

Perceiving Mining Management from Qur`anic Perspective: A Tafsir *Maqāṣidi* Analysis in Indonesian Framework

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Abstract

Lately, the mining issue in Indonesia has become controversial due to the regulation of the President of Indonesia Number 76 of 2004. The studies focusing on the issue of mining and its connection with the Qur`an have not existed at all. So far, articles on mining issues have been merely descriptive, not applicative. Hence, this article aims to contextualize the Qur`an with mining operations in Indonesia. This article is qualitative research and utilizes *al-tafsir al-maqāṣidī* as the approach. By examining the *maqāṣid* of the Qur`anic verse, this article reveals that managing the earth to obtain its benefits is allowed as it is a natural thing given by God while maintaining the sustainability of the environment as well as complying with sharia. In addition, government's regulations have been compatible with the *maqāṣid* as well.

Keywords: *al-Qur`an*, *Mining*, *Indonesia*, *al-Tafsir al-Maqāṣidī*

Introduction

One of the current issues in Indonesia that is being widely discussed and debated is the issue of mining. It becomes a national issue after the launching of the Indonesian President's regulation Number 76 of 2024 regarding the permission to operate the

mine for religious organizations,¹ causing pros and cons for several parties. Pengurus Besar Nadhlatul Ulama (PBNU) through its chairman, Yahya Cholil Staquf, argues that it is a momentum to strengthen natural resources for achieving *maṣlaḥa al-umma*.² On the other hand, several parties, such as Persekutuan Gereja-Gereja di Indonesia (PGI), Huria Kristen Batak Protestan (HKBP), Konferensi Waligereja Indonesia (KWI), and Muhammadiyah in its initial time, disagree with this policy. They argue that, in addition to causing environmental damage, the regulation will merely favor a few elites as well as disappear critical traditions that have been embodied within religious organizations.³

Regarding the mining, al-Qur`an has told this issue. Even though there is no Qur`anic verse that explicitly mentions the issue of mining operations, four verses have implied such matter, which are surah al-Rūm 41, Al-Māidah 33, Al-A`rāf 56, and al-Qaṣaṣ 77. In Al-Qaṣaṣ 77, Allah has forbidden all humans to make an action leading to earth damage.

Some scholars have previously examined the issue of mining operations. Hannani et al. for instance, elucidated *Fiqh al-bī'ah* in the policy of post-mining reclamation by using the Islamic law perspective.⁴ Retna et al. explained the forest change after coal mining.⁵ Then, Syifani Ikrimahtul Lestari outlined how the mining

¹ Dian Erika Nugraheny and Ardito Ramadhan, "Jokowi Teken Aturan Teknis Pelaksanaan Izin Tambang untuk Ormas Keagamaan," KOMPAS.com, July 23, 2024, <https://nasional.kompas.com/read/2024/07/23/10143921/jokowi-teken-aturan-teknis-pelaksanaan-izin-tambang-untuk-ormas-keagamaan>.

² Patoni, "Ketua Umum PBNU Angkat Bicara soal Konsesi Tambang untuk Ormas Keagamaan," NU Online, accessed December 12, 2024, <https://nu.or.id/nasional/ketua-umum-pbnu-angkat-bicara-soal-konsesi-tambang-untuk-ormas-keagamaan-RXbOF>.

³ "Izin tambang ormas: Suara akar rumput Nahdliyin tolak PBNU kelola tambang batubara - 'Dulu NU mengharamkan kerusakan lingkungan, kok sekarang menghalalkan?'" BBC News Indonesia, June 10, 2024, <https://www.bbc.com/indonesia/articles/ce55nej8kmlo>.

⁴ Hannani, Indah Fitriani Sukri, and Hasanuddin Hasim, "Analisis Fiqhul Bi'ah terhadap Kewenangan Otonomi Daerah dalam Kebijakan Reklamasi Pasca Tambang: Tinjauan Hukum Islam," *DIKTUM: Jurnal Syariah dan Hukum* 20, no. 2 (December 29, 2022): 260–77, <https://doi.org/10.35905/diktum.v20i2.2921>.

⁵ Ratna Kartikasari, Arief Rahmansyah, and Amin Setyo Leksono, "IMPACT OF COAL MINING IN FOREST AREA TO CARBON EMISSION IN KUTAI KARTANEGARA, EAST KALIMANTAN," *Jurnal Pengelolaan Sumberdaya Alam Dan Lingkungan (Journal of Natural Resources and Environmental Management)*, December 1, 2019, 1066–74, <https://doi.org/10.29244/jpsl.9.4.1066-1074>.

operation in the prophetic period was.⁶ Lastly, Yūsuf Qardāwī presented the way to preserve and maintain the environment and its sustainability.⁷ Based on this search, prior articles are merely descriptive and not applicative. Hence, this article will present different discussions, examining the Qur`an and its connection with mining issues in the Indonesian context. This research will become the first one since the rise of this issue.

