
Community commitment to manage forests that integrate *al-'urf* values in reducing tenurial conflicts from an islamic legal perspective

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Abstract: This research examines the community's commitment to managing forests by integrating *al-'Urf* values to reduce tenure conflicts among forest area communities. This research contributes to discussions regarding forest conservation from an Islamic law perspective. This research is a qualitative study using observation, interviews and documentation methods in collecting data, namely going directly to the field which is the object of research. This research shows that it is important to have community commitment in managing forests by integrating *al-'urf* values. The local community's perception of forests is different from that of the government, where the government bases its designation on references to legislation that they themselves have made in the past. Community commitment in managing forests using the *al-'urf* approach plays an important role in reducing conflict and resolving or opening management and ownership rights to land or forests. Islamic law in this context focuses on forest management efforts based on the Koran, hadith and expert opinions in order to achieve the common interests and welfare of the community of all parties involved, whether local, government or other parties with an interest in forest preservation. Community efforts to reduce tenure conflicts through Islamic Law with the *'urf* approach can resolve land disputes that are not only based on individual or group rights, but also consider the long-term impact on shared prosperity that prioritizes the principles of justice, sustainability and social harmony, with the aim of achieving a solution that benefits all parties without harming any party.

Keywords: Community commitment, forest management, *al-'urf* integration, tenurial conflicts, islamic legal perspective.

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Introduction

This research examines forest management that is integrated with *al-Urf'* values, as one way for the community to preserve forests, especially forest areas in Sinjai Regency which has a forest area of around 18,000 Ha which is classified as protected forest and is spread across several sub-districts, including, West Sinjai, Central Sinjai, Sinjai Borong, South Sinjai and Tellulimpoe. However, of the area, around 7,000 hectares have been damaged and approximately 11,000 hectares remain. This damage occurred as a result of encroachment on protected forest areas carried out by local residents by cutting down trees to then use as agricultural land, for example, planting cocoa, cloves and pepper (Bahri, 2021). As a result, the protected forest area is experiencing damage so it is important to receive special attention. Even though in reality in the field the community never feels that they are destroying

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forest areas because the areas they manage are their own land that has been cultivated for generations. It is still important to study the claims between the government and the community over this land in depth to maintain forest sustainability and prevent damage from all aspects.

Ecologist, Prof. Dr. Sukron Kamil stated that saving the earth (ecology) at this time is something urgent or urgent, because if we compare it to humans, now the earth is old and pathetic. Even though it is still relatively young for a planet with an age of around six billion years, this earth is already fragile and too heavy to bear the burden and is even starting to become uncomfortable to live on. The cause is none other than the actions of human hands, numbering around six billion people, where the green color is eroded, the air is blackened and the water is made muddy. In fact, these three are the main sources of life not only for humans, but for all creatures inhabiting the earth. This is where the importance of ethics which emphasizes obligations/attitudes so that humans can inherit a clean and habitable earth, not only for future human generations but also for living (biological) and non-living creatures on earth (Kamil, 2021).

This explanation proves that saving the earth is very urgent to minimize the destruction caused by humans themselves, including in Sinjai Regency. The very worrying destruction of the earth (ecology) has raised concerns among experts, including Islamic law experts who study the environment. The concern expressed by this expert convinces that it is very urgent to maintain or protect the earth. Forests are one part of the earth that should be preserved.

Al-'Urf are habits that are known to the community and have become their traditions, whether in the form of words, deeds, or in their activities by abandoning their actions. *Al-'urf* also means custom (Khallaf, 2014). This definition means everything that is customary for the people of each region. The connection with the integration of *al-'urf* values in forest management in Sinjai Regency is that the community has its own custom of conserving forests traditionally long before any legislation on forestry management was issued by the government, and they have succeeded in preserving it in their own way.

Islamic law is one of the living sources of law in Sinjai Regency where the majority of the population is Muslim. This cannot be separated from the lives of the Sinjai people which are full of religious life by implementing Islamic values in everyday life. *Al-'urf* is one of the methods recognized by *ulama* in establishing Islamic law with the principle "custom is sharia confirmed as law". This rule was enshrined by Imam Malik, where he established many laws based on the habits of the people of Medina (Khallaf, 2014). On this basis, people's habits can be legalized into Islamic law as long as they do not conflict with the Shari'a. The habits of the Sinjai people who believe that destroying the forest can bring disaster have become a guideline that has been applied from generation to generation. This habit is a motivation to continue protecting the forest and they are even afraid to enter the forest to cut wood, this is in line with Islamic Law which orders to preserve the forest and prohibits destroying it.

Islam teaches how to love and protect the environment, as in QS al-Baqarah 2:30 implicitly explains that Allah made humans as caliphs on earth (Kamil, 2021). The Caliph on earth is a human who not only thinks about himself but also thinks about the natural world around him. For example, how do humans think about repairing things when the nature around them has been damaged, whether natural damage or damage caused by the ignorant hands of humans? (Kamil, 2021). Forests are part of the natural environment around humans, so forest damage is human responsibility. Then it is strengthened by the verse that prohibits doing damage in QS al-Baqarah 2:11. In fact, the reason for the damage has been explained in the paragraph with the term repair will be carried out. This means that environmental damage has been the concern of the Prophet SAW since ancient times. Al-Qur'an. Islamic law with the *'urf* approach is very possible to use in studying issues of environmental management or utilization carried out by the general public and the government. Forest management as a research object in this article integrates *al-'Urf* as a way of managing forests from generation to generation based on local community wisdom. Basically, the community has its own way of managing

forests traditionally so that the forest remains sustainable because the community understands the conditions of their own area better than other people who do not live around the forest.

