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Islamic Law And Business Ethics: Case Study of Forest Fires for Clearing the Lands



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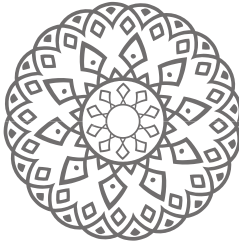
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ISLAMIC LAW AND BUSINESS ETHICS: CASE STUDY OF FOREST FIRES FOR CLEARING THE LANDS

Arrisman

Abstrak: Membakar hutan sebagai salah satu cara membuka lahan telah mengakibatkan banyak kerugian tidak hanya bagi kesejahteraan masyarakat, tetapi juga bagi lingkungan. Namun, kajian-kajian yang meneliti isu-isu ini dari perspektif hukum Indonesia, hukum Islam, dan etika bisnis sangatlah terbatas. Untuk menutup kekurangan dalam literatur, paper ini akan menganalisa regulasi-regulasi ini dalam perspektif hukum normative. Paper ini mengidentifikasi beberapa hukum dan peraturan yang melarang pembakaran hutan, yang mencakup UU No. 32/2009 mengenai Perlindungan dan Manajemen Lingkungan, UU No. 41/1999 mengenai Hutan, UU No. 18/2013 mengenai Pencegahan dan Pemberantasan Perusakan Hutan, dan UU No. 39/2014 mengenai Penghijauan. Hukum Islam juga memberikan petunjuk bagi manusia dalam mengelola SDA. Hal ini sebagaimana termaktub dalam QS 2: 30 dan QS 88: 17. Paper ini juga berargumen bahwa kepatuhan terhadap etika bisnis yang ada saat ini akan menjadi alasan kuat bagi terbangunnya hubungan yang erat antara perusahaan dan komunitas. Paper ini merekomendasikan bahwa perusahaan harus mematuhi etika bisnis untuk menjaga harmoni antara bisnisnya dengan alam. Dengan demikian, mereka akan mampu melanjutkan kegiatan usaha sambil mempromosikan lingkungan yang berkelanjutan.

Kata kunci: pembakaran hutan, pembukaan lahan, hukum positif, hukum Islam, dan etika bisnis

Abstract: Burning forest as one method to clear land has made many losses not only to the welfare of the people, but also to the environment. However, studies that examined these issues from the perspectives of the Indonesian laws, the Islamic law and the business ethics have been limited. To close such as a gap in the literature, this will analyze these regulations from legal normative perspectives. It found that there have been some government's laws and regulations to ban forest burning, that include Law No. 32/2009 on the Protection and Management of Environment, Law No. 41/1999 on Forestry, the Law No. 18 Year 2013 on the Prevention and Eradication of forest destruction, and the Law No. 39 of 2014 on Plantations. The Islamic law has also given guidance to human beings in managing the natural resources. These include QS 2:30 and QS 88:17. It is also argued that compliance with the existence of business ethics will be a strong reason for the establishment of a close relationship between the company and the community. It is suggested that the business should comply with the business ethics to maintain harmony between their business and the nature. Thus, they will be able to sustain their activities while simultaneously promote sustainable environment

Keywords: burning forest, land clearing, Islamic laws, government's laws, business ethics