This study is qualitative research, presenting the discussions descriptively, not using the statistical framework. It takes the data from literature as the primary object is the verses of the Qur`an. This study uses the documentation method in gathering the data and Wasfi Asyur's *al-tafsīr al-maqāṣidī* as the analytical tool. The application will be customized with the framework and principles of *maqāṣid*. The analytical process will follow these steps, 1) Observing the issue of mining operation, 2) Collecting relevant Qur`anic verses, 3) providing temporary remarks, and 4) contextualizing the literal meaning of the verses by the interweaving of *naql* and *'aql*.

The Reality of Mining Operations in Indonesia

Greenpeace Indonesia's research that was conducted together with the Center of Economics and Law Studies (Celios) under the title 'Kesejahteraan Semu di Sektor Ekstraktif' revealed that mining, which is considered one of the economic foundations of Indonesia, has not succeeded in making Indonesian people prosperous, especially those who live around the mining area. Their research stated that the villages with the mining as primary economic sector have low education levels, experience health service difficulties, high risk of flooding, landslide, and forest fire, as well as limited access for micro and small enterprises.⁸

Mining operations, so far, still have negative impacts on the environment and social life. Abuses of authority in mining operations have frequently occurred. Illegal

⁶ Syifani Ikrimahtul Lestari, "Historical Development: Kepemilikan Dan Pengelolaan Tambang Di Masa Nabi Muhammad SAW," *JEBESH Journal of Economics Business Ethic and Science of History* 2 (2024): 54–60.

⁷ Yūsuf al-Qardhāwī, *Ri'āya al-Bī'ah Fī Shari'a al-Islām* (Cairo: Dār al-Shuruq, 2001), 12–256.

⁸ Greenpeace Indonesia, "Kesejahteraan Semu di Sektor Ekstraktif," Greenpeace Indonesia, June 26, 2024, <https://www.greenpeace.org/indonesia/laporan/58597/industri-pertambangan-bawa-dampak-sosial-dan-lingkungan-negatif-greenpeace-dan-celios-dorong-prabowo-gibran-beralih-ke-ekonomi-hijau/>.

mining is one of the violations in this industry. Suranto Wibowo, for instance, abused 300 trillion of state finance. He was the head of the Department of Mining and Energy in Bangka Belitung province. This loss emerged from the management of tin commodity trading in the area of Mining Business License '*Unit Usaha Pertambangan*' (IUP) in PT Timah Tbk. during 2015-2022. Legally, Suranto was also mentioned to not conduct supervision and guidance work toward five smelter companies. In addition, the implementation of 2015-2019 RKAB by affiliated companies was considered not compatible with initial approval. Furthermore, mining management did not run properly and caused environmental damage.⁹

Excavation and mining have been playing a significant role in Indonesia's economic growth. However, these sectors have been presenting negative impacts on the environment and society as well.¹⁰ Recently, the Indonesian government released a policy that caused a polemic within society, which is the permission to manage and organize the mine for religious organizations. It is intended to elevate and enhance the efficiency and effectiveness of natural resource utilization, claimed to implement a fair system of land usage. Such policy was outlined in Presidential Regulation Number 76 of 2024, which is the amendment of Presidential Regulation Number 70 of 2023 about the land allocation for investment. There are two additional paragraphs that were inserted between paragraph 5 and 6, i.e., paragraph 5a concerning Special Mining Business License '*Izin Usaha Pertambangan Khusus*' (IUPK) and paragraph 5b concerning Coal Contract of Work '*Perjanjian Karya Pengusahaan Pertambangan Batubara*' (PKP2B). There is also another paragraph that was added after paragraph 6, i.e., paragraph 6a concerning Special Mining Business License Area '*Wilayah Izin Usaha Pertambangan Khusus*' (WIUPK).¹¹

In addition to presidential regulation, the policy of mining is also manifested in the regulation of the Minister of Energy and Mineral Resource Number 33 of 2021 regarding occupational health and safety, environmental protection and management,

⁹ Irfan Kamil and Ardito Ramadhan, "Kasus Timah, Eks Kadis Pertambangan Babel Didakwa Rugikan Negara Rp 300 T," accessed December 12, 2024, <https://nasional.kompas.com/read/2024/07/31/15364601/kasus-timah-eks-kadis-pertambangan-babel-didakwa-rugikan-negara-rp-300-t>.

¹⁰ Indonesia, "Kesejahteraan Semu di Sektor Ekstraktif."

¹¹ Peraturan Pemerintah, Republik Indonesia, and Tambahan Lembaran Negara, : : 1. 2., 2024.

and technical rules of geothermal for indirect usage.¹² Besides that, the policy of granting territory and license of mining operations are also contained in the regulation of the Minister of Energy and Mineral Resource Number 7 of 2020.¹³

Nahdlatul Ulama is the first religious organization that accept the offer to manage and organize the mining. However, there is a dispute among its adherents. Several NU people, such as Wadas community in Central Java, feel disappointed over PBNU's decision. Wadas people feel displeased because of experiencing the inhumanity of mining operations. Not only that, BBCNews once presented a statement from Tabudin, one of NU's adherents. He said that NU used to forbid environmental destruction, but at the moment involved in damaging the ecosystem, demonstrating an opposite attitude.¹⁴

