

# Protection of the Conversion of Sustainable Food Agricultural Land from an Islamic Perspective

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## Abstract

The problem of changing the function of food agricultural land is a crucial and national problem so it needs special handling and protection. Land conversion will have an impact on environmental degradation, decreased rainwater holding capacity, and groundwater and air quality. The Constitution provides a guarantee of a good living environment. Article 28H paragraph (1) of the 1945 Constitution "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and the right to obtain health services." The aim of this research is to analyze the protection of land conversion for sustainable food agriculture from an Islamic perspective. The research method used is sociological juridical. The data used are primary data and secondary data. Data collection techniques through literature study and interviews collected data were analyzed qualitatively. The research results found that efforts to preserve the environment from an Islamic perspective take several steps, including reviving dead land, reforestation, not polluting water, and avoiding damage and maintaining natural balance. Caliph Umar bin Khatab's policy in the agricultural sector was through management of dead land, giving agricultural land to the community to cultivate and prioritizing public interests, development of agricultural infrastructure, kharaj (tax) policy and agricultural zakat. Protection of the conversion of agricultural land in Indonesia has not been able to realize ecological justice and Islamic values due to competition in land use between the agricultural sector and the non-agricultural sector.

**Keywords:** Protection, land conversion, food; sustainable.

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## A. INTRODUCTION

Indonesia is an agricultural country, where agriculture is the basis of the national economy. The majority of Indonesian people still rely on the agricultural sector, moreover, the primary needs of the Indonesian people depend on food agriculture. From agriculture, people can enjoy healthy food such as vegetables, sweet potatoes and rice which are staple foods [1].

The agricultural sector is able to act as an important source of trade balance surplus or balance of payments (source of foreign exchange), either through exports of agricultural products or increased production

of agricultural commodities replacing imports (import substitution) [2].

In Indonesia, as an agricultural country, we have tried to design forms of protection for food agricultural land so that it is sustainable and can always be enjoyed by all Indonesian people. In history, Indonesia was able to achieve food self-sufficiency in 1984 through the "Green Revolution" movement, namely a movement to increase food production through efforts to develop agricultural technology. The success of the green revolution movement is proof of the government's efforts to improve the welfare of farmers

<sup>1</sup> Bambang Tri Bawono, Anis Mashdurohatun, (2011), Penegakan Hukum Pidana Di Bidang Illegal Logging Bagi Kelestarian Lingkungan Hidup Dan Upaya Penanggulangannya, Jurnal Hukum Unissula, Volume, 26 Issue 2. pp.12290

<sup>2</sup> Tulus Tambunan, 2003, perkembangan Sektor pertanian di Indonesia: Beberapa Isu Penting, Jakarta, Ghalia Indonesia, page 9-10.

The population of Indonesia until mid-2023 will be 278.69 million people. This figure rose 1.05% from the previous year. By mid-2022, the population in Indonesia will be 275.77 million people. Compared to seven years ago, Indonesia's population in mid-2023 will increase by around 9.04%. In mid-2015, the population of the country only reached 255.58 million people.

With a population currently reaching 275.77 million people, our food needs in the form of rice reach 35.3 million metric tons throughout the year. To meet these needs, the government must ensure the stability of food availability in Indonesia, one of which is by protecting food agricultural land so that not easily converted.

BPS noted that the majority or 15.89 million farmers only have an agricultural land area of less than 0.5 ha. As many as 4.34 million farmers only have agricultural land in the range of 0.5-0.99 ha. Then, there are 3.81 million farmers whose agricultural land area is 1-1.99 ha. There are 1.5 million farmers whose land area is in the range of 2-2.99 ha. Above that area, the number of farmers does not exceed 1 million people.

In the Qur'an it has been stated that humans were created by Allah with the task entrusted to them, namely as caliphs on earth, as stated in the Qur'an, Surah Al Baqarah verse 30:

"Meaning: "Remember when your Lord said to the Angels: "Indeed, I want to make a caliph on the face of the earth." They said: "Why do you want to make (the caliph) on the earth someone who will cause damage to it and shed blood, even though we always glorifying You by praising You and sanctifying You?" God says: "Indeed, I know what you do not know." (QS. Al Baqarah: 30).

This verse explains that the angels doubted the ability of the human being appointed as caliph because of his nature which was always destructive and shedding blood. However, humans have advantages over other creatures.

