



THE ROLE OF WAQF FOR ENVIRONMENTAL PROTECTION IN INDONESIA

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Abstract

Indonesia is now suffering from critical environmental problems. These heavy problems obviously need to be surmounted and appropriate solutions should be taken in order to reduce further potential calamities. Waqf as a charitable institution in Islam is expected to play its significant role to carry out environmental protection and therefore to ensure a more sustainable development in the country. This paper tries to elaborate potential of waqf institution for environmental protection and to reveal advantages and benefits of making waqf a means for environmental protection.

Keywords: Waqf, Environmental Protection, Islamic Perspective, Indonesia

Introduction

The archipelago of Indonesia and the two huge basins of the Congo and the Amazon are three main areas where the tropical rain forests cover about 10% of the surface of the globe. Besides of its enormous size and weight of many plant and faunal species, the tropical rain forest is a very significant factor in affecting global climate [1]. These areas should be seriously preserved to keep the world's environmental balance.

However, due to some serious deviation and shortcomings in the environmental management, Indonesia is now suffering from critical environmental problems, such as large-scale deforestation and related wildfires causing heavy smog, air pollution, traffic congestion, garbage mismanagement, and lack of reliable water supply and waste water services.

These heavy problems obviously need to be surmounted and appropriate solutions should be taken in order to reduce potential calamities and to achieve a better and more sustainable development of the country. As Islam constitutes a religion of majority of Indonesian people, then Islamic approach is hoped to have a bigger chance to overcome the problems. In recent years, several religious institutions, such as Muhammadiyah and Nahdlatul Ulama, have also proclaimed their environmental mission or engaged in environmental activities [2].

In this religious approach, waqf as a charitable institution in Islam is expected to play its significant role to carry out environmental protection and therefore to ensure a more sustainable development in the country.

This paper attempts to elaborate potential of waqf institution for environmental protection and to reveal advantages and benefits of making waqf a means for environmental protection.

Environmental Degradation in Indonesia

Broadly reporting, Indonesia has huge and critical environmental problems. Referring to the report published by The World Bank (2009), among shortcomings that the country faces are: (1) improper environmental management that hurts the poor and the economy; (2) decentralization that causes inefficient natural resource management; (3) administrative and regulatory framework that cannot yet meet the demands of sustainable development; and (4) low implementation of policies and programs which can mitigate progress towards more sustainable development.

Environmental issues in Indonesia are related to the country's high population and rapid industrialisation, and they are often given a lower priority due to high poverty levels and weak, under-resourced governance. Issues include large-scale deforestation (much of it illegal) and related wildfires causing heavy smog over parts of western Indonesia, Malaysia and Singapore. The country also has environmental problems associated with rapid urbanization and economic development, including air pollution, traffic congestion, garbage management, and reliable water and waste water services [3].

Moreover, deforestation and the destruction of peat lands make Indonesia the world's third largest emitter of greenhouse gases. Based on the data from Global Forest Resources Assessment in 2005, which was published by Food and Agriculture Organization (FAO) in 2006, Indonesia is in the second rank after Brazil included in the list of countries losing their forests. Indonesia had lost 1.871 million hectare of forests per year from 2000 until 2005 [4].

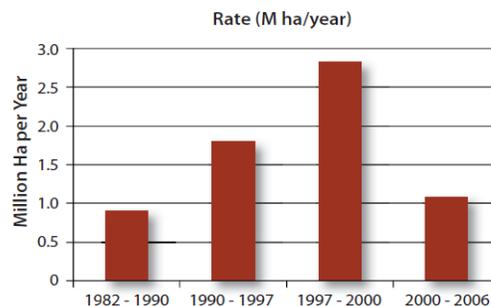


Figure 1. Deforestation and Degradation Deforestation in Indonesia [2]

As a result, the balance of the environment is disrupted and slowly but sure various environmental problems comes about. Because of critical and massive environmental degradation, the country is experiencing various frightening natural disasters which come successively and, in turn, lead to a huge amount of financial, environmental and/or human losses.