Other religious organizations following NU's position to accept the offer are Persatuan Islam (Persis) and Muhammadiyah, resulting in pros and cons as experienced by Nahdlatul Ulama. Many people curse the decision taken by Muhammadiyah, considering it inconsistent and subservient to the power of the regime.¹⁵ While, several organizations, such as PGI, HKBP, and KWI, keep refusing the government's offer to operate the mine. Citing BBCNews, Gomar Gultom, general chairman of PGI, stated that the license of mining operations provided to religious organizations is not easy to implement. Gomar also reminded religious organizations not to be coopted by market mechanisms until neglecting their primary function to cultivate society.¹⁶

Furthermore, a study conducted by Institut Pertanian Bogor (IPB) revealed that the participation of religious organizations in mining operations could increase the income of local society, create workplaces and employment, as well as enlarge access

¹² Permen ESDM No. 33 th. 2021, "Keselamatan Dan Kesehatan Kerja, Perlindungan Dan Pengelolaan Lingkungan Hidup, Dan Kaidah Teknis Panas Bumi Untuk Pemanfaatan Tidak Langsung," 2021.

¹³ Menteri Energi dan Sumber Daya Mineral RI, "Peraturan Menteri Energi Dan Sumber Daya Mineral Republik Indonesia Nomor 7 Tahun 2020," *Angewandte Chemie International Edition*, 6(11), 951–952., 2020, 1–88.

¹⁴ "Izin tambang ormas."

¹⁵ Soni Fahruri, "Kontroversi Izin Tambang Ormas Dan Energi Sebagai Kekuatan Masa Depan," accessed December 12, 2024, <https://nasional.sindonews.com/read/1428257/18/kontroversi-izin-tambang-ormas-dan-energi-sebagai-kekuatan-masa-depan-1722640115>.

¹⁶ "Izin tambang ormas."

to economic activities. Meanwhile, another study showed that the granting of mining licenses to religious organizations could have several risks. As a study from Gadjah Mada University discovered, mining operations by religious organizations frequently neglect environmental and social aspects properly, causing conflict with local society and environmental damage.¹⁷

The Quest for Quranic Verses about Mining and Its Interpretation: The Contestation between Classic and Modern Scholars

The discussion on the mining issue is frequently intertwined with several keywords, such as nature, environment, damage, earth, and mining resources mentioned by the Qur'an. Al-Qur'an indeed did not clearly state the phrase 'mine', but outlined the kinds of materials that are usually exploited, which are:

1. Gold (الذهب) was mentioned 7 times in QS. Āli 'Imrān 14, QS. Al-Taubah 34, QS. Al-Kahf 31, QS. Hajj 23, QS. Fāṭir 33, QS. al-Zukhrūf 53 dan 71.
2. Silver (الفضة) was mentioned 6 times in QS. Āli 'Imrān 14, QS. Al-Taubah 34, QS. al-Zukhrūf 33, QS. Al-Insān 76, 16 dan 21.
3. Pearl (اللؤلؤ) was mentioned six times in QS. Al-Hajj: 23, QS. Fāṭir 33, QS. Al-Ṭūr 24, QS. Al-Raḥmān 22, QS. Al-Wāqī'ah 23 dan QS. Al-Insān 19.
4. Stone (الحجر) is mentioned two times in QS. Al-Baqārah 60 dan QS. Al-A'rāf 160.
5. Copper (القطر) is described as molten copper in QS. Al-Kahfi 96-97.
6. Iron (الحديد) is mentioned five times in QS. Al-Kahf 96, QS. Al-Hajj 21, QS. Sabā' 10, QS. Qāf 22 dan QS. Al-Ḥadīd 25.
7. Clay (الصلصل) is mentioned four times in QS. Al-Hijr 26, 28, 33 dan QS. Al-Raḥmān 13.
8. Tar or asphalt (قطران) is mentioned one time in QS. Ibrāhīm 50.¹⁸

Allah stated in Āli 'Imrān: 14 that humans have their desires and tendencies toward the matters loved, including property. Within *al-Tafsir al-Munīr*, the word 'zuyyina' was interpreted as 'being favored and loved by them' and 'al-syāhwāt' as

¹⁷ Lucky Akbar, "Strategi Pengelolaan Tambang Setelah Terbitnya WIUPK Untuk Ormas," accessed December 12, 2024, <https://www.antaranews.com/berita/4167486/strategi-pengelolaan-tambang-setelah-terbitnya-wiupk-untuk-ormas>.

¹⁸ Nur Arfiyah Febriani and Iin Yuniarni, "Inisiasi Etika Eksplorasi Pertambangan Perspektif Al-Qur'an," *Alim | Journal of Islamic Education* 1, no. 2 (October 8, 2019): 373–92, <https://doi.org/10.51275/alim.v1i2.146>.

'something desired, leaned, and enjoyed by the soul'.¹⁹ Islam, essentially, does not neglect worldly matters. Islam truly pays attention to both worldly life and the hereafter, as if it understands that the desire for wealth and property is human nature.²⁰ Therefore, this verse does not forbid human desire for worldly matters, yet it merely prohibits the excessiveness in loving wealth that leads to forgetting religious matters.²¹ Hence, in the case of mine, humans are allowed to do mining operations, utilizing the land for its benefit. This aligns with the hadith and the rules of *fiqh*.

