



Imeum Mukim Advocacy in Prevention of Environmental Pollution in Aceh Jaya According to Customary and Islamic Law

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Abstract: This study aims to discuss the advocacy of *imeum mukim* in preventing environmental pollution in Aceh Jaya according to customary and Islamic law. The research is an empirical legal study, while the research approach is a case study approach, which is a study that analyzes a particular case. The theory used is the role and authority theory associated with customary and Islamic law. This study concludes that *imeum mukim* has a vital role and authority in Acehnese society because *imeum mukim* can resolve cases at the mukim level if it is unresolved at the village level. Then *Imeum Mukim* in Aceh Jaya has been advocating and socializing the prevention of environmental pollution by revitalizing customary rules, making qanuns at the mukim and village levels that accommodate the protection of the environment, for example, maintaining watersheds and prohibiting logging, including protecting certain animals. In addition, *Imeum Mukim* can also encourage CSR funds from companies to assist orphans, the poor, and environmental conservation. Furthermore, environmental pollution in the perspective of customary law is accommodated in customary rules and prohibitions. This is because customary law has philosophical, juridical, and sociological powers that have become living law. Meanwhile, in the perspective of the Islamic law that polluting the environment is a prohibition that brings God's wrath, it also destroys environmental sustainability and human benefit in general. On the other hand, preserving the environment is an obligation humans must carry out.

Keywords: Advocacy, *Imeum Mukim*, Environmental Pollution, Customary Law and Islamic Law

Abstrak: *Kajian ini bertujuan untuk membahas tentang advokasi Imuem mukim dalam pencegahan pencemaran lingkungan di Aceh Jaya menurut hukum adat dan hukum Islam. Penelitian tersebut merupakan kajian hukum empiris dengan sedangkan pendekatan penelitian yang digunakan ialah pendekatan studi kasus yaitu kajian yang memusatkan diri secara intensif pada satu obyek tertentu yang mempelajarinya sebagai suatu kasus. Teori yang digunakan adalah teori peran dan advokasi yang dikaitkan dengan hukum Islam. penelitian ini menyimpulkan bahwa imuem mukim memiliki peran yang kuat dalam masyarakat Aceh karena ia dapat menyelesaikan perkara pada level mukim setelah pada tingkat gampong tidak dapat diselesaikan. Kemudian Imuem Mukim di Aceh Jaya telah melakukan advokasi dan sosialisasi terhadap pencegahan pencemaran lingkungan dengan cara membuat aturan gampong atau mukim dengan pihak perusahaan sawit yang terdapat di daerah tersebut. Kemudian juga diadakan musyawarah yang menyepakati CSR dalam bentuk bantuan hak kepada anak yatim, fakir miskin dan pelestarian lingkungan. Selanjutnya pencemaran lingkungan dalam perspektif hukum adat juga terdapat aturan-aturan dan larangan-larangan adat, hal ini disebabkan hukum adat memiliki kekuatan filosofis, sosiologi sekaligus yuridis. Sedangkan dalam perspektif Hukum Islam mencemari lingkungan adalah larangan yang mendatangkan kemurkaan Allah SWT selain merusak lingkungan hidup dan kemaslahatan manusia secara umum, sebaliknya melestarikan lingkungan merupakan kewajiban yang harus dijalankan oleh ummat manusia.*

Kata Kunci: *Advokasi Imuem Mukim, Pencegahan Pencemaran Lingkungan, Hukum Adat dan Hukum Islam*

Introduction

The importance of environmental elements for the health and well-being of humans is becoming increasingly apparent. Environmental problems have not been resolved until now.¹ This environmental problem is caused by residents and natural disasters or companies operating in the area. These companies can potentially pollute the environment. According to the Director of Walhi Aceh, Muhammad Nur, the level of environmental damage in Aceh is relatively high. It is because the Aceh government is less concerned about preventing and overcoming environmental damage that has occurred in the last few years.²

Studying the environment cannot be separated from land problems and their management. In Aceh, apart from being a private or individual property, there is also shared land which is the right of the community to manage it.