Referred to as a caliph on earth, meaning a human being as a representative or leader on earth. Of course, this task is very difficult so that every human being must have the ability to manage the universe according to the mandate they carry. This is in accordance with the words of the Prophet Muhammad in the following hadith from Abu Hurairah:

Meaning: "Each of you is a leader, and he will be asked to account for the people he leads. A ruler is a leader for humans, and he will be asked to account for them. A man is a leader for his family and he will be asked to account for them. A woman is the

leader of her husband's house and her children, and she will be asked to account for them. A slave is the leader for his master's property, and he will be asked to account for the property he manages. Remember, each of you is a leader and each of you will be asked accountability regarding his leadership." (HR. Bukhari)

As a caliph, of course you are not allowed to use the earth as you please, especially in exploiting it. In its use, humans must be able to maintain the ecosystem and must be proportional and rational for the needs of society and future generations. This is also regulated in the hadith of the Prophet that not a single twig should be damaged by humans, as an effort to preserve or manage the environment. Humans do not realize that by destroying the environment their lives will be disrupted and cause discomfort in their lives, where various disasters will occur. Allah has arranged that the relationship between humans and the environment is very balanced and harmonious. This balance and harmony must be maintained so that it is not damaged. Everything is interrelated, if one component experiences interference, it will definitely affect the other components [3].

Regarding environmental damage or pollution, Islam has prohibited it through the Al-Quran and Hadith, including the prohibition on polluting the environment. Among them in the Al-Quran surah Al-A'raf verse 56:

Meaning: "And do not cause damage on the face of the earth, after (Allah) has repaired it and pray to Allah, with fear and hope. Truly grace and hope. Indeed, Allah's mercy is very close to those who do good." This verse shows that Allah's prohibition for all humans, not only Muslims but all humans regardless of their religion, is not to do damage on the face of the earth because this damage will also have an impact on humans themselves. So from the beginning, Islam has prohibited humans from destroying the environment, this is a form of environmental management, namely by not destroying it.

In the Hadith narrated by Muslim that from Abu Hurairah *radhiyallahu 'anhu*, the Prophet *sallallahu 'alaihi wasallam* said, "Avoid two actions that bring curses!" The friends asked, "What are the two actions that bring curses?" The Prophet answered, "People who defecate on public roads or in human shelters. Likewise with the Hadith narrated by Abu Hurairah *radhiyallahu 'anhu* that the Prophet *sallallahu 'alaihi wasallam* said, "None of you should urinate in still water that does not flow and then bathe in it."

<sup>3</sup> Muhammad Idrus, "Islam dan Etika Lingkungan", [www.mohidrus.wordpress.com](http://www.mohidrus.wordpress.com), accessed at 25 August 2023

These two hadiths show that Islam pays so much attention to the environment, and respects other people, that Islam regulates that it is not permissible to throw excrement on public roads and over non-flowing water that will result in disruption of surrounding humans towards this behavior. This hadith shows that the Prophet, based on instructions from Allah, strictly prohibited actions that would cause the environment to be polluted and would also cause environmental damage which would result in harm to other people.

Humans must always protect and preserve the environment so that it is not damaged and polluted, because what Allah has given to humans is solely a mandate to manage it (QS. Al-Ahzab [33]: 72).

It means:

"Indeed, We have offered a mandate to the heavens, the earth and the mountains; but all of them were reluctant to assume the mandate and they were afraid they would not carry it out. Then, the mandate is carried by humans. Indeed, he (man) is very unjust and very stupid."

In the context of the verse above, mandate means the mandate and trust given by God to humans as intelligent creatures. Heaven earth and mountains were not willing to accept him [4]. Because humans are willing to accept this mandate, every individual has an obligation to maintain environmental sustainability and prevent, overcome pollution and environmental destruction. This obligation means that everyone participates in the development of a clean culture, outreach and guidance activities in the environmental sector.

## B. RESEARCH METHODS

This study uses a sociological juridical approach [5]. Data sources used in this study include

<sup>4</sup> Mujiono Abdillah, 2001, *Agama Ramah Lingkungan Perspektif al-Quran*, Jakarta: Paramadina, page.203.

<sup>5</sup> Soerjono Soekanto dan Sri Mamudji (2003), *Penelitian Hukum Normatif*. Jakarta: PT Raja Grafindo Persada, page. 57. See too Danialsyah et.al, (2020), *Reconstruction Of Mediation In Environmental Disputes Settlement Based On Pancasila Justice*, Journal Of Law And Political Sciences, Scientific Association For Research And Strategic Studies Faculty Of Law - Academy Of The Aalborg – Denmark, Volume 24. Issue 3, pp. 123-138.

<sup>6</sup> Ediwarman, 2010, *Monograf, Metodologi Penelitian Hukum*, Program Pascasarjana Universitas Muhammadiyah Sumatera Utara, Medan, p. 24. See too Irwan Jasa Tarigan, et.al. (2020), *Reconstruction of pretrial institution function in supervising investigator authorization based on justice value with moderating role of supply chain management*, Int. J Sup. Chain. Mgt, Volume. 9, Issue.3, pp. 613-619

<sup>7</sup> Anis Mashdurohaturun, *Trademark Legal Protection against SMEs in Enhancing Global Competitiveness*

primary data and secondary data [6]. Data collection methods through observation, interviews, FGDs and questionnaires [7]. Furthermore, the collected data is analyzed using a qualitative [8] description method.