"وقال النبي - صلى الله عليه وسلم: من أحيا أرضاً ميتةً فهي له²²

"The Prophet said, "Whoever revives a barren land, then it is for him."

الأصلُ في ألا شَيْءٌ إلا بآحَة إلا مَا دَلَّ الدَّلِيلُ عَلَى خِلَافِهِ

"The origin of everything is permissible except what is shown to be the contrary."

درء المفساد مقدم على جلب المصالح

"Avoiding damages is prioritized over obtaining benefits."

In the Qur'an, Allah stated that he has subjugated nature for humans' benefit. It was manifested in several verses, such as QS. Luqmān: 20, QS. Al-Hajj: 65 and QS. Al-Baqarah: 29. Additionally, Allah explained the existence of mining materials containing numerous benefits for human life in some verses, which are QS. Al-Ḥadīd: 25, QS. Al-Ra'd: 17, dan QS. Sabā': 10-11. Allah then emphasized the interplay between faith and cultivating the earth as well as the negative impact caused by violating sharia in its management. They were noted in QS. Hūd 61 and QS. Al-Rūm 9. Furthermore, Allah warned about the prohibition of damaging the earth and environment, manifested in QS. Al-A'rāf 56, QS. Al-Baqārah 60, QS. Qaṣaṣ 77, QS. Al-Shu'ārā' 183, QS. Al-Rūm 41, QS. Al-Baqārah 195, QS. al-Māidah: 33, and QS. al-Baqārah: 205. In QS. Al-A'rāf 56, Ibnu Jarīr Al-Ṭabārī interpreted the phrase '*walā tufsidū*' as the prohibition on doing polytheism

¹⁹ Wahbah Zuḥailī, *Al-Tafsīr al-Munīr Fī al-'Aqidah Wa al-Shari'Ah Wa al-Manhaj*, vol. 2 (Beirut: Dār al-Fikr, n.d.), 178.

²⁰ Zuḥailī, *Al-Tafsīr al-Munīr Fī al-'Aqidah Wa al-Shari'Ah Wa al-Manhaj*, n.d.

²¹ M. Quraish Shihab, *Tafsīr Al-Misbah: Pesan, Kesan, Dan Keserasian al-Qur'an* (Jakarta: Lentera Hati, 2002), 36.

²² Khālid Ibn Manṣūr al-Muṭṭalāq, *Manhaj Al-Imām Jamāluddīn al-Surramarri* (Bidūn, 2015), 110.

(*shirk*) and disobeying Allah.²³ It contradicts Wahbah Zuḥailī who considered this verse as the prohibition on damaging the earth, in the form of physical and moral aspects, tangible and intangible aspects.²⁴ In addition, Quraish Shihab outlined some kinds of damaging earth. It could be doing injustices, violations, or criminals, such as murder, robbery, disrupting environment sustainability, etc.²⁵

In al-Rūm: 41, Ibnu Kathīr, by citing a remark from Ibnu Abbās dan Ikrimah, interpreted "*fasād*" as the lack of rain and dryness.²⁶ A lot of damages happening on earth are caused by humans' violations. Greedy people like to break the rules and lack worshipping Allah.²⁷ According to Wahbah al-Zuḥailī, "*al-fasād*" means chaos or disorder circumstances, such as dryness, famine, lack of plants, fires, floods, extremely numerous crimes, robberies, property exploitations, disasters, and lack of kindness.²⁸ Quraish Shihab interpreted the damages on land as the dryness, famine, and lack of security. While the damages in the ocean are drowning and the lack of sea or river products. All of them are consequences coming from Allah because of humans' acts of disobedience. Al-Aṣḥānī understood the meaning of '*al-fasād*' as the exit of something from balance. Contemporary scholars interpreted '*al-fasād*' as environmental damage since its context linked the phrase '*fasād*' with the land or ocean. Thus, *fasād* is lacking in everything needed by all creatures. It can lead to the destruction of environmental balance, affecting all aspects of life, including human beings.²⁹ People, then, will bring out many crises, either moral crises or disasters, like the absence of rain, floods, earthquakes, etc.³⁰ Even though this verse was interpreted and understood with different articulations, the essential meaning is quite similar, which is the prohibition on causing earth damage physically and morally. In QS. al-Qaṣaṣ 77, Wahbah Zuḥailī stated that the interpretation of *فِيمَا أَعْتَلَكَ اللَّهُ الدَّارَ* is worldly matter. The words *نَصِيْبِكَ مِنْ*

²³ Ibnu Jārir al-Ṭabarī, *Jami'ul Bayān Fi Ta'wil al-Qur'an* (Beirut: Muassasah al-Risalah, 2000), 487.

²⁴ Wahbah Zuḥailī, *Al-Tafsīr al-Munīr Fī al-'Aqidah Wa al-Shari'Ah Wa al-Manhaj*, vol. 4 (Beirut: Dār al-Fikr, n.d.), 606.

²⁵ Shihab, *Tafsīr Al-Misbah: Pesan, Kesan, Dan Keserasian al-Qur'an*, 668.