Urf is one approach in implementing Islamic law as long as it does not conflict with the *Shari'a*. *Urf* means actions that become a habit of society. According to Al-Baedhawi, it is something that can be accepted by the minds and feelings of a society (Humaidi Hamid, 2015). Custom is a formation from the accumulation of continuous repetition which creates calm and serenity in the individual's heart, therefore it can enter the area of *urf* and that is what makes custom *urf*. Therefore, Islamic law experts state that adat and *urf*, if seen from their terminology, have no principal differences so that the repetition of the terms *urf* and adat does not contain significant differences with different legal consequences (Sucipto, 2015). This can be interpreted to mean that *urf* is behavior or habits of society that is practiced and maintained on an ongoing basis. So it is in line with the habits of the Sinjai people in managing forests traditionally which have been practiced for generations, which is local wisdom in this research. The local wisdom or *urf* applied by the community in forest management is oriented towards the belief that there are certain areas that must not be touched or must be guarded because it will cause harm if these areas are damaged.

The phenomenon of damage that occurs due to excessive use of forestry land by the community and government has given rise to problems that are important to study. How to integrate *al-urf* values of forest management and conflict resolution in Islamic Law. This question can be studied further to reveal facts about forest management in society and forest management laws in Islam. Islamic law has a variety of approaches so that all aspects of life can be reached with the principles of *Shalihun Li Kulli Makan wa Zaman* in the sense of being able to adapt to place and time or developments over time, including the object of forestry study..

As a comparison, there are several previous studies related to forestry. First, research by Lutfi Alviansyah and M. Agung Izzul Haq. The title Opening Forests as Residential Places from an Islamic Law Perspective in 2022 concludes that the use of forests as residential areas must be carried out wisely and according to needs, without taking actions that can damage or endanger the forest ecosystem. Forest destruction is seen as a reprehensible act according to Islamic teachings, because its impact not only endangers human life but also other creatures. Based on the MUI Fatwa, clearing or utilizing forests for housing must fulfill several conditions, such as aiming for the benefit, obtaining permission from the competent authorities, and ensuring that the activity does not cause harm (Alviansyah & Haq, 2022). Second, in 2023 Moh. Huzaini, et al. Researching Community Forest Management Seen from an Islamic Perspective in the Sesaot Forest Area, West Lombok Regency, concluded that the majority of community forest management (HKm) farmers in Sesaot, West Lombok Regency, have utilized forest resources in accordance with Islamic economic and conservation principles. This is reflected in the implementation of the three mandates of Allah (*al-intifa'*, *ali'tibar* and *al-ishlah*). As a large family, it has become a prosperous family, because it fulfills the principles of *dharuriyyat* (*hifzud-dien*, *hifzun-nafs*, *hifzun-aql*, *hifzun-nasl* and *hifzun-mal*) and *hajiyyat* (Huzaini et al., 2023).

Based on several previous studies, it can be concluded that the themes in this research are similar to the research subject, namely forestry, but have fundamental differences in the research subject, namely *urf* analysis and Islamic law. Where previous research only examined local regulations, the use of forest resources from an economic perspective, the welfare of farmer families managing forests, Islam in forest management and protection and forest clearing for housing in Islamic law. While the research in this article more specifically discusses the community's commitment to managing forests that are integrated with *urf* values, in Islamic Law, this means that communities naturally manage forests based on their habits from generation to generation without any written texts that regulate them according to custom. This uniqueness is the basis for being connected to Islamic Law. Due to these differences, it is important to research this problem because it has never

been researched before and to explore Islamic Law with the 'urf approach, in studying forest management.

Method

The research method used in this article is qualitative, which was carried out in 2023, precisely from March to August, lasting approximately 6 months. At this estimated time, he went directly to conduct observations in the forest area, interviews were conducted using a semi-structured interview instrument with the community/forest farmer group as forest managers, two village heads whose areas had community and government tenure conflicts, two employees of the UPT KPH Tangka as an institution that oversees forests in Sinjai Regency, an extension agent who provides education for forest management communities. The interview was to get an overview of forest management that integrates urf values in Islamic Law. Apart from interviews, observations and documentation were carried out in this research. Observations were made directly about social conditions, the condition of the forest, the condition of plants that had been planted by forest managers, and the tools used by forest managers. Meanwhile, documentation takes the form of recordings, journals related to research objects, online media reporting cases of forest destruction or tenure conflicts, field notes, photography, letters, recordings and so on.

Results and Discussion

Al-'Urf as an islamic legal approach in reducing tenurial conflicts

Community life is always related to certain customs or traditions known as '*urf*' (prevailing customs). A jurisprudence expert will study and explore various issues related to the existence or absence of arguments (texts) governing a particular case, including establishing and applying laws based on these texts. If the applicable customs or traditions ('urf) do not conflict with the text, then their implementation is permitted because they are considered to contain beneficial values. However, if the custom has no basis in the text or even contradicts it, then jurisprudence experts will conduct an in-depth study to provide an analysis and legal basis for the applicability of the case. Custom, as the forerunner of 'urf, is formed from the accumulation of activities carried out continuously. When this custom creates a sense of peace in the individual's heart, then he enters the realm of *muta'araf* (known and accepted). At this stage, customs develop into 'urf (*haqiqat urfiyah*), namely traditions that are generally accepted. Thus, custom begins as a habit that is repeated, becomes part of the conscience, and is finally recognized as '*urf*' (Widodo et al., 2024). '*Urf* in this case, the local wisdom of local communities is used as a reference in managing forests so that the forests they guard together remain sustainable because they believe that there will be bad impacts or disasters if the forests are damaged. This local wisdom can be used as a reference in establishing Islamic Law in forest management because it can preserve forests independently without pressure from the government.

Al-'Urf is an approach in studying Islamic Law by considering aspects of local wisdom. The local community's perception of forests is different from that of the government, where the government is based on designations with reference to legislation that they themselves have made in the past. Meanwhile, the community has its own views on which land can be disturbed and which can be managed. In the case of Sinjai, especially Kompang, Gantarang, Saotanre and Gunung Perak, for example, the community consciously protects the forest which they consider to have a negative impact on them if they cause damage to it. The location they collectively guard is so sacred that it is still preserved to this day. Making the forest something sacred so that they are afraid of destroying the forest. Making it sacred does not mean they deify the area but they believe it will bring danger if the forest is damaged. Making something sacred in classical society was an attempt to protect something they believed would bring benefits, because they did not yet have sufficient knowledge to prove it scientifically. These traditional beliefs are the habits of local people to keep forest areas sustainable. Substantially, Islamic Law teaches how to preserve nature and explains in detail management procedures. Therefore, management by making forests sacred is one of the effective ways for

traditional communities to preserve forests and their substances, both preserving nature and protecting it from damage.