As a tropical archipelago with a significant dependence on agriculture and natural resources, Indonesia is highly vulnerable to the effects of climate change. The possible impacts of climate change on Indonesia are many, and difficult to quantify at this stage (PEACE (2007) and ADB (2009)), among others, are: (1) increasing in modest temperature; (2) escalating rainfall that boost the risk for flooding; (3) lowering soil fertility that reduces crop production; (4) rising sea level that increases damage to coastal areas; (5) warming of the ocean that will affect marine biodiversity; and (6) spreading and intensifying of water-and vector-borne diseases.

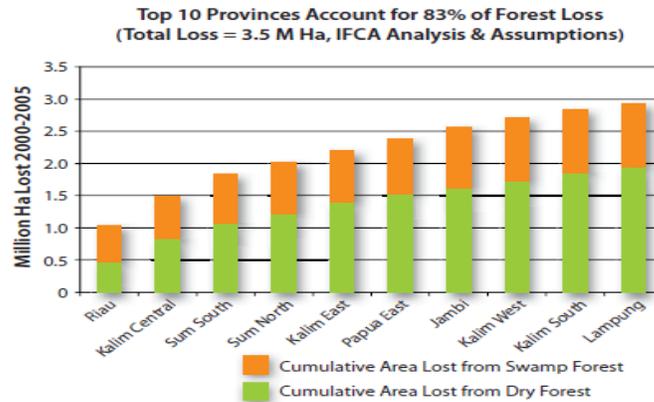


Figure 2. Forest Loss During 2000-2005, By Province [2]

Environment Protection in Islamic Perspective

In Islam, the conservation of the environment is based on the principle that all the individual components of the environment were created by God, and that all living things were created with different functions which carefully measured and meticulously balanced by the Almighty Creator.

The roots of Islamic environmental practice are to be found in the al-Qur'an and the Sunnah of Prophet Muhammad. Muslims learn from the al-Qur'an that God created the universe and every single atom and molecule it contains and that the laws of creation include the elements of order, balance and proportion: "*He created everything and determined it most exactly*" (25:2) and "*It is He Who appointed the sun to give radiance and the moon to give light, assigning it in phases ... Allah did not create these things except with truth. We make the signs clear for people who know*" (10:5).

The Islamic legal and ethical reasons for protecting the environment can be summarized as follows: *First*, the environment is God's creation and to protect it is to preserve its values as a sign of the Creator. *Second*, the component parts of nature are entities in continuous praise of their Creator. *Third*, all the laws of nature are laws made by the Creator and based on the concept of the absolute continuity of existence. *Fourth*, the Qur'an's acknowledgment that human-kind is not the only community to live in this world. *Fifth*, Islamic environmental ethics is based on the concept that all human relationships are established on justice (*'adl*) and equity (*ihsan*). *Sixth*, the balance of the universe created by God must also be preserved. *Seventh*, the environment is not in the service of the present generation alone. Rather, it is the gift of God to all ages, past, present and future. *Finally*, God entrusted humans with the duty of vicegerency [5].

Prophet Muhammad ordered Muslims to maintain their environment when he said in a prophetic hadiths: "*If any Muslim plants a tree or sows a field, and a human, bird or animal eats from it, it shall be reckoned as charity from him*" (Imam Ahmad). In other hadiths, he said, "*If the day of resurrection comes upon any one of you while he has a seedling in hand, let him plant it*" (Al-Bukhari).

On the contrary, destroying the environment, and not participating in its protection is considered as an abuse of the orders of God and Prophet Mohammad, which will cause an otherworldly punishment.

One of the stories often told by Muslims concerning the environment is the instruction by Abu Bakr, the first Caliph of Islam to his armies:

Remember that you are always under the eye of God, behave like men, do not run away, nor let the blood of women, children, or old people stain your victory. Do not destroy palm trees, do not burn houses or fields of wheat, never cut down fruit trees and kill cattle only when you need to eat it [6].

It is impossible for man to know Allah without knowing and observing what is in our surroundings. Deuraseh [7] urges to closer look at *al-Asma' al-Husna* (God's Divine Names) which are found in the Holy Qur'an, reveals that *al-Muhit* (Who encompasses all things) is one of the ninety-nine names of Allah (s.w.t). This indicates that Almighty Allah (s.w.t) encompasses all things and He is indeed close by, even though we do not comprehend the full significance of these terms. Allah (s.w.t) says in the *Qur'an*: "But to God belong all things in the heavens and on earth: and it is He who encompassed (*muhit*) all things." Thus, the term *Muhit* also means environment. In a deeper sense, it is always true to say that God Himself is the Ultimate Environment which surrounds and encompasses all things.