²⁶ Abū al-Fidā' Ismā'il Ibn Kathīr al-Dimasyqī, *Tafsīr Al-Qur'an al-'Azīm*, vol. 6 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1998), 287.

²⁷ Aḥmad Muṣṭafā al-Marāghī, *Tafsīr Al-Marāghī* (Mesir: Muṣṭafā al-Bābī al-Ḥalabī, 1946), 196.

²⁸ Wahbah Zuḥailī, *Al-Tafsīr al-Munīr Fī al-'Aqidah Wa al-Shari'Ah Wa al-Manhaj*, vol. 11 (Beirut: Dār al-Fikr, n.d.), 105.

²⁹ Shihab, *Tafsīr Al-Misbah: Pesan, Kesan, Dan Keserasian al-Qur'an*, 237.

³⁰ Shihab, 238.

الدُّنْيَا mean your portion of worldly matter could be taken sufficiently, as it is needed, or it can be utilized for the interest of hereafter. Meanwhile, the words لَا تَبْغِ الْفُسَادَ mean the prohibition on having ambition to make a corruption, destruction, or damage on earth as well as to cause harm towards all creatures.³¹

Thus, it can be concluded that, by examining the verses speaking about environmental damage, modern people tend to be materialistic as well as lack spirituality, leading them to destroy the sustainability of the environment. Additionally, it is also understood that taking benefit from mining operations is allowed as long as it is not excessive, compatible with the sharia, and has a commitment to protecting the environment (*hifz al-bi'ah*). The *Maqāṣid* of the verses has implied that managing the earth is permissible if it aligns with sharia principles. Hence, government policy regarding mining operations can be deemed reasonable if it brings out welfare and benefits to the ummah, as manifested in one of *fiqh* rules

تَصَرُّفُ الْإِمَامِ عَلَى الرَّعِيَّةِ مُنَوِّطٌ بِالْمَصْلَحَةِ

"The action of the Imam on its people needs to be based on maṣlaḥa."

Objectivity of The Verses of Mine: Rationalization of Text and Context

The concept of mining in the prophetic period encompasses materials with abundant deposits that are intended for public use. Prophet Muhammad put several principles of resource management, including the mine, that uphold justice and fairness, prioritize collective benefits, and emphasize environmental protection. Mining operations in the prophetic era were not merely intended for economic interest but also relied on high moral values and ethics.³² Ownership (*al-milkiyya*) is one of the rights provided and acknowledged by Sharia for individual or collective interest. It includes the right to utilize, take benefits, or transfer the property to other people.³³

Ownership is classified into three types, individual ownership, public ownership, and state ownership. In the prophetic period, the mine was considered as

³¹ Shihab, 426.

³² Syifani Ikrimahtul Lestari, "HISTORICAL DEVELOPMENT: KEPEMILIKAN DAN PENGELOLAAN TAMBANG DI MASA NABI MUHAMMAD SAW," *JEBESH Journal of Economics Business Ethic and Science of History* 2, no. 4 (2024): 55.

³³ Lestari, 56.

public and state ownership. It aligns with the hadith saying that people have the right to own three items.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ خِرَاشٍ بْنُ حَوْشَبٍ الشَّيْبَانِيُّ، عَنِ الْعَوَّلَمِ بْنِ حَوْشَبٍ، عَنْ مُجَاهِدٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " الْمُسْلِمُونَ شُرَكَاءُ فِي ثَلَاثٍ: فِي الْمَاءِ، وَالْكَلَاءِ، وَالنَّارِ، وَمَنْعُهُ حَرَامٌ " قَالَ أَبُو سَعِيدٍ: يَعْنِي الْمَاءَ الْجَارِيَّ.³⁴

*"It was narrated from Ibn 'Abbas that the Messenger of Allah said: "The Muslims are partners in three things: water, pasture, and fire, and their price is unlawful."*³⁵

Such hadith implies that every abundant thing can be considered as public ownership, not only the three items mentioned, aligning with the rule of *fiqh*

كل ماكان من مرافق الجماعة كان ملكية عامة

This rule shows that all utilities that belong to public need are considered as public ownership. In contrast, everything that does not belong to the public is deemed as individual ownership, even though it is mentioned by hadith.

In addition to water, pasture, and fire, other items that belong to public are energy, such as petroleum, gas, and electricity, as well as the mine. It aligns with the hadith

حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ الثَّقَفِيُّ، وَمُحَمَّدُ بْنُ الْمُتَوَكِّلِ الْعَسْقَلَانِيُّ الْمَعْنَى وَاحِدًا، أَنَّ مُحَمَّدَ بْنَ يَحْيَى بْنِ قَيْسٍ الْمَأْرِبِيَّ، حَدَّثَهُمْ أَخْبَرَنِي أَبِي، عَنْ ثُمَامَةَ بْنِ شَرَاهِيلَ، عَنْ سُمَيِّ بْنِ قَيْسٍ، عَنْ شُمَيْرٍ قَالَ ابْنُ الْمُتَوَكِّلِ: ابْنُ عَبْدِ الْمَدَانِ، عَنْ أَبِيضَ بْنِ حَمَالٍ، أَنَّهُ وَقَدَ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَاسْتَقَطَعَهُ الْمِلْحَ - قَالَ ابْنُ الْمُتَوَكِّلِ: الَّذِي يَمَارِبُ فَقَطَعَهُ لَهُ - فَلَمَّا أَنْ وَلَّى قَالَ رَجُلٌ مِنَ الْمَجْلِسِ: أَتَدْرِي مَا قَطَعْتَ لَهُ؟ إِنَّمَا قَطَعْتَ لَهُ الْمَاءَ الْعِدَّ، قَالَ: فَانْتَزَعَ مِنْهُ، قَالَ: وَسَأَلَهُ عَمَّا يُخْمَى مِنَ الْأَرَاكِ، قَالَ: «مَا لَمْ تَنْلُهُ خِفَافٌ» وَقَالَ ابْنُ الْمُتَوَكِّلِ: أَخْفَافُ الْإِبِلِ.³⁶

"Abyad went to the Messenger of Allah and asked him for assigning him (the mines of) salt as fief. (The narrator Ibn al-Mutawakkil said: which was in Ma'arib.) So, he assigned it to him as a fief. When he returned, a man in the meeting asked: Do you know what you have assigned him as a fief? You have assigned him the perennial

³⁴ Ibn Mājah Abū 'Abdillāh Muḥammad Ibn Yazīd al-Qazwaynī, *Sunan Ibn Mājah* (Dār Iḥyā' al-Kutub al-'Arabiyyah, n.d.), 826.

³⁵ "Sunan Ibn Majah 2472 - The Chapters on Pawning - كتاب الرهن - Sunnah.Com - Sayings and Teachings of Prophet Muhammad (صلى الله عليه و سلم)", accessed December 12, 2024, <https://sunnah.com/ibnmajah:2472>.

³⁶ Abū Dāūd Sulaymān Ibn al-Ash'ath Ibn Ishāq Ibn Bashīr al-Azdī, *Sunan Abī Dāūd* (Beirut: al-Maktabah al-'Aşriyyah, n.d.), 174.

spring water. So, he took it back from him. He asked him about protecting land which had arak trees growing in it. He replied: He could have such as was beyond the region where the hoofs (of camels) went. The narrator Ibn al-Mutwakkil said: "that is the camel hoofs."³⁷

This hadith discusses about prophet's revocation of property that had been given to his companion.³⁸ It becomes evident that mining materials belong to the public, and cannot be owned individually. Prophet's action of taking back the mines of salt that had been given to Abyadh bin Hammal indicates that the mine and its materials belong to all Muslim people. It should be noted that this is not only limited to the case of salt mines but also applicable to all mining materials because of the presence of legal reasoning ('illa). The 'illa is stated in the hadith as 'perennial spring water' or it can be understood as abundance.³⁹ Therefore, everything that is abundant, including mining materials, is not allowed to be owned personally. Mining materials cannot be claimed privately, even though they exist on private land, as they are categorized as public ownership. Sharia has forbidden every Muslim to control and manage abundant mining materials

People indeed can have access to operate the mine individually with the license and permission from the government. However, the mine should be managed for humans' interest and the government is obliged to ensure that mine utilization is on target, intended to the benefit of the ummah. Moreover, mining operations should be compatible with the principles of sharia, prioritize nature sustainability, and avoid environmental destruction. The products of mining need to be distributed fairly to prevent social and economic imbalance.⁴⁰

One example of individual mine at the prophetic period is a salt mine owned by Bilal bin Rabbah. Prophet Muhammad gave the salt mine to Bilal as an appreciation for

³⁷ "Tribute, Spoils, and Rulership (Kitab Al-Kharaj, Wal-Fai' Wal-Imarah) - Sunnah.Com - Sayings and Teachings of Prophet Muhammad (صلى الله عليه و سلم)," accessed December 12, 2024, <https://sunnah.com/abudawud/20>.

³⁸ Amien Nurhakim, "Ketika Rasulullah Anulir Kepemilikan Lahan Pribadi untuk Kepentingan Umat," NU Online, accessed December 12, 2024, <https://islam.nu.or.id/hikmah/ketika-rasulullah-anulir-kepemilikan-lahan-pribadi-untuk-kepentingan-umat-E1Ei1>.

³⁹ Yuana Ryan Tresna, "Minerba dalam Perspektif Hadis Nabi tentang Barang Tambang," *Muslimah News* (blog), September 13, 2022, <https://muslimahnews.net/2022/09/13/11362/>.

⁴⁰ Lestari, "HISTORICAL DEVELOPMENT: KEPEMILIKAN DAN PENGELOLAAN TAMBANG DI MASA NABI MUHAMMAD SAW," 57.

his service, sacrifice, and loyalty in the struggle for Islam. Bilal then wanted to sell his mine to gain some benefits and was prohibited by prophet Muhammad. Eventually, it was given to the ummah for free. Thus, it can be inferred that owning mine individually is permissible. But it needs to prioritize the interest of the ummah, having an orientation to prosper the community, uphold justice in its distribution, and avoid harming other people.⁴¹ Because, essentially, the wealth should be beneficial for public and social life.