For example, in Gantarang, the community stated that there is a special location (forest) which according to the community's beliefs should not be disturbed, even though there is a management permit from the government to protect the water source, especially since the water is currently decreasing (Bungkusi, 2023). This statement means protecting the sustainability of water in their area, meaning that people realize that destroying forests will have an impact on destroying water springs which will ultimately result in a shortage of water sources. Even though the way to protect forests is by making them sacred or related to belief, this is local wisdom in managing forests to remain sustainable. This management cannot be said to encroach and destroy forests because the determination of area boundaries does not involve the community, resulting in mutual claims of rights between the community and the government.

Such a belief also occurs in Mount Perak, that encroaching on forests is an action that has the potential to pollute the environment and ultimately damage water quality. You are not allowed to enter the forest because you don't have an HKM permit. Last year it was offered, but the consideration was environmental pollution. If it is opened above (forest area/foot of Mount Bawakaraeng) it will pollute the water in the river, because the waste will definitely be thrown into the river, that's why we refuse (Rahman, 2023). This case is interesting because the government itself offered to permit forest management but the community collectively refused in the belief that it could potentially damage water with waste from activities that happen to be in Mount Perak where farmers generally manage vegetable farms. There will definitely be a lot of vegetable waste which will have an impact on rivers or springs if it is allowed to enter the Bawakaraeng forest area. As stated, water pollution has the potential to endanger human health. This unsafe water has the potential to kill more people every year than war and all other forms of violence combined (Hermanto, 2021). The Bawakaraeng Forest is the upstream of the river on Mount Perak and if there is plantation activity, it will have an impact downstream.

The rejection of forest management permits at the foot of Bawakaraeng basically does not take into account the reduction in spring discharge in the area, but rather water pollution. This belief substantially maintains the cleanliness of the water, because the spring is one of the sources of water for the daily needs of the residents of Mount Perak. As a primary need in the village, local residents are aware of the importance of maintaining the sustainability and cleanliness of the water.

The fact that the community maintains forest preservation is proof of concern for the environment in general in implementing the teachings of Islam as a religion that regulates the order of human life with its Shari'a as well as conveying knowledge related to the natural world or the environment. The Shari'a and science contained in the Qur'an and Hadith are very closely related, because the Shari'a will protect the environment by regulating whether or not to damage the environment and for the needs of science as well as being a guideline for not destroying the environment because it is beneficial for other creatures. For example, if you don't cut down or burn trees arbitrarily, you will automatically protect other organisms in the surrounding area. Therefore, humans are prohibited from causing damage as in QS al-A'raf 7: 56.

وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا وَادْعُوهُ حَوْفًا وَطَمَعًا إِنَّ رَحْمَتَ اللَّهِ قَرِيبٌ مِّنَ الْمُحْسِنِينَ

Meaning: Do not cause damage to the earth after it has been properly regulated. Pray to Him with fear and hope. Indeed, Allah's mercy is very close to those who do good (Kemenag, *Qur'an Kemenag In MS. Word.* 2022).

Wahbah al-Zuhaili in al-Munir's interpretation explains that Allah forbids causing damage to the earth after Allah has repaired its order, both material and non-material, such as strengthening the means of life, agriculture, industry, trade, structuring morals, encouraging justice, deliberation, work.

together and love each other. He continued to explain that the Prophet prohibited damage, whether small or large, on the face of the earth after repairs have been made because of the prohibition in the Qur'an which shows that the law of dangerous origins is haram and is absolutely prohibited (Al-Zuhaili, 2016). This interpretation really emphasizes the danger of causing damage to the earth because it was absolutely forbidden by the prophet. The Prophet's prohibition on destroying the environment is reflected in the behavior of the people of Gunung Perak who continue to maintain environmental sustainability even though they have received management permits from the government in order to maintain the purity of the water they use every day.

It is different in Saotanre, where the people guard the forest around their village because they are afraid of disasters that will befall them. The method of guarding is a mystical approach or belief that there will be a major disaster if they enter the forest which they consider sacred.

The community can also be involved in preserving forests that need to be converted into forest areas, because there is potential for disaster in these areas if they do not become sustainable forest areas. For example, in the Saukang forest which has become a HKM, if forestry wants a sustainable forest without any more HKM, it can be realized, as with the Lona forest, it can be made into a dense forest by holding deliberations so that losses experienced by the people who own land in the forest area can be replaced. , because above this is a dense forest that threatens two settlements, namely Halimping hamlet and Saukang hamlet, if the forest is damaged (Sulaiman, 2023).

The statement by the head of Saotanre village revealed that there was a possibility that a disaster would befall the residential area if anyone disturbed the forest, which the community believed had been hereditary so that no one would dare disturb it. They even look after wild trees, both big and small. However, after Mr. Village explored the forest, he saw that there were many large trees in it, including a banyan tree, which had many large stones wrapped around it. So it is really dangerous if the wood dies and rots because the stones will automatically fall down, which coincidentally, underneath the village, there are even two hamlets, namely Halimping Hamlet and Saukang Hamlet.

Interestingly, the community protects the forest with consideration for the safety of their village, even though they maintain it with a mystical approach, but it cannot be denied that the way the community used to actualize their knowledge about the forest was with the term "*makarame*" or sacred, because they do not yet have sufficient knowledge to interpret natural phenomena. However, this method was considered successful in protecting and preserving forests which were considered forest areas long before the Indonesian government. Even though the forest area is sacred, this does not mean that the community makes it a divine subject but is a traditional way of preserving the forest. Based on empirical facts through observation, the topography of the forest is hilly and even mountainous and in it there are several large rocks and some of them are entangled in wood veins/large trees, while residential areas are located in low areas or under the mountains , if there are trees cut down or killed , allowing rock slides to occur and will have an impact on residential areas themselves. Therefore, sacred beliefs in this area are an effective form of maintenance because of people's fear of the impact of disasters, even though it can be scientifically proven.