## C. DISCUSSION

The environment is one of the natural resources that has a very strategic role in the existence of God's creatures. Humans as environmental subjects have a very important role for its survival. Environmental sustainability is closely related to the welfare of a nation, because the environment is one of the economic assets that is very valuable to be empowered. The friendlier a nation is to its environment, the greater the opportunity to increase economic development in that country.

Humans and the environment have a very close relationship and harmony between the two. Harmony in Islamic teachings includes four things, namely: harmony with God, harmony with society, harmony with the natural environment and harmony with oneself [9].

In connection with efforts to preserve the environment from an Islamic perspective through several steps, including reviving dead land, reforestation, not polluting water, and avoiding damage and maintaining natural balance.

### 1. Order to Bring Dead Land to Life.

Dead land means land that is unoccupied, has no water, and is not filled with buildings and not utilized [10]. Allah SWT, has explained in Q.S. Yasin/36: 33;

It means:

And a land (of the great power of Allah) for them was a dead earth, We gave life to the earth and We brought out grain from it, so they ate from it" [11].

Based on the values of Pancasila, 2nd International Conference on Indonesian Legal Studies (ICILS 2019), Atlantis Press, pp. 93-99. See too Anis Mashdurohaturun, Nilna Kamaliya (2020), *Legal protection of consumer reviews in social media based on local wisdom values*, International Journal of Advanced Science and Technology, Volume 29, Issue 6, pp. 1511-1519.

<sup>8</sup> Bambang Setyabudi, Anis Mashdurohaturun (2022), *Reconstruction of Legal Protection Regulations for Debtors and Third Parties in Credit Agreements with the Object of Fiduciary Based Guarantee*, Sch Int J Law Crime Justice, Volume 5, Issue 12, pp. 520-526.

<sup>9</sup> M.Quraish Shihab, 2000, *Secercah Cahaya Ilahi: Hidup Bersama al-Quran*, Bandung: Mizan, page.270

<sup>10</sup> Yusuf Qardhawi, 2002, *Ri'ayah al-Biah fi al-Syari'ah al-Islam*, terj. Abdullah Hakam Shah, Islam Agama Ramah Lingkungan (Cet I; Jakarta: Pustaka al-Kautsar, page, 100

<sup>11</sup> Department of Religion of the Republic of Indonesia., 2002, *Al-Qur'an dan Terjemahnya* (Cet. 6; Jatinegara: Darus Sunnah, 2002), page.443

In another verse, precisely Q.S. Al-Hajj/22: 5-6 Allah swt. said: Meaning:

... And you see the earth is dry, then when We have sent down water on it, the earth comes alive and becomes fertile and grows various kinds of beautiful plants. This is because indeed Allah is the one who has the right and indeed He is the One who gives life to all the dead and indeed Allah is Almighty over all things [12].

The death of a land will occur if the land is abandoned and not planted, there are no buildings or civilization, unless trees grow in it. Land is categorized as living if it contains water and settlements as a place to live. Bringing dead land to life is an expression in the scientific treasures taken from the statement of the Prophet SAW, in the matan hadith section, namely, whoever brings life to dead land (land) then it becomes his property [13].

In this hadith, the Prophet SAW emphasized that ownership status for empty land belongs to those who bring it to life, as motivation and recommendations for those who live it. Bringing dead land to life, this business is categorized as a virtue recommended by Islam, and is promised to those who try it very big rewards, because this business is categorized as an agricultural development business and increasing production sources [14]. Meanwhile, anyone who tries to damage a business like this by cutting down trees will have their heads plunged into hell. This is in accordance with the words of the Prophet Muhammad as in the matan hadith, which means:  
"Whoever cuts down trees, Allah will plunge him into hell."

The meaning of the above hadith, was explained later by Abu Daud after narrating the hadith, namely to people who cut down trees in vain along the road, where travelers and animals take shelter. This harsh threat is explicitly an effort to preserve trees, because the existence of these trees provides many benefits to the surrounding environment. Unless, the felling is done with careful consideration or planting new trees and watering them so that they can replace the function of the felled trees.

"Hadith Jabir bin Abdullah r.a. he said: There are some of us who have land savings. Then they said: We will rent out the land (to manage it) for a third of the proceeds, a quarter and a half. Rasulullah S.a.w. said: Whoever has land, let him cultivate it or hand it over to his brother (for use), so if he is reluctant, let him take care of looking after the land himself. " (HR. Imam Bukhori in the book Al-Hibbah).

## 2. Order to Plant Trees (Reforestation)

One of the concepts of environmental conservation in Islam is concern for reforestation by planting and farming. Prophet Muhammad SAW. classifying people who plant trees as sadaqah. This matter expressed explicitly in the hadith of the Prophet Muhammad.

Hadith from Anas r.a. he said: Rasulullah S.a.w. said: A Muslim does not plant a tree or sow seeds on the ground, then birds or humans or animals come to eat some of it, but what he eats is his charity." (HR. Imam Bukhori).