Furthermore, mine ownership also occurred in the case of Ma'dan Bani Sulaim. It was operated and managed by Bani Sulaim tribe with a license from the prophet Muhammad and part of the result was provided for public benefit. Hereby, prophet Muhammad seems to say that the mine belongs to the public or state and its result needs to be distributed for collective goodness. Even if some people have a desire to operate the mine individually, the license from the government is highly needed and the distribution of the products should take public interest into account.⁴² Besides that, the government is obliged to be the supervisor, ensuring the aspect of *maṣlaḥa* in its operation. This case emphasized that mine ownership indeed can be individually, collectively, or it is owned by the state. However, its operation and distribution should consider the aspect of *maṣlaḥa*, elevating the prosperity of the ummah. The mining operation is not allowed if it only focuses on economic interest and neglects social and environmental aspect.

The interweaving of *Naql* and '*Aql*: An attempt to Contextualize the Verses of Mining within the Indonesian Framework

Indonesia is among the countries with the highest potential for mining material reserves. Tony Wenas, President Director of PT. Freeport Indonesia, provided a statement saying that, according to *Mineral Potential Index*, Indonesia has become the country with the best potential for minerals. Besides that, Indonesia is the second country with the largest potential copper reserves as well as the third country in nickel reserves. Moreover, Indonesia was remarked as the country with 39 percent gold

⁴¹ Lestari, 58.

⁴² Lestari, 59.

contribution, becoming the second largest after China. It makes Indonesia considered as one of the largest mining material producers among the countries.⁴³

Nevertheless, the huge scale of the potential of mining material reserves owned by Indonesia possesses a large risk as well, given that mining operations cause numerous negative impacts, threatening the sustainability of the environment. Coal mines, for instance, have been causing environmental damage, such as ecosystem destruction and biodiversity, a decrease in soil fertility levels, as well as pollution in air ecosystems, oceans, and rivers.⁴⁴

The damage caused by mining operations is perceived to contradict the worldview (*withweltanschauung*) of the Qur'an which emphasizes the protection of the environment (*Hifz al-Bi'ah*) and biodiversity. In addition, Allah also has ordered all humans to treat his creatures kindly, as manifested in Surah al-Qaṣaṣ 77

وَابْتَغِ فِيمَا آتَاكَ اللَّهُ الدَّارَ الْآخِرَةَ وَلَا تَنْسَ نَصِيبَكَ مِنَ الدُّنْيَا وَأَحْسِنْ كَمَا أَحْسَنَ اللَّهُ إِلَيْكَ وَلَا تَبْغِ الْفُسَادَ فِي الْأَرْضِ إِنَّ اللَّهَ لَا يُحِبُّ الْمُفْسِدِينَ

*"But seek, with what Allah has given you, the Home of the Hereafter, and do not neglect your share of this world. And be charitable, as Allah has been charitable to you. And do not seek corruption in the land. Allah does not like the seekers of corruption."*⁴⁵

What needs to be emphasized regarding this verse is the explanation of *wa Aḥsin kamā Aḥsana Allāh ilaik wa lā tabgi al-Fasād fī al-Arḍ*. Ibn Kathir explained that it is an order to make kind actions to every creature and a prohibition on having ambition leading to earth damage and harming creatures.⁴⁶ While, according to Wahbah al-Zuhailī, as it was cited before, earth damage can be marked by the presence of disasters, such as floods, fires, and massive crime.⁴⁷ Such signs have a similarity with the impact of mining operations in Indonesia.

⁴³ Sony, "Indonesia Salah Satu Penghasil Tambang Terbesar di Dunia," FEB UGM, October 18, 2019, <https://feb.ugm.ac.id/id/berita/2877-indonesia-salah-satu-penghasil-tambang-terbesar-di-dunia>.

⁴⁴ Susi Marlinda and M Hafizul Furqan, "DAMPAK PERTAMBANGAN BATUBARA TERHADAP LINGKUNGAN DI GAMPONG PENAGA CUT UJONG, ACEH BARAT," *Jurnal Pendidikan Geosfer* 9, no. 1 (2024).

⁴⁵ Talal Itani, *Quran English Translation* (Beirut: ClearQuran, n.d.), 148.

⁴⁶ al-Dimasyqī, *Tafsīr Al-Qur'ān al-'Azīm*, 6:228.

⁴⁷ Zuhailī, *Al-Tafsīr al-Munīr Fī al-'Aqidah Wa al-Shari'Ah Wa al-Manhaj*, n.d., 11:105.

However, the Qur'an merely stated the prohibition on destructing the earth universally and did not specifically mention the prohibition on managing the mine. Even, several verses implied that Allah has permitted humans to utilize the earth, showing that the mining operation is a legal action. Moreover, some mining materials are also clearly outlined in the Qur'an, i.e. gold, silver, and iron. These materials were stated by Wahbah al-Zuhaili as divine goodness and blessings that are given to humans (*al-Khayrāt wa-l-Barakāt al-Ilahiyya*).⁴⁸ Sayyid Ṭanṭāwī in the same articulation expressed that the abundance from the mine is created on purpose so that people can take the benefits from it in their lives.⁴⁹ It hereby implies that mining materials are naturally designed by Allah to be utilized for humans' welfare.