It seems that these methods are not used by the government as a consideration in interpreting forest areas and can be used as a reference in making decisions related to forest designation, even though it is important to combine modern and classical scientific guidance (community beliefs) considering that access to knowledge is adequate and classified as modern today. There are many technologies that can detect and understand the characteristics of soil and rocks in forests so that forest management truly brings benefits to the community without causing damage. Apart from that, several verses from the Qur'an and al-Hadith explain environmental preservation in two categories.

First, the prohibition on destroying fauna and flora, because this work is only carried out by hypocrites in QS al-Baqarah 1: 204-205.

وَمَنْ النَّاسِ مَنْ يُعْجِبُكَ قَوْلُهُ فِي الْحَيَاةِ الدُّنْيَا وَيُشْهَدُ اللَّهُ عَلَىٰ مَا فِي قَلْبِهِ ۖ وَهُوَ أَلَدُّ الْخِصَامِ وَإِذَا تَوَلَّىٰ سَعَىٰ فِي الْأَرْضِ لِيُفْسِدَ فِيهَا وَيُهْلِكَ الْحَرْثَ وَالنَّسْلَ ۗ وَاللَّهُ لَا يُحِبُّ الْفَاسِدَ

Meaning: Among humans there is one whose speech about worldly life amazes you (Prophet Muhammad) and he makes Allah a witness to (the truth of) what is in his heart. In fact, he was the loudest opponent. 205. When he turns away (from you or authority), he tries to cause mischief on the earth and destroys crops and livestock. Allah does not like damage (Kemenag, Qur'an In Word, 2022).

Jarir from al-Sady said: This verse was revealed in connection with the issue of *Syureg* which was before the Prophet. and declared himself a convert to Islam. It's surprising indeed. Then he went out, took away the agricultural products and *himar* of the Muslims, he burned the agricultural products and slaughtered the *himar*. This verse explains the nature of a group of people who claim to believe but are actually disbelievers. They are trying to destroy society and the environment. They destroy crops and livestock.

Second, the prohibition on damaging or destroying plants, unless there is an interest in it. This is based on the hadith, which was mentioned above, about the ten testaments of Caliph Abu Bakr, to his warlords who were going to war, as follows: "Do not cut trees that are bearing fruit, do not burn date palm trees and do not drown them (destroy them)." (H. R. Malik, from Yahya bin Sa'ad (Gassing, 2011).

It can be understood from this hadith that in times of war, it is possible to avoid cutting down trees, especially those that are bearing fruit, because these trees are very beneficial for the lives of humans and other living creatures. However, under certain conditions, felling trees is permitted, for example if they interfere with public roads or to maintain state security. Regarding public roads, the prophet saw. said": Prophet SAW said, there was a tree that disturbed road users, then someone cut the tree so that it was removed from the middle of the road, then Allah put that person into heaven (H. R. Ahmad, from Abu Huraerah) (Gassing, 2011).

This Hadith, and several other similar Hadiths, can be understood to mean that cutting or felling trees that disturb the public interest is permitted in Islam. In this Hadith, the public interest is the road that is usually used by many people. In another Hadith, the Prophet saw. It is reported that he once burned a date palm tree belonging to the Bani Nadir: "That the Prophet saw. had burned the date palm trees belonging to Bani Nadhir (H.R. al-Bukhari, Muslim, and Abu Daud, from Ibn Umar). "As is known, the Bani Nadir are one of the Jewish groups who have entered into a peace agreement with the Prophet. along with Muslims. After walking for some time, the Bani Nadir betrayed the agreement. They then spread the news that they would attack Muslims (Gassing, 2011).

Several obligations that they had promised to fulfill, they reneged on. They have date palm gardens which are located close to the date palm gardens of the Muslims (the Ansar). For this betrayal (leader) of the Bani Nadir, the Prophet saw. burned their palm trees, and this wisdom was justified by Allah, with His words in the Qur'an surah al-Hsy, 59: 5.7 In the history it is stated that these palm trees or gardens will be used as a place of refuge or a place of attack by the enemy. Therefore the Prophet saw. burn it because it will endanger the country's defense and security. From these hadiths it can be seen that the basic principle in Islamic teachings is that it is forbidden to cut trees or kill plants and destroy them. However, this prohibition has an exception if the public interest requires it, as can be concluded in the first Hadith, or to maintain state security, as can be concluded in the second Hadith (Gassing, 2011). At the time of the Prophet Muhammad. In protecting the land that is made into a reserve, it is not necessary to take it into account, such as in the case of *Himma* and *Naqi'* where the Prophet SAW protected water and grasslands by making natural reserves (protected) of these two places. The substance is to protect grass and water. So the *'illat mashûshah* is to protect the horses of the Muslims by protecting the grass and water (Gassing, 2011).

The implementation of nature reserves carried out by the Prophet was based on substantial reasons that required the creation of these reserves. The reason was to protect grass and water, where grass was a necessity for horses which were one of the main means of transportation at that time, while water was a necessity for horses and humans. Especially considering that water in his time was very limited. Therefore, the support for the establishment of nature reserves is very realistic because it is related to the principle of mutual benefit, both for domesticated animals and for humans themselves. The connection now is that people are aware of this substantial matter, with concerns about damage to springs, and pollution for the needs of animals and humans, as well as the disaster that will befall them if they do not preserve the forest.

This behavior is a precaution to preserve forests so that there is no pollution to the environment if forest damage occurs. Protecting forests has become a basic issue, so it is included in the category of *maṣlahah al-Darūriyyah* (Wahbah al-Zuhaili, 2021) contained in one of the three levels of maqasidu al-Syari'ah. Al-Darūriyyah as the first level has six types, namely Hifdz al-din/Religion, Hifdz al-Nafs/Soul, Hifdz al-Aql/Intellect, Hifdz al-Nasl/Descendants, Hifdz al-Mal/harta and Hifdz al-Bia'ah/Environment. Even though the level is the last aspect in the main aspect of implementing the Shari'a, it is important to know that environmental damage will disrupt all other aspects. For example, if the environment or forest is damaged, it has the potential to damage humans due to a lack of oxygen, or can contaminate water, air and soil, all of which are primary human needs. Thus, protecting forests is a necessity because it is part of maintaining the continuity of life and safeguarding human benefit.