In Q.S. al-An'am/6: 99, Allah says which means:

"And it is He who sends down rainwater from the sky, then We make all kinds of plants grow with that water, so We bring out from those plants green plants, we bring out from those green plants many grains; and from the palm fruit weed out hanging stalks, and vineyards, and (We also took out) olives and pomegranates like and dissimilar. Pay attention to the fruit when the tree bears fruit, and (also pay attention to) its ripeness. Indeed, in this there are signs (of Allah's power) for those who believe [15].

There are two fundamental considerations for this reforestation effort, namely:

a. Consideration of benefits, as mentioned in Q.S., Abasa/80: 24-32, as follows:

It means:

"So let humans pay attention to their food. Indeed, We have indeed poured out water (from the sky), then We divided the earth as well as possible, then We grew grain on the earth, grapes and vegetables, olives and date palms, gardens (which ) abundance, and fruit and grass, for your enjoyment and for your livestock" [16].

b. Considerations of beauty, as mentioned in Q.S. alNaml/27: 60, as follows: Meaning:

"Or who created the heavens and the earth and sent down water for you from the sky, then We made gardens grow with it with beautiful views, the trees of which you were unable to grow? Is there (another) god besides Allah? In fact (actually) they are people who deviate (from the truth) [17].

So look at this expression "very beautiful gardens".means soothing the soul, eyes and heart when looking at it. After Allah swt. explaining His blessings, whether in the form of plants, dates, olives, pomegranates, His words continue with Him, such as

<sup>12</sup> Ibid, page.333-334

<sup>13</sup> Abu Dawud Sulayman Muhammad bin al-Asyats Al-Sijistaniy, Sunan Abu Dawud, juz III. (Makbatah Dahlan, t.th.) (3070)

<sup>14</sup> Yusuf Qardhawi, op. cit., p. 101

<sup>15</sup> Ibid, page.116

<sup>16</sup> Ibid, page.586

<sup>17</sup> Ibid, page.383

and look/pay attention to the fruit when the tree bears fruit, and (also pay attention to) its ripeness"/(QS. 6: 99).

### 3. Provisions regarding the Prohibition of Polluting Water

Let none of you urinate in still water, which does not flow, and then bathe in it. From the information above, it is very clear that Islam is a religion that teaches to keep the environment clean. All these prohibitions are to prevent disease outbreaks caused by not maintaining cleanliness. Therefore, humans are not only obliged to manage the environment, but also to protect and prosper it.

### 4. Avoid Damage and Maintain Natural Balance

One of the most important guidelines of Islam in relation to the environment is how to maintain the balance of nature/the environment and the existing habitat without destroying it. Because there is no doubt that Allah created everything in this world with certain calculations. As in His words in Q.S. alMulk /67: 3

It means:

"Allah has created seven heavens in layers. You never see in the creation of the Most Gracious God anything that is not balanced. So look at it over and over again. Do you see anything out of balance?" [18]

This is the principle that is always expected from humans, namely a fair and moderate attitude in the context of environmental balance, not being hyperbolic or dismissive, because when humans are hyperbolic or dismissive, they tend to be deviant, negligent and destructive. Hyperbolic here means exaggeration and going beyond reasonable limits. Meanwhile, underestimating means being careless and minimizing the existing meaning. Both are despicable attitudes, while fair and moderate attitudes are commendable attitudes.

This kind of fair, moderate, middle and balanced attitude is what is expected from humans in responding to every problem. Whether in the form of material or immaterial, environmental problems and human problems, as well as the problems of life as a whole.

The balance created by Allah SWT in the living environment will continue and will only be disturbed if an extraordinary situation occurs, such as a tectonic earthquake, an earthquake caused by a shift in the earth's crust [19].

But according to the Qur'an, most disasters on planet Earth are caused by irresponsible human actions.

The word of Allah SWT that emphasizes this is Q.S. al-Rum/30: 41, as follows: "Damage has appeared on land and at sea caused by the actions of human hands so that Allah will feel for them part of (the consequences of) their actions, so that they return (to the right path)." Furthermore, Allah SWT, says in Q.S. Ali Imran/3: 182. "(Adzab) like that is caused by the actions of your own hands, and that Allah never wrongs His servants."

From an Islamic perspective, as stated by Mohammad Adlani [20]. The environment is a gift that we must take good care of. Islam as a religion that not only regulates human relationships with God, but also human relationships with fellow creatures (including the environment) actually has a normative basis, both implicit and explicit, regarding environmental management. Agricultural Policy and Food Security in Islam as in QS. 6 : 99.

"Any Muslim who plants a plant or sows a seed, then the produce is eaten by birds or humans or livestock, but it becomes charity for him," maturity"/(QS. 6: 99).

Imam al-Qurtubi, said in his commentary that; "Farming is part of fardhu kifayah, so the government must encourage people to do it, one form of business is planting trees [21].