Environmental protection basically is a common responsibility of all human communities regardless of race, nation or religion. All are responsible to maintain and protect the environmental balance. However, as pointed out by Akhtar [8], the Muslim economists have so far made relatively insignificant contribution to the subject of environment. According to him, most of Muslim economists have only discussed the moral aspect of the subject in general terms. While there are plentiful norms in Islamic teachings dealing with environmental issues, in fact, there are very few studies among Muslim economists which have thoroughly approached the problems.

Manzoor [9] underscores some metaphysical and philosophic principles governing the environmental ethics of Islam which includes *Tawhid* (unity of God), *Khilafa* and *Amana* (stewardship and trust), *shari'a* (the ethics of action), *'adl* and *i'tidal* (justice and moderation), and the sacramental earth. Likewise, Khalid [10] extracts the Islamic teaching that limits to human behavior as a control against excess within four principles. They are the unity principle (*Tawhid*); the creation principle (*Fitra*); the balance principle (*Mizan*); and the responsibility principle (*Khalifa*).

Chapra [11] sketches the ethical foundations for the protection of environment under the principle of '*No Injury*'. According to this principle, doing something that harms others is strictly prohibited. He contends that the environmental degradation harms both the present and future generations. Therefore, it is an obligation of an individual and a society to protect and maintain the environment.

Institution of Waqf

Definition. *Waqf* was introduced by Islam and was a dynamic institution during the early Islamic society. Qureshi [12] asserts that according to general opinion of Muslim theologians, there were no waqfs in Arabia before Islam, either in the form buildings or lands. Muslim jurists traced the institution to the Prophet (pbuh) although there was no specific evidence of it in the Qur'an.

Kahf [13] defines waqf from Shari'ah perspective as "holding a *maal* (an asset) and preventing its consumption for the purpose of repeatedly extracting its usufruct for the benefit of an objective representing righteousness or philanthropy". By this definition, waqf is a continuously usufruct-giving asset as long as its principal is

upheld. The definition also covers perpetuity concept of waqf remains as long as its asset lasts.

Characteristics. As a special kind of benevolence, waqf has three special characteristics [13,14]:

1. Perpetuity, which means that once a property, often a real estate, dedicated as waqf it remains waqf forever. The Arabic term for perpetuity is *ta'bid*.
2. Irrevocability, which means the lack of power of the settler (*waqif*) to revoke his donation at any time. According to Abu Yusuf waqf is effective and binding as soon as the declaration is made by the donor without any need for delivery of possession to the beneficiary.
3. Inalienability, which means that after a valid declaration is made, the subject matter of the waqf 'passes out of the ownership of the *waqif* and it cannot be alienated or transferred either by the *waqif* or the *mutawalli* nor do their heirs can take it by way of inheritance'.

Sabit and Hamid [14] propose to replace the perpetuity of the physical being of the object with that of dedication by assigning a value to the dedication which is then safeguarded and invested.

This is basically not a new idea. It is developed on the back of the acceptance of cash *waqf* and *istibdal* by the early jurists. Ibn Abidin justified the permissibility of *dirham* and *dinar* as *waqf* because they can exist in perpetuity, provided the cash is invested in trade whereby the capital plus profit is returned to *waqf*. One of justification for his thought was that money refers not to the physical form of silver or gold or its particular looks and physical survival as time passes. It is the value of cash which is determined in amount and then thought to exist in perpetuity. This opinion of Ibn Abidin implies the distinction between dedication and the subject matter, which means that *the dedication of benefits should be perpetual and not necessarily the subject matter of the dedication*.

According to some jurists, waqf asset may only be exchanged for equivalent property, or it may be sold according to the qadi grant, to achieve the waqf goals.

Under this understanding of perpetuity and inalienability, instead of being an impediment to development, waqf hence could convincingly play its vital role in the contemporary modern economy.

Objectives and benefits. Waqf is a kind of voluntary charity that has always been encouraged in Islam for seeking of Allah's blessing. It is endowed for a charitable purpose in perpetuity and the revenue generated is spent for this purpose, stands out as one of the greatest achievements of Islamic civilization.