Values or ethics in behaving to maintain ecology that maintains its natural functions are increasingly urgent because damage to the earth is increasingly worrying. For example, shady forests that support life in supplying oxygen (O₂) are being cleared by humans for development purposes, both legal and illegal. This behavior should be pursued as a behavior that loves the environment with the concept of living in harmony with nature based on the ethics that have been established by the Shari'a. So that a mutualistic symbiosis is created, where humans protect and maintain nature without destroying it, so that nature will provide its resources to be utilized by humans, which ultimately means that nature is sustainable, humans are empowered.

Islamic law as a foundation for forest management in reducing tenurial conflicts

Islamic law often finds the term; fiqh, sharia, and Islamic law. Fiqh is knowing and understanding revelation (the Qur'an and Sunnah) by using rational reasoning and certain methods in knowing the legal provisions, the actions of the legal subjects with detailed arguments. Sharia is the entire system of life in Islam, including knowledge of divinity. In this sense it is generally called akbar fiqh. The second meaning connotes asgar fiqh, namely legal provisions that are produced based on the understanding of a Muslim who has certain requirements regarding the Koran and hadith. The meaning of Islamic law in this view emphasizes that fiqh and sharia cannot be separated to produce Islamic law. These two components are closely related, where the foundation of jurisprudence is the Shari'a and Shari'a requires human understanding to interpret the Shari'a in producing legal products.

Forest management in the koran

The Qur'an as the main source of Islamic law gives human responsibility to protect the environment in general. The position of humans is given the mandate to look after the earth and other creatures that live on it, both living and non-living, as caliphs or priests on the face of the earth (Kamil, 2021). This explanation is very inspiring, that basically humans are the guardians, regulators and leaders of this universe, so they don't deserve to do damage. Because it is a mandate from the Creator who entrusted his earth to be looked after and cared for as best as possible. As QS al-Baqarah 2: 30.

وَإِذْ قَالَ رَبُّكَ لِلْمَلٰٓئِكَةِ اِنِّيْ جَاعِلٌ فِي الْاَرْضِ خَلِيْفَةً قَالُوْۤا اَجْعَلْ فِيْهَا مَنْ يُّفْسِدُ فِيْهَا وَيَسْفِكُ الدِّمَآءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ قَالْ اِنِّيْۤ اَعْلَمُ مَا لَا تَعْلَمُوْنَ

Meaning: (Remember) when your Lord said to the angels, "I will make a caliph ('successor', 'leader', 'ruler', or 'manager) on earth." They said, "Are You going to place someone there who will cause corruption and shed blood, while we praise You and sanctify Your name?" He said, "Indeed I know what you do not know."

According to Prof. Quraish Shihab in Tafsir al-Misbah explains that the meaning of caliph in this verse originally meant replacing or coming after someone who came before. On this basis, there are those who understand the word caliph as meaning replacing Allah in enforcing His will and establishing His decrees, but this does not mean that Allah is unable to do so and make humans have the status of God, but Allah intends to test humans and give them respect. There are also those who argue that they replace other creatures in inhabiting the earth. The Caliph consists of the authority bestowed by Allah SWT, the creatures who are given the task, namely Adam and his grandson, and the area where they work, namely the earth that stretches (ShiHab, 2021).

Based on this interpretation, it is very clear that humans are creatures who are given authority and are responsible for guarding, maintaining and repairing damage on earth. Because basically there are creatures that have occupied the earth that have left traces of damage as the angel asked. Therefore, humans as caliphs should provide peace, tranquility and sustainability on earth. Not to do damage for economic, political and other interests. The Qur'an as the main source of Islamic law clearly explains that humans are obliged to maintain the balance of the environmental habitat, as well as being a test instrument from Allah SWT. to prove whether it can carry out the mandate according to the Shari'a that has been determined by Allah SWT.

Religion, law and custom are the basis for efforts to protect the natural environment to move the conscience of the community. Communities that still have a strong influence on religion and custom will have a sense of social and personal responsibility to always maintain a balanced relationship with nature and the environment. *Urf* as a traditional effort carried out by the community in managing forests is relevant to the values of Islamic law which accommodates conservation efforts based on local community wisdom. Bearing in mind that the challenge of protecting the environment is a form of implementing the basic idea of sustainability of life on earth, balance and integrity of mutually beneficial relations between humans and nature, because the environment is the basic capital in living a sustainable life (Tapung et al., 2020).

This statement is the result of scientific work emphasizing that humans, nature or the environment, religion and customs are a very important unit and are closely related to maintaining and managing forests healthily without destroying them. Islam is one of the religions that most openly protects the universe through its sharia as outlined in the verses of the Koran and its hadiths. The law of protecting the environment in Islam is so urgent that it is a direct mandate from Allah, that humans have the authority to guard and regulate the health and stability of the universe and not vice versa, namely destroying it.

Concern for nature in the koran

Humans as fellow equal members of the ecological community, as explained by the ecocentrism school of thought, as recognized by Islam, humans are also obliged to love, cherish and care for nature and all its contents without discrimination and domination. This paradigm is that humans should love nature without any strings attached or expecting anything in return, but solely for the sake of nature or in theological terms, namely to gain the pleasure of Allah SWT. As a form of sincere worship (Kamil, 2021).

If fellow human beings love and care for each other, it is natural because they are an ecological community. However, it is highly recommended to have the same attitude towards other organisms by caring for the environment. Proof of concern is none other than at least not destroying their habitat. Humans and other organisms have the same rights from Allah to use nature according to the species' needs that are suitable in that nature. As Allah says in QS al-Rahman/55: 10-12..