The Prophet Muhammad lived in the city of Medina for approximately ten years. In contrast to Mecca which is barren, Medina is a city rich in water sources. It is known as an agricultural town, producing dates and wine. Therefore, the Prophet Muhammad was more or less in contact with the world of farming. More than that, the Prophet Muhammad paid considerable attention to the agricultural sector and encouraged his people to grow crops. This can be seen from several hadiths of the Prophet Muhammad related to the agricultural sector. For example, he once said that there were seven people whose rewards continued to flow while they were in the grave; one of them is a person who plants date palm trees. It is said that Allah will reward the person who plants a tree as much as the tree he planted and the fruit the tree produces. It is said that the Prophet Muhammad once helped one of his friends, Salman al-Farisi, plant 300 date palm seeds, as the price he had to pay for his independence. Originally Salman was a slave. After embracing Islam, the Prophet Muhammad asked Salman to make an agreement with his employer so that he could be released. The employer will give freedom when Salman plants 300 date palm trees without a single stem dying and 40 uqiyah. Long story short, the Prophet Muhammad ordered his friends to help Salman collect 300 date palm seeds. After collecting them, the Prophet asked Salman to make holes in the ground to plant

<sup>18</sup> Department of Religion of the Republic of Indonesia., op. cit., p. 563

<sup>19</sup> M. Amin Abdullah, 2004, Falsafah Kalam di Era Post Modernisme , Yogyakarta : Pustaka Pelajar, page. 183

<sup>20</sup> Mohammad Adlani, 2011, Makalah Islam dan Lingkungan Hidup. Accessed at 27 August 2023.

<sup>21</sup> Al-Qurtubi, Tafsir al-Qurtubi (juz III), page 306

hundreds of date palm seeds. Referring to the Apostle's Morals According to Al-Bukhari and Muslim, the Prophet Muhammad, Salman, and his companions then began planting the date palm seeds one by one into the holes that had been prepared. Another story, as told by Nizar Abazhah (History of Medina, 2017), the Prophet Muhammad once directly visited people working in the fields of date palm plantations. At that time, people were marrying their dates. Seeing this, the Prophet Muhammad tried to give advice not to do things like marrying dates. Thus, the Prophet judged that dates would bear more fruit. "Try not doing that, of course the results will be good," said the Prophet. In that season, the companions carried out the advice of the Prophet Muhammad, namely not to marry their date palm trees. But unfortunately, they experienced crop failure. Dates become rotten and damaged. The Prophet, who later learned about the problem, said that he was just guessing that there was no need to marry date palm trees so that they would bear a lot of fruit. So they don't need to take the Prophet's advice. He emphasized that his people knew better about their own world affairs. "Really, I'm just guessing. Therefore, you don't need to take my estimates. But if I say even a little that is related to Allah, take it and hold on to it," stressed the Prophet. Apart from that, the Prophet Muhammad gave 'relief' to farmers to keep dogs, as land protectors. With dogs guarding the land, it is hoped that agricultural products will be plentiful and abundant because they will no longer be stolen by people or eaten by animals. The Prophet Muhammad also made several provisions so that farmers who sell their agricultural products and buyers avoid the possibility of being deceived, harmed, or having disputes in the future. For example, the Prophet forbade selling fruit until the fruit was ripe and could be eaten, forbade muhaqalah transactions (renting land with crops or selling food in it with wheat), mukhadharah (selling fruit or grains before it was known whether they were good or not), and muzanabah (selling dates at a certain rate—if it's not enough then you can't ask for more and if it's more then you can take it) [22].

After the death of the Prophet Muhammad SAW, the economic life of the Islamic community was still not well organized, in fact [23], with the increasing area of Islamic rule, it turned out that the economic problems faced were increasing. During Abu Bakr's time there were many rebellions from hypocritical groups,

false prophets and tribes who wanted to get out of the power of the Islamic government. To overcome this problem, Caliph Umar bin Khattab took several policies or breakthroughs that were different from those of the Prophet Muhammad SAW and Abu Bakar RA in the economic sector to improve the economic life of his people and the country he led [24].

In his leadership, Umar bin Khattab carried out several policies or breakthroughs in the economic sector, namely: among his policies was realizing the importance of the agricultural sector for the economy of the country and society, which is why he took big steps to develop this field, such as giving away agricultural land to people who were willing to work on it [25].

Many narrations mention Umar's attention to agriculture as proof of the importance of agriculture as a resource for the country and the welfare of society. It is narrated that Umar visited agricultural land and provided guidance on how to manage it with his friends. Then, when Umar served as caliph, he did not neglect his agricultural land, where every morning after morning prayers, Umar went to visit his agricultural land [26].