ملخص: إن إحراق الغابات كطريقة واحدة لتطهير الأرض قد تسبب في خسائر كثيرة ليس فقط لرفاهية الناس بل أيضا للبيئة. ومع ذلك، كانت الدراسات التي درست هذه القضايا من وجهات نظر القوانين الإندونيسية، والقانون الإسلامي وأخلاقيات العمل محدودة. لإغلاق مثل الفجوة في المدونات، و التحليل هذه اللوائح من وجهات النظر القانونية المعيارية. ووجدت أن هناك بعض القوانين واللوائح الحكومية لمنع حرائق الغابات، والتي تشمل القانون رقم ٣٢/٢٠٠٩ بشأن حماية وإدارة البيئة، القانون رقم ٤١/١٩٩٩/٤١ المتعلق بالغابات، القانون رقم ١٨ لعام ٢٠١٣ بشأن منع واستئصال دمار الغابات والقانون رقم ٣٩ لعام ٢٠١٤ بشأن المزارع. لقد ارشد القانون الإسلامي التوجيه للبشر في إدارة الموارد الطبيعية. وتشمل هذه QS ٢:٣٠ و QS ٨٨:١٧. كما يقال إن الالتزام بوجود أخلاقيات الأعمال سيكون سبباً قوياً لإقامة علاقة وثيقة بين الشركة والمجتمع. يقترح أن الأعمال يجب أن تمثل لأخلاقيات العمل للحفاظ على الانسجام بين أعمالهم والطبيعة. وبالتالي، سيكونون قادرين على الحفاظ على أنشطتهم مع تعزيز البيئة المستدامة في نفس الوقت.

الكلمات المفتاحية: حرق الغابات، تطهير الأراضي، القوانين الإسلامية، قوانين الحكومة، أخلاقيات العمل

Introduction

The need to protect environment philosophically means that we protect our health (Jeff Conant and Pam Fadem (2008). In practical terms, any policies (*beleid*), actions (*bestuursdaad*), regulation (*regelendaad*), management (*beheersdaad*) and supervision (*toezichhoudendaad*) should be done to protect the environment in Indonesia as there have been many destruction behaviour to the environment. One of such destruction behaviour to the environment is forest burning by the corporation aimed at clearing land.

The forest fires in Indonesia usually occur in the dry season in the months of August, September, and October, or in the transition period. The forest areas in Indonesia that potentially have fire, according to Samsul Bahri (2002), among others are in the island of Sumatra (Riau, Jambi, North Sumatra and South Sumatra) and in the island of Borneo (Kalimantan, East Kalimantan and South Kalimantan). Suiswantoro from his observation argued that the cause of the forest fire was intentionally done by the people to open farming land. This was seen from the present cleaning activities surrounding the land by encroaching and burning. "We see it already that the land was clustered into land-plot, then it was deliberately burned for cleansing." This observation was supported by Muhammad Teguh Surya (2014), the forest political campaigner of Greenpeace Indonesia, who found such case in the State Lancang Kuning. He further pointed out that the opening of peat land areas by the corporation was one cause of forest fires.

The above empirical facts confirm the importance of the state to take actions by issuing policies, regulations, programs, and supervision in order to protect the forests from the environmental destruction. Regulations towards burning forests to clear land by corporations in general can be found in a variety of laws and regulations in Indonesia. These laws and regulations, among others, are the Law No. 32 of 2009 on the Protection and Environmental Management, the Law Number 19 Year 2004 concerning the Stipulation of Government Regulation In Lieu of the Law No. 1 of 2004 on the Amendment of Act No. 41 of 1999 on Forestry, the Regulation No. 45 of 2004 on the Protection of Forests and the Law No. 18 of 2004 on Plantations.

In a business context, business operators play an important role

in the economy. Activities undertaken by businesses to open land have been regulated not only by various legislations, but also guided by business ethics. These business ethics serve as guide in conducting business actions. Business ethics have been accepted extensively as part of business activity. International awareness to the importance of these business ethics has increased in recent years. Moreover, Indonesia is a country that upholds the religious values. Therefore, the operations of corporations should also be based on those values. The Islamic law in this case has provided guidance in managing such corporations.

Based on the above background, this paper aims at discussing the following issues. First, how do we regulate forest burning activities by the corporation? Second, how does the Islamic law view the act of forest burning as land clearing technique by the corporation? Third, how do business ethics view the act of burning forest by the corporation?

Regulations Toward Forest Burning for Land Clearing by Corporations

Luca Tacconi (2003) observed that forest burning activities have been increasingly attracted international attention as an environmental and economic issues, especially after the disaster of El Nino (ENSO) 1997/1998 that burned forest land area of 25 million hectares worldwide. These forest fires are considered as a potential threat to sustainable development because of their direct effects on the ecosystem.