وَالْأَرْضَ وَضَعَهَا لِلْأَنْعَامِ فِيهَا فُكَيْهَةٌ وَالنَّخْلُ ذَاتُ الْأَكْمَامِ وَالْحَبُّ ذُو الْعَصْفِ وَالرَّيْحَانُ

Meaning: According to the explanation of the interpretation of al-Misbah, He laid the earth, that is, He spread it out and prepared it for the comfort of all living creatures who inhabit it. Not just laying it out, but also preparing food and comfort for creatures' lives because it contains fruit and date palm trees that have mayang petals (ShiHab, 2021).

This interpretation implies that all creatures created by Allah are the same, in using natural facilities and those within it. The food needs that He prepares for His creatures are also intended to fulfill needs according to the characteristics of food that is suitable for each species. This proposition conveys that it is not permissible to make nature the sole owner of humans so that it can arbitrarily destroy it without considering the habitat of other organisms, apart from humans. Islamic ethics in responding to nature prioritizes an ethic of love and concern for the environment. The environment and its contents are a gift from God, so protecting it is the obligation of humans who have the sense to protect this natural ecosystem.

Utilization of natural resources or forestry in islamic law

Fiqh experts agree that there are three main principles in Islamic sharia that can be used as a guide in making decisions and in enacting laws with the aim of benefit, namely: (1) The interests of the nation or wider community must take precedence over individuals. (2) Seeking profit must be put aside in order to avoid or eliminate suffering. (3) Greater benefits must take precedence over smaller benefits and smaller harms must take precedence over greater harms (Ilyas Asaad, 2011).

At least these three principles or rules used in forest or environmental management are used as references for forestry land use. Consider the benefits, the benefit of the people and avoid as much as possible the suffering that could potentially result from forest management. Optimizing forest functions is legally permitted but in accordance with legal requirements and management professionalism as follows. Managers must be professional, qualified and have integrated activities. It is not permissible to manage forests just to grow crops, keep boundaries or mark them so that other people cannot use them. Management must be based on the needs of the people. It is not justified for individual interests only, because the Messenger of Allah said "Whoever produces land, it is not the individual who has the right to it (Khaeron, 2014).

These two requirements convey the message that forest management must be professional, feasible, integrated in activities, and in the collective interest. Especially collective interests, in this case forest management carried out by the government must truly be in the interests of its people. Both in the interests of improving the economy and in the interests of public health and the land itself. The use of forest management is carried out by the community and enjoyed by the community both directly and indirectly.

The importance of improving the economy is closely related to community forest management, for example the use of forest land for tourist attractions. The community's interest in terms of health is managing forests properly so that they do not cause environmental pollution (soil, air, water, etc.) which has the potential to result in forest damage or natural disasters that will harm the community itself, such as landslides, floods, unhealthy air and so on.

Good and correct management of forestry resources will receive appreciation from the Creator who gives humans the authority to protect this natural world. Therefore, the universe and its resources

were created by Allah SWT. to fulfill human needs and God subjugates nature to humans. This submission is very beneficial for humans in fulfilling their daily needs, but it is important to make the Koran the basis for legal use of nature and efforts to conserve natural resources and protect the environment are still needed. As QS al-Luqman 31: 20.

أَلَمْ تَرَ أَنَّ اللَّهَ سَخَّرَ لَكُمْ مَّا فِي السَّمٰوٰتِ وَمَا فِي الْأَرْضِ وَأَسْبَغَ عَلَيْكُمْ نِعْمَهُ طَهْرَةً وَبَاطِنَةً وَمِنَ النَّاسِ مَن يُجِدِلُ فِي اللَّهِ بِغَيْرِ
عِلْمٍ وَلَا هُدًى وَلَا كِتَابٍ مُّنِيرٍ

Meaning: Have you not noticed that Allah has indeed subjected whatever is in the heavens and whatever is on the earth to you? He (also) perfects His physical and spiritual blessings for you. However, among humans there are those who dispute (the oneness of) Allah without (based on) knowledge, guidance and holy books that enlighten them (Kemenag, 2019).

This verse implicitly alludes to humans who are not grateful for the use of nature and the environment towards humans but forget the Creator of nature, and do not even acknowledge the Oneness of Allah SWT. and not using the Koran as a reference for utilizing nature and its contents. In fact, God explains the submission of the universe or what is in heaven and earth to human needs.

Tenurial conflict resolution

Islamic law in forest management cannot be separated from the positive law that applies in Indonesia. Legislation regarding forestry is contained in Law Number 41 of 1999 concerning Forestry which has been amended by the Job Creation Law. And government regulation Number 9 of 2021 concerning Social Forestry Management. As stated by Prof. Nazruddin Umar stated that Islamic law and positive law both direct complete loyalty to one goal, namely the Indonesian nation. These two legal systems, namely state law and religious law (sharia), interact and communicate positively, and complement each other. The idea of making sharia law an important element in national law, as well as the state's efforts to accommodate elements of religious law, including sharia, has emerged since the founding of this country. As a country with a majority Muslim population, the Indonesian nation is closely related to its religious laws. Therefore, Islamic legal politics has always been a strategic issue in National Legal Development (PHN) (Nazaruddin Umar, 2020). This idea is the basis that the integration of Islamic Law and positive law is a necessity in the development of National Law. This discussion relates to forest management which cannot be separated from applicable positive law.

There are changes to national regulations related to forest management which cannot be separated from these tenure conflicts. The central government has given directions to prioritize a humanist approach rather than taking action against conflicts that occur in society related to forestry. Efforts are being made to issue regulations governing community land in forest areas.

The Minister of Forestry and Environment provided an explanation regarding Government Regulation Number 23 of 2021 concerning the Implementation of Forestry Article 203, is a Social Forestry program which aims to realize forest sustainability, community welfare, environmental balance and accommodate socio-cultural dynamics. Community approval, recognition and capacity building are needed. The implementation of social forestry can be achieved through activities that include area planning and development plans, business development, handling tenure conflicts, mentoring and environmental partnerships (Setiawan, 2022).