Çizakça [15] describes that all over the vast Islamic world, from the Atlantic to the Pacific, magnificent works of architecture as well as a wealth of services which are vitally important to the society have been financed and maintained for centuries through this system.

Through the *waqf* institution, voluntary donation from the well-to-do Muslims can be mobilised to organise the society. The motivation to contribute to waqf institution is basically due to religious encouragement. Islam has promised its followers that a charity contribution to *waqf* can make a great wonder to the donor. As long as the waqf is operational and benefiting the beneficiaries, its rewards continues to flow to the soul of the deceased.

Historically, the Islamic society assigned education, health, social welfare and environmental welfare to this third sector. Furthermore, the third sector provided defence services and public utilities in many instances. Consequently, we have seen the Muslim society depending essentially on waqf for the provision of education at all levels, cultural services, such as library and lecturing, etc, scientific research in all material and religious sciences and health care including the provision of physicians' services, hospital services and medicines.

Waqf for Environmental Protection

Environmental degradation increases remarkably and becomes one of the major problems in last few decades. It is considerably important to examine the Islamic role in environmental protection due to extensive environmental degradation caused by human activities. In this regard, waqf as a charitable institution in Islam has potentials and could be employed as a vital instrument for environmental protection.

Potential of waqf for environmental protection. Bagader et al. [16] have slightly discussed the existence of waqf in the conservation and wise development of the environment. They consider waqf as the most important institution in Islamic law that could be used for this purpose. Waqf constitutes a major avenue for private contribution to the public good. Bagader et al. suggest that waqf may take the form of a land trust dedicated in perpetuity to charitable purposes, such as agricultural and range research, wildlife propagation, public cistern, and garden or may take the form of a fund for the financing of such projects.

Akhtar [8] highlights the substantial role of waqf which is the third sector in the past and expects that this institution can be reactivated so that its land resources can be used for a forestation, watershed management, and wild-life conservation.

Similarly, Llewellyn [17] points out the various private contributions of land and money as instruments of conservation worldwide. He asks Muslim jurists to investigate ways to manage waqf as an accumulating fund that solicits the contribution of further endowments, or as accumulative land trust that solicits the endowment of additional wildlife habitats.

In this regard, Kuwait Awkaf Public Foundation (KAPF) has played a major role in pulling the public attention to the importance of environmental waqf. In 1992, KAPF established a waqf company, Kuwaiti Company for the Environmental Services, which mainly focused on the cleaning services. This is to assure that waqf property put environmental protection as a priority [18].

KAPF has also established an Environmental Fund with the mission to protect and maintain the environment in 1995. Moreover, KAPF is preparing a project to treat mosques sewer in view to use it in watering the mosques plants. Finally, KAPF is charged, beside building and maintaining mosques, to make green their yards as well.

Advantages of making waqf for environmental protection. Waqf for the purpose of environmental protection in fact has been much less popular than any other form of waqf, such as for religious, education, health, and poverty alleviation purposes. Both discourse and practices of waqf for this particular purpose seem very limited although the Islamic teachings and principles have extensively encouraged Muslim to maintain and protect the environment.

Ideally, sound and health environment should be kept forever by human beings until the day of judgment. That is why Prophet Muhammad said: *“If the day of resurrection comes upon any one of you while he has a seedling in hand, let him plant it”* (Al-Bukhari). It is undoubtedly a duty of mankind to do so and such a duty will be really over when that day comes. All Muslims therefore have to involve in continuous effort to maintain sound and health environment.

Similar to the continuity principle of environment, waqf has characteristics of perpetuity, irrevocability, and inalienability which mean that once something dedicated as waqf, for instance used for a forestation, watershed management, or wildlife conservation, then it remains waqf forever, cannot be revoked, and alienated or transferred either by the *waqif* or the *mutawalli* or any other institutions except if there is a greater benefit for community. Thus, under institution of waqf, those assets are expected to be more sustainable and kept maintained for the future.

Waqf for environmental protection in Indonesia. Waqf which is intentionally meant for the purpose of environmental protection and recovery is a relatively new initiative in Indonesia. There are some pioneering programs introduced by waqf institutions and others. Most of the programs take the form of tree planting or cultivating, making well and building clean water installation. Even though still seem as sporadic actions, the programs are continuously running and getting increasing supports from the people.