The United Nations (2002) in the report entitled “Disaster Reduction and Sustainable Development” highlighted that forest fire is one of the dangers faced by Indonesia. This forest fire has caused a great loss of human life and livelihood, destructing the social and economic infrastructures and environmental damage. Kofi A. Annan (2004) stated that forest fires as one of the major problems faced by humanity as they have caused “great human misery and crippling economic losses”. These forest fires have diverted valuable resources away from the efforts of developing countries to escape from poverty.

As mentioned above, there are quite a lot of forest areas in Indonesia that potentially have fire risk. These areas, among others, are in the island of Sumatra (Riau, Jambi, North Sumatra and South Sumatra) and on the island of Borneo (East Kalimantan and Kalimantan). The

forest fires in Indonesia is not a new problem. This is because it is already happening for a long time. Of the many causes of forest fires is due to land clearing method by burning the forest carried out by the estate corporations. This method is chosen as it is less costly and much faster in the process of clearings.

Legal protection against forest fires were first regulated in Law Number 5 of 1967 concerning Basic Provisions of Forestry, which was later replaced by Act No. 41 of 1999 on Forestry (Forestry Law). The later legislation was issued based on the following considerations. First, forest as an endowment resource and the mandate given by the God Almighty to the people of Indonesia. This means that this resource should be controlled by the State as it can give many benefits for mankind. Hence, it must be preserved, managed, and utilized optimally, and preserved for the greater prosperity of the people, for the present generation and future generations.

Second, forests as one of the determinants of life support systems and resources of the people tend to deteriorate. Therefore, its existence must be maintained optimally, maintained its carrying capacity in a sustainable manner, and should be taken care wisely, fair, thoughtful, open, professional, and responsible as well as accountable.

Third, sustainable forest management and global insight must accommodate the dynamics of the aspirations and participation of the community, customs and culture, as well as the values of a society based on national norms.

Fourth, Law No. 5 of 1967 on Basic Provisions of Forestry (State Gazette 1967 No. 8) is no longer compatible with the principle of tenure and forest management, and the demands of the global conditions, so it needs to be replaced.

Forest burning is contrary to the Article 50 of the Forestry Act that establishes actions that are forbidden to be done by everyone, including in this case the businesses. In this case any person is prohibited: (a) doing or using or occupying forest land illegally; (b) damage the forest areas; (c) cutting trees in a forest area with a radius or distance up to: five hundred meters from the edge of a lake, two hundred meters from the edge of the left and right springs and rivers in swamp areas, one hundred meters from the left and right side of the river, fifty meters

from the left and right side of the creek, two times of the depth of the gorge from the brink, one hundred thirty times the difference between the highest and lowest tide of the waterfront. (d) burn down the forest; (e) cut trees or harvest or collect forest products in the forest without any rights or permission from the appropriate authorities; (f) receive, buy or sell, trade, receives deposits, keep or possess forest products that are known or reasonably suspected to originate from forests that are taken or illegal way; (g) perform general investigation or exploration or exploitation of minerals in the forest area, without the permission of the Minister; (h) transport, control, or have a forest that is not equipped with legal documentation of forest products; (i) herding cattle in the forest area that is not specifically designated for that purpose by the competent authority; (j) carry heavy equipment or tools and other widely or reasonably suspected to be used for the transport of forest products in the forest area, without the permission of the competent authority; (k) carrying tools commonly used to cut, slice, or cut trees in the forest area without the permission of the competent authority; (l) throw objects that can cause fire and damage and endanger the existence or the survival of the forest functions in forest areas; and (m) issued, carrying, and transporting plants and wildlife that are not protected by law originating from a forest area without permission from the authorities.

Action to clear land by burning forests according to the Forest Law is prohibited. Forestry Law 1999 clearly stated that forest burning principally is prohibited. However, limited forest burning is allowed only for a specific purpose or condition that cannot be circumvented. This includes, among others, forest fire control, eradication of pests and diseases, as well as the development of plant and animal habitat. The implementation of limited forest burning must obtain permission from the authorities.