Nonetheless, the legality of mining operations that was stated in the Qur'an seems to contradict other verses that forbid causing environmental damage. To solve this issue, the role, function, and responsibility of humans as the creators of harmony and balance should be considered and viewed in examining the verses speaking about mining operations, managing the earth, and environmental damage. Humans indeed are obliged to be custodians of God's mandate (*Amana al-Ilahiyya al-Samawiyya*). Fakhr al-Dīn al-Rāzī explained in his tafsir that humans are ordered to hold God's trust and mandate responsibly, either in religious affairs, worldly affairs, or interaction among the creatures.⁵⁰

Furthermore, al-Rāzī also described three roles of humans in creating harmony, which are having a good interaction with Allah, his creatures, and himself.⁵¹ Consequently, mining is one form of interaction with God's creatures. Therefore, humans should regard the mine as the grace as well as the mandate entrusted by God, encouraging them to hold the mandate responsibly by managing the mine in a good way for humans' interest.

The objective of mining operations, which is *maṣlaḥa al-umma*, will not be stable if the license is provided to all layers of society. Allah, in *al-Nisā'* 58, has highly encouraged providing the sacred duty and responsibility to those who have

⁴⁸ Wahbah Zuhaili, *Al-Tafsīr al-Munīr Fī al-'Aqidah Wa al-Sharī'ah Wa al-Manhaj*, vol. 5 (Beirut: Dār al-Fikr, n.d.), 22.

⁴⁹ Muhammad Sayyid Ṭanṭāwī, *Al-Tafsīr al-Wasit Li al-Qur'an al-Karīm* (Kairo: Dār al-Ma'arif, 1992), 89.

⁵⁰ Fakhr al-Dīn Muhammad bin 'Umar al-Rāzī, *Mafātih Al-Ghaib* (Beirut: Dār al-Fikr, 1981), 109.

⁵¹ al-Rāzī, 109.

competency and skill in their field. According to Ibn `Ashūr, the audience of this verse are the policymakers and rulers.⁵² Hereby, mining operations in the Indonesian context belong to the state, ruled by the government. However, the government should provide the license to manage the mine to those who have adequate competency, knowledge, and skill in the field of mining and environmental issues.

By deeply examining Qur`anic verses that are related to the mine, it can be implied that the objective of the verses revolves around three issues, which are the legal of mining operations, the right of mining operations, and the distribution of the benefits from mining operations. Regarding the first, Al-Qur`an has legalized and permitted humans to manage the mine as long as they commit to protecting the environment and avoiding earth destruction and other negative impacts. In the context of Indonesia, mining operations need to adhere to the regulation of AMDAL (Analisis Mengenai Dampak Lingkungan) as a preventive action to avoid environmental damage. Additionally, mining operators should conduct reclamation and restoration of ex-mining land. Hence, the Qur`anic license is merely intended for Green Mining or Eco-Friendly Mining.

Subsequently, regarding the right to mine, it has fundamentally been given by Allah to all humans. However, the right to manage the mines is given to the government, as the ruler, to maintain the balance and harmony between people and nature. In the context of Indonesia, the mines belong to the president or those who are commissioned and assigned by the Indonesian president. In its implementation, the government should thoroughly consider all parties that will be assigned, paying attention to the principles of competency, ability, and credibility.

Thirdly, regarding the distribution of mining benefits, it should prioritize public interest as encouraged by the objective of the verses. Mining materials are not allowed to be exploited or corrupted for individual interest. Humans should keep in mind that the objective of creating minerals and mining materials is collective welfare and prosperity, not personal benefit. Therefore, mining operations will be perceived as opposition to the Qur`anic value if the *maqāṣid* is neglected.

⁵² Muhammad al-Ṭāhir Ibn `Ashūr, *Tafsīr Al-Tahrīr Wa al-Tanwīr*, vol. 5 (Tunisia: Dār al-Tunisiyyah, 1984), 92.

Opposing parties saying that this policy is going to affect sustainability, cause environmental destruction, favor few elites, and eradicate critical traditions in religious organizations, are not totally true. Earth damage will not exist if mining operators adhere to the regulations, have a strong commitment to rehabilitating the ecosystem, as well as being supervised by higher authority. In addition, mining policy is not supposed to favor some elites and disappear critical traditions. It will run well with strict supervision, transparency, public participation, avoiding conflict of interest, continuous evaluation, high accountability, and not curbing freedom of speech on social media.

Conclusion

By understanding the context of mining activity in Indonesia and examining relevant Qur`anic verses from the perspective of Wasfi Ashūr's *al-tafsīr al-maqāsidī*, it can be concluded that mining operations in Indonesia are allowed with strict requirements, which are avoiding environmental damage and social disorder. The *maqāsid* of the verses speaking about the mine can be classified into three parts, regarding the legal of mining operations, the right of mining operations, and the distribution of the benefits from mining operations. With proper regulations, systems, and procedures, mining operations will not create chaos, either in environmental or social aspects. Economic growth will be achieved as the natural resources are utilized fairly, equitably, and proportionally.

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