¹ M. A. Khan dan A. M. Ghouri, Environmental Pollution: Its Effects on Life and Its Remedies, *Researcher World: Journal of Arts, Science & Commerce*, 2, No. 2, (2011), p. 276-285.

² www.kanalinspirasi.com/kerusakan-lingkungan-di-aceh-masih- accessed on 12/11/2020. <https://www.republika.co.id/berita/qn1wcq384/walhi-kerusakan-hutan-di-aceh-barat-akibat-tambang-ilegal>, accessed on 13/11/2021.

However, various factors damage the land, such as garbage disposal, deforestation, and different kinds of bad deeds that cause the environment to threaten the community.

Apart from natural factors, the community's bad behavior towards the environment is one of the causes of disasters in Indonesia. The development that is done without paying attention to the balance of the ecosystem causes environmental damage and pollution.³ Likewise, the conversion of forest functions from protected forests to production forests or rubber and oil palm plantations.⁴ In addition, mining exploration such as gold, coal, limestone for cement raw materials both legally and illegally will undoubtedly have an impact on environmental damage.

One example of a problematic environment is in Aceh Jaya District. For example, the flood which until now has left damage to the inter-village road that connects Alue Groh village to Ligan Pante Purba village which sometimes collapses in Sampoiniet District. This is due to the water drainage broken by the floodwaters.⁵ In addition, there is also air pollution that disturbs residents caused by companies operating in Aceh Jaya. The company produces wastes which residents cannot stand the smell. Apart from that, there is still many people's who are littering in the Geurutee Mountain Tourism.⁶

In Aceh, land and all its contents in the territorial area are considered as *tanoh huteun* or *tanoh ulayat* (customary land) controlled by the local community and functioned as a community right to be managed for their welfare (community and individual rights or inheritance for next generations). In this area, public rights or public interests arise, known as *ulayat* rights or *tanoh raja* which are controlled by the community, such as villages or mukims in Aceh, outsiders using the land must obtain permission from the local community.⁷

Therefore, it is essential for all elements of society to advocate for environmental sustainability, especially the government and related institutions, including traditional institutions such as *Imeum Mukim*. Advocacy is an activity that mobilizes power and effort to defend, advance and change the order to achieve a better goal.⁸ Advocacy can also be done by building a solid democratic

³N. Herlina, Permasalahan Lingkungan Hidup Dan Penegakan Hukum Lingkungan di Indonesia, *Jurnal Ilmiah Galuh Justisi*, 3 No. 2, (2017), p. 162-176.

⁴Muazzin dan Enzus Tinianus, Alih Fungsi Ekosistem Hutan Mangrove di Kabupaten Aceh Tamiang, *Jurnal Kanun* 52, No. 2 (2010), p. 637.

⁵<https://regional.kompas.com/read/2020/09/24/14260771/banjir-sisakan-kerusakan-jalan-di-sampoiniet-aceh-jaya>, accessed on 13/11/2020.

⁶<https://www.kba.one/news/bau-limbah-pt-sa-meresahkan-warga-panga/index>., accessed on, 12/11/2020. <https://www.ajnn.net/news/sampah-di-kawasan-wisata-geurutee-berserakan-dinas-klh-aceh-jaya-disorot/index.html>, accessed on, 12/11/2020.

⁷Imam Sudiyat, *Asas-Asas Hukum Adat Bekal Pengantar*, Yogyakarta: Liberty, 1978, p. 2.

⁸Hermanto, *Panduan Bantuan Hukum Indonesia*, Jakarta: YLBHI dan AusAID, 2009.

organization to hold the government accountable and the people's understanding of how power works.⁹

Mukim is a traditional institution that long appeared in Aceh's history, led by *Imeum Mukim* (chief of Mukim). *Mukim* can be interpreted as a legal community unit of a specific area in the Aceh province. *Mukim* owns assets and is domiciled directly under the *Camat* (the head of a subdistrict).¹⁰ In the Aceh administration, a *kemukiman* (residential areas) oversees several *gampongs* (villages), ranging from four to more than ten *gampongs*.