Any actions towards land clearing by forest burning in accordance to the Forestry Act are subject to criminal sanctions. These sanctions are regulated in the Article 78 Paragraph (3) and paragraph (4) of the Forestry Law which stated that:

Para 3. Whoever intentionally violates the provisions referred to in Article 50 paragraph (3) letter d, is threatened with imprisonment for a period of fifteen years and a maximum fine of five billion rupiah.

Para 4. Whoever because of their negligence violating the law as stated in the Article 50 paragraph (3) letter d shall be punished by the imprisonment of five years and a maximum fine of one billion five hundred million rupiah.

The business parties either as an individual or as corporate that intentionally or due to negligence causing forest fires, will be punished in accordance with the Article 78 Paragraph (3) and (4) above. Those parties that are deliberately burn forest for the purpose of land clearing will be punished for a period of fifteen years imprisonment and a maximum fine of five billion rupiah.

Apart from the above law, there is another law that regulated forest burning actions for land clearing. This regulation is regulated in the Law Number 18 Year 2013 on Preventing and Combating Deforestation (Law 18/2013). The basic consideration for the issuance of this legislation include: (a) forest, as a gift given by the Almighty given to Indonesian should be controlled by the state and should be utilised for the benefits of mankind, and should be managed and utilized optimally and preserved for the greatest prosperity of the people as expressed in Constitution of the Republic of Indonesia Year 1945; (b) utilization and the use of forest areas should be implemented properly and sustained by considering the ecological function, social, and economical as well as to maintain continuity for the present life and the lives of generations to come; (c) there has been a forest destruction caused by forest burning that does not comply with the provisions of the legislation; (d) forest destruction, especially in the form of illegal logging, mining without permission and estate development has caused state losses, damage the social, cultural and environmental conditions, as well as increasing global warming that has become an issue of national, regional, and international; (e) destruction of forests is considered as a crime since it resulted in an exceptional, well-organized, and cross country crime done with the sophisticated of *modus operandi*. This has threatened the survival of society. Therefore, to prevent and combat forest destruction effectively and to provide a deterrent effect, it required a strong legal foundation that is able to ensure the effectiveness of law enforcement; (f) laws and regulations that exist to date are inadequate and have not been able to effectively combat an organized forest destruction.

Indeed, every law issued by the government would be based on specific objectives. The Law No. 18/2013 aims: (a) to guarantee legal certainty and provide a deterrent effect for the perpetrators of the destruction of forests; (b) to ensure the existence of forest sustainability without making any damages to the environment and the surrounding ecosystems; (c) to optimize the management and utilization of forest products with a balance of forest functions in order to realize a prosperous society; and (d) to increase the capacity and coordination of law enforcement officials and stakeholders in the prevention and eradication of forest destruction.

The section stated at the end of Act 18/2013 regulates the enforceability of the rules of criminal offense towards the destruction of forests. Based on this section any perpetrators of forest fires, according to the Law 18/2013, can be penalised in accordance to this law.

In addition to the above law, there is another law towards the actions of forest fires. This law is the Law No. 32 of 2009 on the Protection and Management of the Environment (called locally as PPLH/Perlindungan dan Pengelolaan Lingkungan Hidup Act). The particular article of this law that forbid the forest fires is in the Article 69 that stated as follows: (a) any actions that resulted in pollution and / or destruction of the environment; (b) disposing any toxic and dangerous chemical substances as determined in the law to the Republic of Indonesia; (c) disposing any wastes originating from outside to the environmental areas in the Republic Indonesia; (d) disposing wastes to the Republic of Indonesia; (e) dispose of waste into the environment; (f) disposing toxic and dangerous chemical substances waste to the environment; (g) releasing genetic modified products to the environment that is contrary to the legislation or the environmental permit; (h) clearing land by burning; (i) Undertaking environmental impact assessment without any certificate given by the competence constituent; and (j) provide false information, misleading, losing information, or give false information.