During Umar's period, the Islamic government's territory expanded from Persia to Qadisiyyah, Byzantium, and expansion into Egypt and the African region. Iraq is a fertile country that is very famous for its prosperity. The flow of water from the Euphrates and Tigris rivers flows throughout the surface of the country so that the land in Iraq becomes fertile. The total area of Iraq is 36,000,000 acres.

The agricultural sector received great attention during Umar's time because Baitul Mal's most important source of income came from agricultural products. As the conquered land expanded during Umar's time, the country's wealth increased significantly. This is supported by the policies he issued to motivate agricultural land productivity. Umar took special steps to improve agriculture [27]. Success during Umar's time can be proven by the rare occurrence of budget deficits except once in the year "Ramadah" [28] around the 18th AH. Then the welfare of society increased, in history it

<sup>22</sup> <https://nu.or.id/sirah-nabawiyah/perhatian-nabi-muhammad-pada-urusan-pertanian-IBpG2>, accessed on 27 August 2023

<sup>23</sup> Quthb Ibrahim Muhammad 2002, *Economic Policy of Umar bin Khattab* (Jakarta: Pustaka Azzam, , page.16

<sup>24</sup> Muhammad Husain Haekal, *Umar bin Khattab: an in-depth study of the growth of Islam and its sovereignty at that time...*, page.15

<sup>25</sup> Aribah bin Ahmad Al-Haritsi, *Umar Bin Al-Khathab's Economic Jurisprudence*, 2014, trans. by Asmani Solihan Zamakhsyari (Jakarta: Pustaka Al-Kautsar, . page. 106

<sup>26</sup> *ibid*

<sup>27</sup> *Ibid*

<sup>28</sup> The year of Ramadhan is also called a lean year where there is an economic crisis, drought due to long drought, famine, the spread of disease outbreaks, resulting in destruction that befell the entire Hijaz region and several other areas outside the Arabian peninsula. See Jaribah bin Ahmad Al Haritsi, *Economic Jurisprudence Umar Bin Al-Khathab*, trans. by Asmani Solihan Zamakhsyari..., page..355

is stated that during Umar's time there was no one who was entitled to receive zakat [29].

Therefore, the period of Umar bin Khattab's caliphate is said to be a glorious period of Islamic civilization both in political and economic development. From the description that the author has explained above, it is very natural that Umar bin Khattab is a figure who has inspired many historical writers and even his policies [30] are very suitable to be emulated as solutions in government policy regarding the current economy, especially in the agricultural sector, considering the conditions in Indonesia today, natural resource wealth is abundant but it is not balanced with community welfare and poverty is still relatively high, especially for farmers.

The Caliph Umar bin Khatab's policies in the agricultural sector were through managing dead land, giving agricultural land to the community to cultivate and prioritize public interests, developing agricultural infrastructure, kharaj (tax) policies and agricultural zakat. Agricultural Zakat Policy.

#### a. Dead land management

Umar made a provision that if a Muslim had controlled land and then abandoned it for three years, the land would be taken by the state and ownership of the land would be erased. The policy taken by Umar aims to ensure that agricultural production does not stall [31] and does not become idle land so that the land continues to be productive [32]. Umar's efforts have provided economic opportunities for the community and can increase productivity in the agricultural sector.

#### b. Providing agricultural land to the community to cultivate and prioritize public interests.

In giving agricultural land to be managed by someone, Umar made provisions that the land being managed must be given to experts. Caliph Umar forbade Arabs to become farmers because they were not experts. Then Umar gave conditions to someone who claimed land from the state to manage it, namely that the land was not a private owner and did not harm Muslims and dhimmi infidels.

Among the evidence that shows these two conditions is the history which says, when Umar was asked by Abu Abdullah Ats-Tsaqafi to give him land in Basrah, Umar wrote a letter to Abu Musa to give him the land and required "not to harm a Muslim or an infidel."

dzimmi; not as a water channel or road, and does not belong to anyone" [33].

#### c. Agricultural Infrastructure Development.

To improve agriculture, Umar at that time built irrigation canals to irrigate agricultural lands in conquered areas and for the smooth and distribution of water, tanks, canals and multi-purpose sluice gates were built.

#### d. Agricultural kharaj (Tax) and Zakat policies.

The land conquered during Umar's time was still managed by its owner with conditions they have to pay kharaj. Umar adopted a policy of determining the amount of kharaj that had to be paid based on land productivity, such as the level of land fertility and irrigation, not based on zones. Therefore, even in adjacent areas there can be differences in the amount of kharaj released [34]. The amount of kharaj that must be spent can change at any time according to situations and conditions, Umar even did not withdraw kharaj at all when there was a famine in the Ramadah year which resulted in the cessation of agricultural activities [35]. State revenues originating from kharaj (including fai, jizyah, „ushr) during Umar's time were allocated to pay pension funds and aid funds as well as to cover administrative operational costs, military needs and so on [36].