Environmental management arranged by the *Imeum mukim* is also supported in Qanun (regional regulation) Number 2 of 2011 article 1 paragraph 17, which states that local wisdom is a noble value that applies in the life of the community to, among other things, protect and manage the environment in a sustainable manner. Thus, the *mukim*, which is part of Aceh's local wisdom, has the authority to regulate and manage environmental conservation.

One of the strategies of *Imeum mukim* in protecting and managing environmental conservation is by raising awareness of the community in the importance of managing and controlling pollution and/or environmental damage together in accordance with Qanun Number 2 of 2011 CHAPTER III Article 6, which states that everyone has the right to be obligated to preserve the environment and control pollution and/or environmental damage.¹¹

Based on the explanation above, it can be concluded that in addition to the government, traditional leaders such as *Imeum Mukim* as Aceh's local wisdom, also play a role in coordinating the community in utilizing the environment, including preventing environmental damage. This study aims to determine the role of *Imeum Mukim* in advocating for the community to prevent environmental pollution in Aceh Jaya District.

The research method of this study is empirical legal research. Empirical legal research seeks to see the law in a real sense, or it can be said to examine how the application of law in society.¹² The research approach is a case study approach, which is a study that focuses intensively on one particular object which is studied as a case.¹³ This case study is also analyzed according to customary law

⁹Luthvi Febryka Nola, Advokasi Hukum Oleh Lembaga Perlindungan Konsumen Swadaya Masyarakat (LPKSM), *Jurnal Negara Hukum* 5, no 2, (2014), p. 192.

¹⁰Mahdi Syahbandir, Sejarah Pemerintahan Imeum Mukim Di Aceh, *Kanun Jurnal Ilmu Hukum* 16. No. 1 (2014), p. 1.

¹¹Ainul Mardhiah, Suprianto dan Djufri, Pengelolaah Hutan berbasis Kearifan Lokal dan Pengembangan Hutan Desa di Mukim Lutueng Kecamatan Mane Kabupaten Pidie, Provinsi Aceh, *Jurnal Biotik* 4, No. 2 (2016), p. 4.

¹²Jonaedi Efendi dan Johnny Ibrahim, *Metode Penelitian Hukum: Normatif dan Empiris*, (Jakarta: Kencana, 2016), p. 150

¹³Hadari Nawawi, *Metode Penelitian Bidang Sosial*, Yogyakarta: Gajah Mada University Press, 2003, p. 1.

and Islamic law. This study provides an analysis of the role of *Imeum Mukim*, especially in advocating to prevent environmental pollution in Aceh Jaya.

Environmental Conservation: Theoretical Study

This discussion uses the role theory popularized by Robert Linton, which states that the role is one aspect of social position or status.¹⁴ Role theory examines and analyzes the role of institutions and society in solving, settling, and ending problems that arise in the life of community, nation, and state.¹⁵

A person can have a role if he can carry out his rights and obligations according to his position. So, according to Linton, position and role cannot be separated and always depend on one another. The role attached to a person must be distinguished based on his position or status in society. It is a static element that shows the individual's status in community organizations. The role refers more to function, adjustment, and as a process. Therefore, it can be concluded that everyone has a position or place and a role in society.

The second theory used is the theory of authority which examines the power of the government to exercise its authority, both in the scope of public law and private law.¹⁶ Weber divides authority into four kinds; charismatic or traditional and rational, official and informal, personal and territorial, limited and comprehensive.¹⁷ In this context, the authority of the *Imeum Mukim* as a customary institution can be categorized as having traditional authority which the community has traditionally recognized.