The PPLH law has also established the same regulations as in the previous law in that it was stated that when there are businesses parties burning land, they should be given sanctions. This is regulated in the by Article 108 as follows:

“Any individuals who burn land as referred in the Article 69 paragraph (1) letter h, shall be punished with imprisonment of minimum three years and a maximum of ten years and a fine of at least three billion rupiah and at most ten billion rupiah.”

The last regulation that specifically regulated the ban towards land clearing by forest burning is the Law No. 39 of 2014 on Plantation. The basic consideration of the issuance of this act is as follows: (a) earth, water, and natural resources contained in Indonesia are gifts from the God Almighty that have to be utilised to maximise the prosperity and welfare of the Indonesian people as mandated in the 1945 Constitution of the Republic of Indonesia; (b) plantations play an important role and has great potential in the development of the national economy in order to realize the prosperity and welfare equitably; (c) the development of plantation that was regulated in the Law Number 18/2004 on Plantation is no longer in accordance with the dynamics and needs of the legal community. Also, it has not been able to provide optimal results, and has not been able to increase the added value of national plantation business, so it needs to be amended.

In principle the Plantation Act also set the ban towards plantation land clearing by using burning method. The sanctions to those parties will be in the form of criminal prosecution. The article regulated the criminal punishment is the Article 108 of the Plantation Act which explicitly stated:

“Every business plantation that open and/or cultivate land by burning as referred to in the Article 56 paragraph (1) shall be punished with imprisonment of ten years and a fine up to ten billion rupiah”.

From the above discussion, it can be concluded that there have been many laws and regulations that prohibit any parties or individuals to clear land by using forest burn techniques or methods. These laws are the Forestry Law (the Law No. 18/2013), the Law PPLH, and the Plantation Act. The sanctions given to any parties or individuals who clearing land by forest burning method will be sent to the imprisonment or fines. The use of criminal sanctions in a variety of administrative law indicates the need for government to strengthen the rules on the prohibition of forest burning. This indeed is consistent to the concept that states that criminal law is as a legal aide. Diana Halim Koentjoro (2004) in her book entitled administrative law argued that

administrative law and criminal law are both located in the area of public law. However, in terms of administrative law, the criminal law serves as "*hulprecht* (legal aid) for the administrative law. This means that any provision of administrative law was followed by the criminal sanctions. This sanction is given to make the administrative law obeyed by the people.

Forest Burning as Land Clearing Technique from the Islamic Law Perspective

The 1945 Constitution states that Pancasila is the philosophical basis of nation and state of Indonesia. This can be identified from the Fourth Paragraph of the Preamble of the 1945 Constitution which stated that:

“Later than that, to form an Indonesian state government that can protect the entire nation and the entire homeland of Indonesia and to promote the life of the nation, and participate in the establishment of world order based on freedom, lasting peace and social justice, it is important to formulate the independence of the nation in the form of a Constitution of the Republic of Indonesia, which is formed in an arrangement of the Republic of Indonesia that has sovereignty of the people based on the God Almighty, fair and civilized humanity, Unity and Democracy led by the inner wisdom of the Consultative / Representative, as well as by fostering a social justice for all the people of Indonesia.”

Pancasila states that believe in the God becomes the value in guiding the way of life for the people in Indonesia, including in running the business. This pillar intends to have business activities taking into consideration the believe in God drawn from the teachings of Islamic law. The Islamic law guides the way of life of mankind based on the Qur'an and Al Hadith. The objective is to achieve the benefits of the human race.

In terms of the natural resources management, the Islamic law as stated in Surah 2:30 mentioned that: “Remember when your Lord said to the angels: “Surely that I am going to make a vicegerent on the earth.” They said: “Why do you want to make a vicegerent on earth the people who will make damages therein and shed blood, while we always praise you and purify you?” Allah then replied: “Surely I know what you do not know”.