#### e. Agricultural Zakat Policy

Umar collected 1/10 of the zakat from plants if irrigated with rainwater or river water, and 1/5 if irrigated with tools, in accordance with the sunnah. He promised to be gentle with the garden owner when assessing the results in the form of fruit. The zakat that had been collected during Umar's time was distributed at the local level and if there was a surplus the remaining income was stored in the central Baitul Mal and distributed to the ashnaf, as specified in the Qur'an [37].

The conversion of agricultural land to non-agricultural land is inevitable and is often a dilemma. The need for land is driven by increasing population, while land availability and land area are fixed. Thus, resulting in the relocation of land use from an activity that is less profitable to an activity that is more profitable.

As the population increases, this also results in an increase in the number of conversions of agricultural land to the non-agricultural sector in various regions. The transfer of land functions continues continuously in line

<sup>29</sup> Abu Ubaid Al Qasim bin Salam, 2009, Ensklopedia of Islamic Finance, Jakarta: Gema Insani, page534-535

<sup>30</sup> Amieur Nuruddin, 1991, Ijtihad Umar Ibn Khattab, Cet.I, Jakarta: Rajawali, page.1

<sup>31</sup> Quthb Ibrahim Muhammad, op.cit, page.95

<sup>32</sup> Adiwarmar Azwar Karim, 2010, History of Islamic Economic Thought, Jakarta: PT RajaGrafindo, page.65

<sup>33</sup> Ibid, page.466

<sup>34</sup> Syarifuddin Israil, "Umar bin Khattab's Macroeconomic Policy", Journal of Management and Accounting, Vol.12.No.1 (April 2011), accessed at27 August 2023.

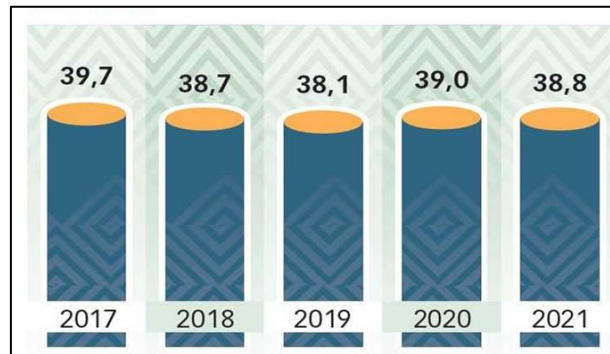
<sup>35</sup> Jaribah, Op.cit, page.352.

<sup>36</sup> Adiwarmar Azwar Karim, Op.cit, page.74.

<sup>37</sup> Ibid

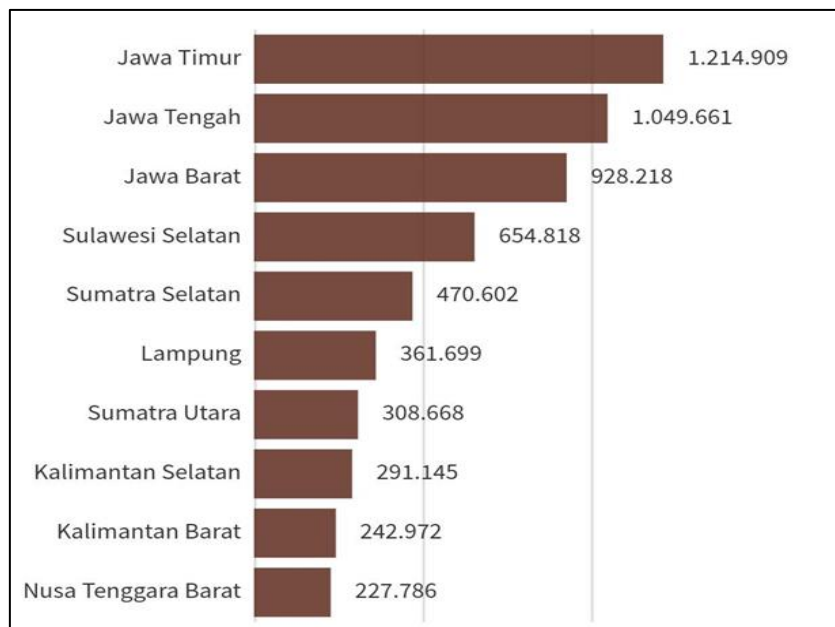
with increasing development, namely needs in the fields of industry, tourism, housing, services and so on. The need for development itself can be seen in the

agricultural sector where this sector is the main supporting sector for development in Indonesia.



The image above shows that with the decrease in the number of farmers in 2021 compared to the previous year, this is correlated with a reduction in agricultural land.

Until 2019, in Indonesia there were only 10 provinces that had the largest areas of raw rice fields, namely;



The loss of agricultural land due to conversion to non-agricultural use causes the loss of environmental services and the multiple benefits of rice fields for the environment. This is what gives rise to the potential for environmental degradation.

For example, when agricultural land changes its function to become a residential area, it results in the loss of water catchment areas, which will have an impact on the phenomenon of flooding.