Both theories are relevant to studied topics, which is the advocacy of *Imeum mukim* in preventing environmental pollution. Researchers analyze the role of *mukims* in advocating environmental conservation. In terms of role theory, it also has relevance to the position of *Imeum Mukim* as a traditional institution so that its authority and charisma in Acehese society persist in accordance with the characteristics of the Acehese people. Therefore, it is not too difficult for *Imeum Mukim* to carry out one of its roles in protecting the environment and inviting the community to jointly protect the environment in their area.

Thus, environmental preservation can be done not only by official government institutions but also by non-government institutions and even traditional institutions. Therefore, amid the current environmental crisis, it is urgent to cooperate with all parties to protect the environment from all damage.

The position of traditional institutions in Indonesia and globally is recognized as having an essential role in maintaining and preserving the

¹⁴Soerjono Soekanto, *Sosiologi Suatu Pengantar*. Jakarta: Rajawali, 1986, p. 220.

¹⁵Salim dan Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Disertasi dan Tesis, Buku Kedua*. Jakarta: Rajawali Press, 2017. p. 142.

¹⁶Salim dan Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Disertasi dan Tesis, Buku Kesatu*. Jakarta: Rajawali Press, 2017. p. 186.

¹⁷Soejono Seokanto, *Sosiologi Suatu...*, p. 280-288.

environment in which these communities live and earn a living for generations. Likewise, *Imeum Mukim*, as a traditional institution that has existed for a long time in Aceh, has a traditional role and authority in the social system of the Acehnese people.

The Existence of Imuem Mukim in Acehnese Society

The term 'mukim' is derived from an Arabic word, *muqim*, which means a place to live. *Muqimun* means residents who live in the area. *Mukim* is also a residential area led by an *Imeum* (leader). Word *Imeum* comes from Arabic, which means "one to be followed" or leader.¹⁸

The functions and authorities of the *Mukim*, as affirmed in the qanun of the *Mukim* government in Aceh Jaya, are to administer, carry out development, protect customs, foster and improve the community's welfare, and enhance the quality of the implementation of Islamic law in the residential area.¹⁹

The leadership of *Imeum Mukim* in Aceh in general and Aceh Jaya in particular has developed over the centuries. The leadership has been integrated into the community, implemented from generation to generation. Therefore, it is not surprising that *Imeum Mukim* is deeply rooted in the socio-cultural system of the Acehnese people. More than that, *Imeum Mukim* is also a unit in indigenous peoples whose continuity of duties, functions, and existence are still recognized today.

Mukim is one of the many specialties and privileges that Aceh has.²⁰ That's why *Mukim* has a special place in the society and culture in Aceh. Referring to Law Number 11 of 2006, in a Regency or City area, a *mukim* consists of several villages. In the activities of the *mukim* government, the *Imeum Mukim* is assisted by the *tuha peut mukim*. *Imeum mukim* is democratically elected for a term of 5 years and can be re-elected for a subsequent period of up to 5 years.

The mukim cannot be separated from the influence of the religious values of the Acehnese, who are predominantly Muslim. It is marked by the history of the *mukim*, which initially aimed to gather 40 adults to perform Friday prayers. Such belief is in accordance with what is contained in the book of *fiqh* of the Shafi'i, which requires that every Friday prayer must reach 40 men.²¹

Mukim is also one of the traditional institutions in charge of resolving disputes in the community. In the Aceh customary justice process, the *mukim* is

¹⁸Zakaria Ahmad, *Sekitar Keradjaan Atjeh Dalam Tahun 1520-1675*. Medan: IKAPI, 1972, p. 88.

¹⁹ Aceh Jaya Qanun Number 4 of 2011 concerning *Mukim* Government.

²⁰M. Mukhlis, Mukim Concept as Government's Administrator in Aceh, *Jurnal Dinamika Hukum*, 15, No. 2, (2015).