What is written in the above Surah shows that Allah intends to make human beings in order to manage the earth and all it contains for the welfare of the mankind themselves. Thus, Allah forbids people to do any destruction on earth. Plantation management represents only a small part of the man's efforts to manage the earth to achieve welfare. Any steps taken by the human mankind should be directed to the welfare and not to create damage. For this reason, it is appropriate if the Indonesian government banned the opening of land by burning forests.

Forest burning for clearing land undertaken by businesses is a form of activity that is able to detracts from the welfare and is closer to incur damage to the forest ecosystem, the food chain and ultimately human suffering.

Forest burning in fact will provide a variety of negative impacts. Of many negative impacts is raising air pollution. Air is an essential element needed by human beings and other living things because air is the source of the oxygen needed for the life of human beings and other living things. Businesses activities must be aware that the act of forest burning is the natural destructive behaviour. This has been warned by Allah in several Surah in The Al-Quran, among others, Surah Al Baqarah 2:12 which said: "Remember, they are the ones who make destruction, but they do not realize it".

In another verse, Allah says: "And do not they see the camel, how I create it?" (Al-Ghasiyah 88:17). This surah if it is analysed further indicates that any activities to manage the earth must consider impacts on surrounding ecosystems. Thus, forest burning is no doubt damaging the ecosystem.

Forest Burning as Land Clearing Techniques from the Business Perspective

Business is one activity that cannot be separated from human life. Business has contributed to the development of daily life as well as the economy of a civilized society in the world. Business activities are believed to have a positive impact for the social life of the community. As an activity, business is created and developed in the community.

In the running their life, communities are always based on the

specific moral teachings. These moral teachings are the guide of human beings in determining whether the action should or should not be done. Similarly in the business context, there should be certain moral teachings as guide in running any business actions.

This is in line with what has been said by Richard de George cited in Sony Keraf (1998) that business like most other social activities has a moral background, and it was impossible to run without any moral background. If everyone involved in the business, buyers, sellers, manufacturers, managers, employees, and consumers acts immoral or even amoral, then the business will be immediately halted. Morality is the oil that moves the society and the glue to paste the whole of society, including business.

Morality in business becomes something that cannot be abandoned by businesses. To be able to apply the teachings of a particular morality, human beings needs ethics. Ethics is a critical and fundamental thinking about the moral teachings. Thus the moral and ethics have a very close relationship. Ethics in this case will provide the basic reason why humans have to run certain moral teachings. In connection with the business ethics, this should be the basis for the business in acting. In this case, this should be based on certain moral values as a guide. Thus, business ethics is a code of conduct in businesses operation.

Sonny Keraf (1998) further stated that business ethics has relevance for the business person who wants his business successful and sustain for long time. This is logical, because most people want their business activities undertaken by all members operate in the corridor of the moral values that are believed. They refused to run a relationship with entrepreneurs whose businesses are not based on business ethics. In many cases, if enterprises run their business without regard to business ethics, the public will consider their business activities are not right.

Forest burning activities to clear land should be assessed and validated to comply with business ethics or vice versa. This is simply because people consider the forest as a “mother” who gave live to the community. Forests provide whatever is needed by the human, in terms of oxygen, water, resources, plant, animal, and more than that it maintains the ecosystem. If the forests are burned, the damage to the forest ecosystem will occur and finally it threatens the sustainability of the community.