Agricultural land has direct and indirect benefits to the environment. Indirect benefits from the

existence of agricultural land are generally more related to environmental aspects. Yoshida and Sogo Kenkyu revealed that the existence of agricultural land from an environmental aspect can provide five types of benefits, namely: preventing floods, controlling the balance of the water system, preventing erosion, reducing environmental pollution originating from household waste [38].

According to Suparmoko, apart from functioning as a cultivation medium for producing food, rice fields also provide environmental benefits in the form of environmental services. Some of the

<sup>38</sup> Anggrainipopy1234@gmail.com1, siskaselpiyanti@gmail.com2, ahmadwalid@iainbengkulu.ac.id The Impact of

Converting Paddy Fields to Non-Agricultural Lands Causes Threats of Environmental Degradation, accessed on September 3, 2023.



environmental services from the existence of rice fields are: collecting rainwater so that it can prevent flooding, improving groundwater quality, preventing erosion, preventing landslides, maintaining air quality because it is free of dust and CO<sub>2</sub> pollution [39].

Injustice regarding the realization of sustainable food agricultural land protection, according to the author, is increasingly hampered by the new provisions regarding the conversion of sustainable food agricultural land in the Job Creation Law, especially Article 44. What is the focus of the author's attention is that initially the conversion of agricultural land was only intended for public purposes. However, in the latest Law No. 6 of 2023 concerning Job Creation, the phrase public interest is added to the National Strategic Project (PSN). This change is of course a concern, because the National Strategic Project could worsen the condition of the remaining agricultural land, which was previously always used for public purposes, and currently agricultural land will be increasingly reduced with the addition of the government's development plans through the National Strategic Project.

Apart from that, there is a Constitutional Court decision which also influences legal politics in the formation of regulations related to the protection and empowerment of farmers.

In Decision Number 87/PUU-XI/2013, as a basis for consideration for changes to Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers to the 1945 Constitution of the Republic of Indonesia. In its decision, the Constitutional Court stated that the Constitutional Court granted the petitioners' petition in part; States that. In its decision, the Constitutional Court stated that the phrase "rental rights" in Article 59 of Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers was contrary to the 1945 Constitution and was declared to have no binding legal force; Article 70 paragraph (1) is contrary to the 1945 Constitution as long as it is not interpreted as "including farmers' institutions formed by farmers", and does not have binding legal force as long as it is not interpreted as "including farmers' institutions formed by farmers". The word "obligation" in Article 71 of Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers does not have complete binding legal force: "Farmers join and play an active role in Farmer Institutions as intended in Article 70 paragraph (1).

With the Constitutional Court's decision, it can be seen that the government's legal politics in forming regulations has changed as a juridical consequence of the Constitutional Court's decision.

According to the author, sustainable food agricultural land protection in Indonesia has not been able to realize ecological justice and Islamic values due to competition in land use between the agricultural sector and the non-agricultural sector. Meanwhile, competition in land use arises as a result of three economic and social phenomena, namely 1) limited land resources, 2) population growth and 3) economic growth. The available land area is relatively limited, so population growth will increase the scarcity of land that can be allocated for agricultural and non-agricultural activities. This then influences the legal politics of regulations for the protection of sustainable food agricultural land. Formally, the government's authority to regulate the land sector grows and is rooted in article 33 paragraph (3) of the 1945 Constitution. With this authority, when the government is faced with a dilemma between economic justice in order to achieve the greatest prosperity of the people, then ecological justice. will be defeated. This can be seen from the regulations regarding the conversion of land for sustainable food agriculture which allows land conversion for the benefit of national strategic projects.

#### D. CONCLUSION

Efforts to preserve the environment from an Islamic perspective take several steps, including reviving dead land, reforestation, not polluting water, and avoiding damage and maintaining natural balance. Caliph Umar bin Khatab's policy in the agricultural sector was through managing dead land, giving agricultural land to the community to cultivate and prioritize public interests, developing agricultural infrastructure, kharaj (tax) policies and agricultural zakat. Protection of the conversion of agricultural land in Indonesia has not been able to realize ecological justice and Islamic values due to competition in land use between the agricultural sector and the non-agricultural sector. Meanwhile, competition in land use arises as a result of three economic and social phenomena, namely 1) limited land resources, 2) population growth and 3) economic growth. The available land area is relatively limited, so population growth will increase the scarcity of land that can be allocated for agricultural and non-agricultural activities. This then influences the legal politics of regulations for the protection of sustainable food agricultural land. Formally, the government's authority to regulate the land sector grows and is rooted in article 33 paragraph (3) of the 1945 Constitution. With this authority, when the government is faced with a dilemma between economic justice in order to achieve the greatest prosperity of the people, then ecological justice. will be defeated. This can be seen from the regulations regarding the conversion of land for sustainable food agriculture which allows land conversion for the benefit of national strategic projects.

<sup>39</sup> Ibid

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