²¹ Muslim Zainuddin, Peran dan Fungsi Kelembagaan Mukim dalam Penyelesaian Perselisihan: Analisis Praktek Hukum Adat di Aceh, *Jurnal Media Syariah* 19, No. 2 (2017), p. 322.

the second level customary court after the village customary court. Juridically based on statutory rules, the function of the *mukim* is to decide the law in a dispute or customary case. Dispute resolution mechanisms in Acehese society are based on philosophical and sociological values.²²

Mukim, as a traditional institution, is influenced by several factors such as human resources (HR), inadequate guidance and training, limited funding, conflicts in Aceh, so that its role is not optimal. The customary courts at the *mukim* level are similar to the village level. It's just that there is a different procedure. The settlement mechanism is the same as in the village, by discussion and mediation between the parties involved. The philosophical meaning of resolving cases using the *mukim* mechanism is that the case ends in peace, creates harmony for the litigants, saves time and money, becomes a medium of friendship for people, and aligns with Islamic values.²³

Moreover, the traditional institutions of *Imeum Mukim* are assisted by some members. For example, in forest management, *mukim* is assisted by a *keuchik* (chief of village) and *pawang glee* (keeper/ keeper/ keeper/handler of the hill). *Imuem Mukim* is responsible for solving forest problems and the final decision maker for implementing sanctions for perpetrators of forest and environmental destruction. *Keuchik* coordinates with *imum mukim* to report and resolve issues related to forest utilization. *Pawang Glee* leads and regulates the implementation of customs relating to forest management and conservation.²⁴

Therefore, it is undeniable that traditional institutions such as *mukim* are a treasure of Aceh's history that must be preserved. These traditional institutions have gone through a long historical dynamic, but based on a juridical basis of laws and qanuns, there is a movement to revitalize their role and function in society. Currently, the duties, roles, and tasks of *Mukim* are preserving customs, resolving conflicts between villages, organizing the *mukim* government, and supporting the government in implementing Islamic law.

A Study on Environmental Conservation in Aceh

Some previous studies support the researcher's references, such as research conducted by Al-Yahya (2019), which examined the effectiveness of the mukim government. Jafar and Sulaiman (2018) examined the arrangement of *mukim*-based population administration. Zainuddin (2017) studied the role and function of *mukim* institutions in conflict resolution in Aceh. Meanwhile, Azwir (et al.) (2016) reviewed the role of the *Peutua Uteun* institution concerning environmental (forest) sustainability.

²²Muslim Zainuddin, *Peran dan Fungsi Kelembagaan Mukim...*, p. 320.

²³Muslim Zainuddin, *Peran dan Fungsi Kelembagaan Mukim...*, p. 321.

²⁴Ainul Mardhiah, Suprianto dan Djufri, *Pengelolaah Hutan Berbasis Kearifan Lokal...*, p. 131.

Al-Yahya found that the effectiveness of *mukim* governance is influenced by organizational characteristics; environmental characteristics; worker factor characteristics; and the characteristics of management policies and practices. This study shows that the role of the *Imeum Mukim* government is effective, which is indicated by providing training to increase the capacity of the apparatus; clarifying and detailing the authority of the *Mukim* government through regulations; exploring and utilizing the potential resources available in the settlement; providing adequate facilities and infrastructure.²⁵

Jafar and Sulaiman studied to what extent the laws governing *mukims* could be implemented in the population administration system. The management of civil administration must be based on the existing system that complies with the rules to produce valid civil data. It is generated from accurate civilian data that can be used in several fields to support development. In this context, it is necessary to strengthen the mukim by the Aceh government to support development at the lower level.²⁶

Zainuddin emphasizes that the *mukim* institution has a fairly central role and function in Acehese society, such as resolving disputes and conflicts. Conflicts in the community, both criminal and civil, can be reconciled by *mukim* figures without going through formal justice. The *mukim* institution plays a significant role so that the litigants do not have a grudge against each other. It is because the conflict resolution mechanism through customary courts is in accordance with Islamic teachings as firmly adhered to by the Acehese people.²⁷