In general there are some ethical business principles that must be given attention by businesses in the course of their business activity, namely the principle of autonomy, the principle of honesty, fairness, mutual benefit principle, and the principle of moral integrity (Sony Keraf, 1998). Forest burning for land clearing viewed from the ethical business principles can be considered against with the principles of autonomy, justice, the principle of mutual benefit and the principle of moral integrity. The arguments behind this are as follows. First, the principle of autonomy. This principle provides a guide for businesses to take a decision or act autonomously. Sonny Keraf (1998) in his book explained that autonomous businesses consist of people who know and are fully aware of the decisions and measures taken will be in accordance or do not conflict with specific moral norms or values. He knew and realized why he would continue to take a decision and act despite being contrary to certain moral values and norms. Therefore, autonomous businesses are people who know and are aware of the decisions and actions taken, as well as the risks or consequences that would arise both for himself and his company as well as for other parties. He also added that businesses that act autonomously also are responsible. The decision of a company to carry out the forest fire is a decision that is contrary to the various legislations namely the Law No. 32 of 2009 on the Protection and Environmental Management, the Law Number 19 Year 2004 concerning the Stipulation of Government Regulation in Lieu of Law No. 1 Year 2004 on the Amendment of Act No. 41 of 1999 on Forestry Act be Jo. Law No. 41 of 1999 on Forestry, and Law No. 18 Year 2013 on the Prevention and Eradication of forest destruction, and Law No. 39 Year 2014 on plantation. Thus, forest burning should be given sanctions. The authorities should take actions to the corporation or companies as the company has autonomous authority to make decisions based on ethical principles of autonomy.

Second, the principle of justice. This principle requires that everyone should be treated equally in accordance to the fair rules and with rational objective criteria and becomes accountable. This is again in line with the statement made by Adam Smith in his the principle of justice. As Keraf (1998) quoting Adam Smith stated that the most fundamental principle of justice is the principle of not harming others

especially not harming the rights and interests of others. Moving on to this principle, it is known that the act of burning forests to clear land is contrary to the principle of fairness in business ethics. This is because burning forest is an act which harms the whole Indonesian nation. Destruction of forests will result destruction of ecosystems and ultimately be disastrous for the people of Indonesia. So that the act of forest burning is an act that is not fair for all the people of Indonesia.

Third, the principle of mutual benefit. This is an important principle. This principle requires that business activities do not harm any parties. The act of burning forests in this case is favourable for the company in the form of land clearing as it is cost efficient but on the other hand it is detrimental to society in the form of destruction of forests and ecosystem.

Fourth, the principle of moral integrity. This principle recommends the importance of maintaining the brand name of the company. This principle should be reflected in conducting business with anyone, either out or into the company. In the Eastern societies, this is recognized as the doctrine that man is the specialization of nature. Humans are natural in a small form. It is because the nature of human can be found in nature, and vice versa. Besides that, there is a harmony teaching that demands humans to live in harmony not only with humans, but also with nature. Burning forest will cause the universe disrupted due to human activity, which in turn is seen as a result of natural disasters that will be accepted by humans when destroying the forest (nature).

Conclusion

Legal framework towards land clearing action by forest burning was regulated in various laws and regulations. These laws include the Law No. 32 of 2009 on the Protection and Environmental Management, the Law Number 19 Year 2004 concerning the Stipulation of Government Regulation in Lieu of Law No. 1 Year 2004 on the Amendment of Act No. 41 of 1999 on Forestry Act be Jo, the Law No. 41 of 1999 on Forestry, the Law No. 18 Year 2013 on the Prevention and Eradication of forest destruction, and the Law No. 39 of 2014 on Plantations. These laws and regulations prohibit the act of forest burning by businessmen. Such acts will be given criminal sanction.

The Islamic law has given guidance to human beings in managing the natural resources. In the Al Qur'an there have been many Surah that discusses a good natural resources management in order to have humankind be more responsible towards their environment, keep the forest from damage, and sustain the world ecosystem. The surah in the Al Qur'an that states the important of forest includes Surah Al-Baqarah 2:30 and Al-Ghashiyah 88:17.

Business ethics have been well-recognised critical in running business activities. Compliance with the existence of business ethics will be a strong reason for the establishment of a close relationship between the company and the community. The public will be very pleased with the company in running its operations in accordance with business ethics. Business ethics can be considered important in taking care the business continuity of a company. The act of forest burning to land clearing is contrary to the principle of autonomy, fairness principle, the mutual benefit principle, and the principle of moral integrity.

Based on the above conclusions, it is suggested that the business plantations and other corporations should comply with the business ethics. This aims simply to maintain harmony between business activities and the nature. So that, the corporations will be able to sustain their business activities, while at the same time the people will have legal certainty to have healthy environment.[]

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