Several points are implied in the Minister of Forestry and Environment's statement regarding Social Forestry as outlined in PP No. 23 of 2021 concerning Forestry Implementation. Area arrangement and development plans, business development, handling tenure conflicts, environmental assistance and partnerships. Among these points which are important notes for handling tenure conflicts and partnerships are forest preservation, community welfare, environmental balance and accommodating socio-cultural dynamics. These several points prove that the government is currently

aware that forestry conflicts have occurred among the community so far, so it is trying to produce policies that give the community rights to the land they have managed so far.

The Minister of Environment and Forestry continued that the Decree on Land Objects of Agrarian Reform (TORA) which was passed with an area of 30, 274 Ha from a land and certificate perspective, will follow the certification process by the ATR/BPN ministry. The aim of this effort is to resolve disputes over people's land in the forest, in addition to providing certainty of people's ownership, so that they are more productive with the results of their land (Setiawan, 2022).

The government's recognition of people's land ownership in the forest in the form of certificates or permits is the government's effort to resolve the dynamics of land issues which for decades have never received a solution that benefits the people. With the government's seriousness in resolving this conflict, it has resulted in policies that are considered pro-people, such as Minister of Forestry and Environment Regulation Number 9 of 2021 concerning Social Forestry Management.

The President of the Republic of Indonesia, in this case Mr. Joko Widodo, revealed that the Social Forestry program provided by the community will continue to be monitored. His message was that the community would be assured that the land would not be abandoned (Setiawan, 2022). The president's hope is to have a positive impact on his people in the aspect of resolving tenure conflicts and even providing legality for land management for people who carry out plantation activities in the forest as long as they follow the procedures set by the Ministry of Forestry and Environment.

The birth of this policy with procedures implemented by the Ministry of Environment and Forestry provides space for the community to be able to re-access their land in forest areas so that the perception of forest encroachment by the community at the time before the new regulations was implemented changes to social-based forest management. . This means that people are allowed to enter the forest within the boundaries determined by the central government through the Forest Management Units of each province.

Sinjai Regency has social forestry with a Community Forest scheme which is divided into 21 groups covering 1,831 heads of families who manage an area of 2, 616 hectares spread across 16 (sixteen) villages. The impact of the policy of granting permits to communities to manage forests is very positive because it can empower and even improve the welfare of 1,831 families and will continue to apply for permits for other Forest Farmer groups. Apart from that, the application for social forestry under the village forest scheme will also be proposed for village institutions that will manage forests to empower their villages (Tangka, 2022).

Several villages and forest farmer groups have not yet issued management permits, showing that KPH Tangka's efforts to facilitate communities in obtaining forest management permits have been highly appreciated by the community. The agendas carried out by the government represented by KPH Tangka in resolving conflicts are very real because they come directly to the community to see and listen to forestry dynamics so that they are able to provide solutions through social forestry schemes. This effort received a positive response from the community.

This hope was answered through KPH Tangka even though there are still many forest area boundaries that need to be addressed. This certainly takes a long time, especially considering that KPH Tangka has only been around for about 1 year in Sinjai Regency. Gradually we will accept community input because of the principle of KPH Tangka, the community is the front guard in protecting forest areas. As stated by Plt. Head of the Planning and Forest Utilization Section of KPH Tangka that "the community is actually at the forefront of reforestation and maintenance with government support through seed donations" (Syamsuar, 2023).

Community involvement as a form of cooperation in handling forestry problems is very important because both the community itself and the government are currently aware of the urgency of forestry problems such as ecological damage, tenure conflicts and so on, so it is important to make concrete efforts to resolve these problems. caused by past mistakes. They work together to preserve

forests while utilizing forestry products as a form of empowering communities living around the forests. Of course, this can be achieved if the government continues to receive support for repairing forests that are considered damaged by supplying seeds. Seeds that can produce commodities for the community to manage and sell, so that the forest remains sustainable and the community gets the benefits. This community forest policy is very beneficial in terms of handling tenure conflicts between the community and the government, even at this time there is good synergy.

The central government is the producer of policies related to forestry management, so the provincial level as implementers in the field must follow changes in mindset regarding the dynamics of forest management. The dynamic between the community and the government is no longer an issue that leads to conflict but becomes a forum for cooperation to manage forests appropriately without destroying them, which is bound by Government Regulations. The birth of Government Regulation Number 23 of 2021 concerning the Implementation of Forestry which is a derivative of the Job Creation Law Article 36 and Article 185 letter b, then the Regulation of the Minister of Environment and Forestry No. 9 of 2021 concerning Social Forestry Management which is a technical reference for Social Forestry Management was born. includes Village Forests (HD), Community Forests (HKm), Community Plantation Forests (HTR), Customary Forests and forestry partnerships.

Based on Minister of Environment and Forestry Regulation No. 9 of 2021 concerning Social Forestry Management explains in article 7 paragraph 1 that approval for social forestry management can be given to a. Individual, b. Forest Farmers Group (KTH); or c. Cooperative. Three forms of community that can receive management permits are individuals, KTH and cooperatives. The character of forest management in Sinjai Regency is in the form of forest farmer groups. The emphasis in article 7 paragraph 1 is that it does not constitute ownership rights over forest areas (Minister of Environment and Forestry Regulation No. 9 of 2021). At least the community can manage the forest comfortably without fear of patrols carried out by the government through forest police. Even though the community also believes that forest management rights such as HKM are actually a form of legality for the rights of communities on the edge of the forest.

Kompang residents are collectively fighting for their land in the forest area to obtain legality through Community Forestry, even though they are aware that this land is their right. With the existence of HKm, marginalized people who live on the edge and inside the forest area in Kompang Village gain legality to manage their land so that it continues to produce for the benefit of their respective families. This is because they will not leave the residence they have occupied for generations, such as the one in Lapparanna especially before the HKm program, the intensity of forestry operations that intimidated people with weapons really traumatized people and many of them even received prison sentences. On the other hand, people do not have alternative places to live other than in the forest areas claimed by the government.

This community forest really makes the community aware that there will be no more conflicts between the government and the community, let alone among the community themselves. So indirectly with HKm permission, there will be no more conflicts. Because if a conflict occurs and it is discovered by the forestry side, it is very likely that the HKm permit will be revoked. So as long as there is HKm, there will never be any more conflict between the community and the government. People no longer think about conflict with the government. They comply with the mechanisms established by the government regarding the proposal for HKm permits and management mechanisms that are beneficial without destroying the forest. Because of their agreement, if a conflict occurs, their permit will be revoked, so they focus on how the forestry land can be useful for their own welfare.