Furthermore, the study conducted by Azwir reveals that the role of *Peutuah Uteun* in forest conservation has not been maximized due to a lack of awareness from the community and cooperation from the local government in forest conservation. Efforts to increase forest conservation can be achieved through the *Peutua Uteun* by embracing and partnering with the community to manage the forest to increase forest sustainability. The forest in the Geumpang area is still relatively good, and it can be seen from the residential area that still has a very natural protected forest. There is no illegal logging from companies or HPH in the Geumpang area based on these observations. It is because

²⁵Anita Surya al-Yahya, "Analisis Efektivitas Pemerintahan Mukim di Kecamatan Johan Pahlawan Kabupaten Aceh Barat Provinsi Aceh, Transformasi", *Jurnal Manajemen Pemerintahan* 11, no 1, (2019), p. 35.

²⁶ M. Jafar dan Sulaiman, "Penataan Adminitrasi Kependudukan Berbasis Mukim dan Gampong di Provinsi Aceh", *De Jure: Jurnal Penelitian Hukum* 18 no. 4, (2018), p. 465.

²⁷ Muslim Zainuddin, *Peran dan Fungsi....*, p. 319.

the *Peutua Uteun* (a traditional institution in charge of the forest) is one of the key figures in preserving the forest.²⁸

In a similar vein, forest management based on local wisdom is found in forest management activities, recommendations, and prohibitions, as well as customary institutions. The potential for village forest development can be achieved by having a legal basis, support from environmental NGOs and village forest management institutions. People's perceptions and attitudes towards the implementation of qanuns and village forests in several residential areas are very diverse. People in Pidie, for example, show somewhat various perceptions and attitudes, some are strong, and others are weak. When the attitude is weak, the environment is threatened by illegal gold mining activities and forest encroachment. At the same time, the community needs an alternative economy that does not depend on forest resources.²⁹

Therefore, legally, enacting Law no. 6 of 2014 concerning villages further encourages development based on customary law and local wisdom.³⁰ Development based on local knowledge will run optimally, on target, and support the community's welfare. However, this does not mean that all customary institutions, including the *mukim*, are more flexible in contributing to the development of Aceh. Although it is acknowledged that *Mukim* is currently still in the revitalization phase after its role has been diminished for a long time. The process of reviving and reconstructing the role of *mukim* requires encouragement from various parties. Therefore, all Acehnese people and the government, both central and regional, must provide continuous stimulation to bring back the ideal role of *mukim*.³¹

Furthermore, prohibitions and sanctions are also discussed in the 2011 Aceh Qanun concerning the environment. Article 8 emphasizes several forms of the ban against environmental destruction. Everyone is prohibited from carrying out actions that result in environmental pollution and destruction, importing waste (including B3 waste) which is not permitted by laws and regulations into Aceh, dumping waste into Aceh's territory, and disposing of waste into Aceh's environmental media. Likewise, releasing genetically engineered products into Aceh's environmental media without a permit, clearing land by burning, compiling an environmental impact analysis (Amdal) without having a legal

²⁸ Azwir et.al, "Peran Lembaga Peutue Uteun (Panglima Hutan) dalam Melestarikan Hutan di Pedalaman Kecamatan Geumpang Kabupaten Pidie", *Jurnal Edukasi dan Sains Biologi* 5 (2), (2016).

²⁹ Ainul Mardhiah, Suprianto dan Djufri, *Pengelolaan Hutan Berbasis Kearifan Lokal...*, p. 128.