In 2007, Tabung Wakaf Indonesia (TWI) Dompot Dhuafa Republika launched a new program named “tree waqf” at Lubuk Tuba Village, Pseksu Sub-district, Lahat Regency, South Sumatera Province. In this program, TWI has endowed with rubber seeds whereas local community has provided land and took care of rubber trees until they can be harvested in the next five year. Each hectare of land needed fund of 25 million rupiahs and could be cultivated by 500 rubber trees [19].

Another tree waqf was also initiated by Badan Amil Zakat Daerah (Local Zakat Agency Board) of Bangka Belitung (Babel) Province. Serious environmental damages due to tin mining activities leded the board to announce Green Waqf Program. Choosing rubber tree for the program, they expected to push down the poverty level of the community and severe environmental degradation as well.

For the initial stage, in the end of 2009, 25.000 rubber seeds were cultivated at Penagan village, West Mendo sub-district, Bangka Regency in area of 40 hectares involving 50 rubber farmers. For the following stage, the same size of area would also be cultivated. BAZDA offered the opportunity to make this kind of waqf only by investing 40 thousand rupiahs for each rubber tree beginning from its inception until time for harvest which takes time approximately 5 years [20].

Muhammadiyah as the biggest Islamic-social movement in Indonesia also called for tree waqf under the program *“Gerakan Wakaf dan Tanam Pohon Warga Muhammadiyah”* (Waqf Campaign and Tree Cultivating of Muhammadiyah Members). Muhammadiyah has started the program at the Sportorium of Muhammadiyah University of Yogyakarta which was area for the First Century Congress of the movement. This campaign was taken in order to overcome increasing emission carbon in the planet [21].

Majelis Ulama Indonesia (Indonesian Ulama Council) of Bandung Municipality in 2010 has issued a religious decree regarding tree waqf. The council considers tree waqf as permissible act of waqf based on Al-Quran and Prophet tradition. According to the Mayor of Bandung Municipality, from January to September 2010, about 170

thousand trees have been cultivated in Bandung while another 30 thousand trees will also be plant until December this year [22].

Interestingly, the tree waqf has various functions, such as improves air freshness and cleanliness, decreases global warming, prevents flood and landslide as well as produces significant economic benefits. Therefore, the tree waqf is used not only for environmental protection and recovery, but also for poverty eradication and other social benefits of the community.

In addition to tree waqf, Indonesian waqf institutions have also built wells and clean water installation for people who are constantly experiencing lack of clean and appropriate water supply.

Badan Wakaf Al-Quran (BWA), for instance, builds clean water well in Bantar Gebang, Bekasi under program *Water Action for People*. BWA disburses waqf fund of 45 million rupiahs for this program [23]. BWA is planning to make other water wells in Sumenep Regency and East Flores Regency.

Meanwhile, Dhompot Dhuafa (DD) will build artesian wells and clean water installations for the people of Gaza, Palestine, to enable them to get clean water. Currently, clean water supply for Gaza residents comes from Israel, and they are in constant fear that the supply will be stopped any time or even be poisoned by Israel. DD plans to make five to ten artesian wells and clean water installations to meet the Gaza people`s need for clean water. For each well, DD would spend 100-200 million rupiahs depend on locations [24].

Conclusion

Environmental depletion has been a serious challenge to the contemporary world, including Indonesia where the biggest Muslim nation in the world inhabits the country. As a religion of majority Indonesian people, Islam has several prescriptions which can be adopted to overcome currently environmental problems.

Environmental waqf or waqf for environmental protection is one of such Islamic prescriptions that can be optimized in this regard. Since waqf is a voluntary action from community, it would not take any portion of government expenditure. The most important job for government is just to boost awareness of the people and to provide some necessary supports in terms of land management, legal affairs, and incentives to those who involve in this noble action.

As long as author`s knowledge, the idea of environmental waqf is a relatively new concept nowadays and undoubtedly needs a lot of discussions. There are many things to be studied further, such as fiqh and legal analysis, historical perspective, comparative study to non-muslim countries, role of government, especially ministry of environment and religious affairs, as well as society in the program, and so forth. *Wallahu a`lam*.

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