One of the conditions for the object of HKm approval is that the area they obtain is a protected forest and/or production forest that has not been burdened with a business permit, approval for forest area use, or approval for social forestry management. Article 22 paragraph 2 adds that the area is within the Indicative Map of Social Forestry Areas (PIAPS) and is an area that has been managed by

the applicant. This regulation actually recognizes that there are forest areas that have been designated by the government but are managed by the community according to facts on the ground that occur in forest areas in Sinjai Regency. Applicants for approval from HKm management are submitted with a letter signed by the Chair of the Community Group, Chair of the Farmers' Group or Forest Farmers' Group, Chair of the Association of Forest Farmers' Groups or Chair of the Cooperative Management. Applications for HKm permits must be based on collectivity through community groups in the fields of agriculture, forestry and cooperatives. This collectivity teaches them to cooperate with each other in the forestry sector.

Based on permits for forest management in this regulation, the benefit of the forest, the benefit of management approval holders, the benefit of the environment and the benefit of the state are taken into account. The benefit to forests is that they continue to make forests sustainable while utilizing the results of management. Benefits for management agreement holders because the results of forest management can be enjoyed with their families as well as economic improvement. The benefit of the environment is that without pollution, the air is cool, the water ecosystem is maintained and clean, and the land is not prone to landslides. The benefit for the state is that by providing income for management agreement holders, the state can collect non-tax state revenues. The principle of these benefits is a general benefit because all components feel the benefit of the policies issued by the central government through the Ministry of Forestry, but on the other hand, the people who manage it get special benefits for their individuals and families.

Forest management is indeed important for legal innovation to accommodate the benefit of society considering that humans are increasing while land will never increase so that land for agricultural cultivation and plantations is increasingly narrow, which ultimately creates poverty and even conflicts over land. Therefore, with policy innovation from the government to grant permits to manage forest areas for plantations using an intercropping system, it can provide benefits to the community and the state.

In general, the birth of Social Forestry regulations and their derivatives as a policy basis for forest management has had a positive impact on the community and the government because they can work together to empower the community, the government will no longer oppress the community in the forestry sector, resolve tenure conflicts and community participation in forest management. The results of the regulations issued by the government as leader can be linked to the rules regarding the obligation of the ruler to provide benefits to his people for his policy products, namely *تَصَرَّفُ الْإِمَامُ عَلَى*

الرَّعِيَّةِ مُنَوِّطٌ بِالْمَصْلَحَةِ In the sense that every policy issued by the government should have an impact on the benefit of its people. Because basically the actions and policies taken by the government as leader and ruler must be in line with the public interest, not for certain groups or for themselves, because the ruler is the protector and developer of the people's misery.

Regulations issued by the central government, especially those related to Community Forests, have a huge impact on society in general, because people legally manage forests without being disturbed by threats from the authorities. In connection with these regulations, it can be seen that there have been significant changes regarding forest use, where in the period before social forestry regulations were established, the community had very limited forest management, and many of them even became victims of arrest by forest police. It can be said that the use and management of forests where forest management in the New Order and Reformation era could only be carried out by the government or authorities, however, as time passes and policies change, in the current regime the community can manage forests comfortably through permits.

The benefits in this case are in line with the benefits of *al-Mutaghaiyyirah*, namely benefits that change based on time, place and legal subjects related to muamalat issues. The regulatory changes

occurred because they were based on the hegemony of determining forest areas in the past which had an impact on tenure conflicts so that there was potential for harm, because the government and the community intimidated each other. Therefore, to avoid this disadvantage, the authorities issued new regulations that made forests usable by the community. Forest management is not classified as an absolute act of worship that cannot change, but what is important in the Shari'a is not to destroy forests in order to protect the ecosystem within them. Utilization-based management for community needs provided that it does not cause damage is a legal thing to do both based on applicable regulations and based on sharia.

The benefits resulting from these regulatory changes have the potential to eliminate harm while still considering restrictions for forest managers such as prohibitions on cutting down trees, but still being able to enjoy fruit or seeds that exist in the forest naturally. Apart from that, you can also plant plants that are compatible with long-term forest cover such as coffee, cocoa, etc. Apart from that, short-term crops such as vegetables can also be planted under these plants, so that the economic benefits will have an impact on the community. People's awareness of protecting forests also automatically arises because they feel they own the forest.

It is not an exaggeration that the policies issued by the central government regarding the implementation of forestry management have enormous benefits for the community and are in line with the benefits of *al-Mutaghaiyyirah*, the Islamic Law approach to changing these regulations which restore the land rights of residents who live on the edge of the forest or in forest areas. Communities can manage their land without feeling intimidated because they have obtained legality through a Community Forest permit. Even though it is still only a management permit, it is not yet legal ownership, but at least this legality supports management to be able to enjoy plantation products from forest areas that have been managed for decades. The correlation between field facts regarding the emergence of government regulations on social forestry and community forest schemes is in line with the principles of public benefit and the benefit of *al-Mutaghaiyyirah*. Where people who have been active in forest areas for a long time may obtain forest management permits to use them as plantation land, but are still obliged to maintain the sustainability of the forests they manage to avoid potential damage.

Conclusion

Community commitment in managing forests by integrating *al-'urf* values (custom or local wisdom) can be a strategic solution to reduce tenure conflicts from an Islamic legal perspective. Islamic law recognizes *al-'urf* as a source of law as long as it does not conflict with sharia principles. By combining the values of *al-'urf* that are rooted in society with the principles of Islamic law, forest management can be carried out fairly, sustainably and oriented towards the common good. This approach not only strengthens the legitimacy of local wisdom, but also creates harmony between the various parties involved in managing forest resources. In addition, integrating *al-'urf* values is able to build collective awareness in society to preserve the environment while avoiding tenure conflicts that have the potential to damage social order.

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