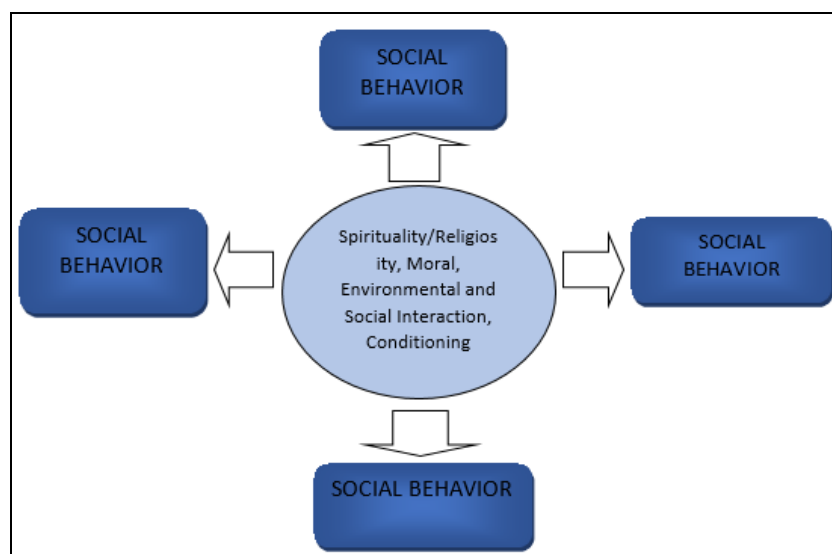


Fig 1: Aspects of Human Behavior Patterns

In the aspect of axiology based on the values of transcendence, liberation, and humanism, the prophetic paradigm in law is aimed at not only making humans able to realize goodness for themselves and positioning themselves in the level of reality to realize justice both for them, their environment, and the universe (Wardiono, 2016) ^[15]. This can be achieved through a regressive movement, which requires humans to recognize and have awareness of their initial conditions (pure). Therefore, humans need to understand the meaning based on the courtesy to gain wisdom (knowing and acknowledging the true place of everything in the order of creation, which in the final stage leads to the recognition and acknowledgment of a proper place for Allah in the order of being and existence) (Al-Attas, 1976) ^[4]. This causes humans to behave and act fairly and civilly.

Science is the result of the human reading of God's verses when that knowledge loses its spiritual dimension (Dimiyati *et al.*, 2020) ^[7]. Then, science develops without any connection with religion. It is not surprising then that science and technology that should provide the greatest benefit to human life have turned into a catastrophe that harms humans. Interdisciplinary and interconnectivity approaches in the integration of interconnections between religious and general disciplines need to be built and developed continuously. It is not the time for the disciplines of religion (Islam) to be isolated and sterile from the contact and intervention of the social and natural sciences and vice versa.

The theology of science and technology in question is an awareness of the existence of God who created the universe and humans as the main factors in science and technology. Science and technology will not be born and developed without the existence of the universe and humans. The universe becomes the object and, at the same time, the material for the development of science and technology in the reality of life. Mastery over the universe to become civilization and culture means mastery of the natural laws that bind and control the universe. From their mastery over the laws of nature, humans modify, imitate, and develop science and technology for their lives.

According to Absori (2015) ^[1] and the underlying literature, in the prophetic paradigm, the goal of science is a behavioral transformation that combines transcendence, liberation, humanization, and historical activism as an integral unit. The behavioral transformation is directed at efforts to develop faith, ontological basis as a human being, liberation mission, and part of history. The manifestation of this is the achievement of wisdom in life. Kuntowijoyo defines wisdom as the substance of culture.

According to Kuntowijoyo (2002) ^[10], there are four aspects in these cultural values, namely ethics, perception, sensibility, and aesthetics. These values are factors that influence every behavior, institution, and product. By interpreting prophetic wisdom as the substance of culture, Kuntowijoyo intends to integrate Islamic values and make wisdom one of the keys to forming culture. As a result, there is cultural assimilation with Indonesian culture. Thus, this prophetic wisdom can be considered in matters of right and wrong views, perceptions of history, religion, etc. It is also in sensibility or sensitivity, propriety or deviation, and aesthetics which deals with the taste of beauty. Individual wisdom is justice for humans and devotion to God. Meanwhile. Collective wisdom is justice in treating nature as an organism and society as a community with different views and beliefs. The tolerance formed reflects the democratic values of Pancasila. These values result in deliberation as a form of legal participation and objectification of Pancasila. They will produce inter-subjective and inter-objective justice.

Conclusion

The idea of environmental legal thought with transcendental, liberation, and humanism paradigms is part of human consciousness in their role as caliph appointed by God on earth. They should begin to act wisely in managing and developing natural wealth and the earth to avoid environmental damage and to preserve the earth and the environment for the common good. This concept is integrated into the prophetic paradigm in which the goal of science is the transformation of behavior that combines transcendence, liberation, humanization, and historical activism as an integral unit. The behavioral transformation is directed at efforts to develop faith, ontological basis as a human being, liberation mission, and part of history.

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