³⁰ Law no. 6 of 2014 concerning villages,

³¹M. Ikhasan Ahyat, Peran Mukim dalam Pembangunan di Aceh, Prosiding dalam The 2nd International Conference on Politics of Islamic Development, Universitas Medan Area, Indonesia, Medan, 22 – 23 April 2019, p. 237.

certificate, providing false information or omitting information, carrying out activities without being supported by *Amdal* document, changing function of protected forest areas, polluting and destroying the environment are all prohibited by the law.³²

Then this qanun also regulates reporting on the prohibition of third parties interested in submitting an application to the authority to carry out government coercion. In this case, *Imeum Mukim*, as an authorized third party, has the right to coordinate and supervise all activities that can potentially damage the environment. Of course, the *Imuem Mukim* must work with the community in advocating for the preservation of the environment.

In this context, it can be emphasized that environmental conservation in Aceh has dynamics and challenges that are not simple. Therefore, the role of traditional institutions such as *Imeum Mukim* is expected to make a real contribution in preventing environmental pollution to creating a pristine and sustainable environment.

***Imuem Mukim* Advocacy in Preventing Environmental Pollution**

Imeum Mukim's advocacy in preventing environmental pollution is not easy because it must involve several elements of the government and society. For example, In the context of Aceh Jaya, it involves the Aceh Customary Council (MAA), *Muspika* (sub-district-based leader meeting), the sub-district, and the village. For example, *Imeum Mukim* Panga Pucok has played a significant role in environmental advocacy by presenting it in the Multi-Stakeholder Consultation Forum for Development Planning (MUSRENBANG). This step is part of direct coordination with the villages level through the *Keuchik* because the village fund can be provided for this program. In the meeting, problems were presented, for example, about the importance of maintaining irrigation, environmental pollution, waste problems, including animal carcasses.³³

Furthermore, Teungku Abdullah emphasized that the primary function of *mukim* is to participate in making the Gampong (village) Qanun and improving the community's economy that oversees 11 villages. As a *mukim*, Teungku Abdullah also prevents the sale of illegal forest products because the forest belongs to the community. The forest must be maintained to be used together by the community. Moreover, the community is protected from the elephants by preserving the forest. If the forest is damaged, the elephants will storm the villages. The *mukim* also protects rare animals and animals that are unique to

³² Aceh Qanun Number 2 of 2011 concerning Environmental Management.

³³ Interview with Tengku Abdullah, *Mukim* Panga Pucok, Aceh Jaya District, 4 August 2021.

Aceh. Likewise, the *mukim* resolves conflicts between villages by holding peaceful meetings.³⁴

The role of the *mukim* is acknowledged by the Keuchik Ladang Baro, who emphasized that *Imeum Mukim* voiced the need to protect the environment for the sake of future generations in a meeting at the sub-district office. In fact, the *mukim* is also the person who takes care of the village's frontiers until now.³⁵

In addition, *Imeum Mukim* Panga Pasi also encouraged CSR or corporate social responsibility funds to be further optimized for the community. So that the company ensures environmental preservation in Aceh Jaya, he also supports companies to use their workforce from local communities. *Imeum Mukim's* resolution is supported by several community institutions that have protested to at least raise public awareness of the dangers of environmental pollution. These institutions are the Forum for the Environment (WALHI), the Indigenous Community Network (JKMA), and several other institutions. However, the community does not really respond to this because this would interfere with people's livelihoods.³⁶

Furthermore, *Imeum Mukim's* advocacy aims to avoid environmental pollution, which is quite dangerous. The dangers of pollution can be seen in society; for example, children like to play in the river, while the river is polluted by waste. In addition, odor and smoke pollution make people uncomfortable. However, until now, there has been no public protest about it. Even the *Imuem mukim* also protested about the Environmental Impact Analysis at the factory.³⁷

According to Anwar Ibrahim, as the Chairman of MAA, there are 21 *mukims* in Aceh Jaya, and they play a significant role in protecting the environment. For example, The *mukims* encourage the preservation of watersheds (DAS), conduct *kenduri blang* (ricefield feast), and set up a simultaneous planting system to avoid pest attacks on plants. The *kenduri blang* is not just a regular feast, but it also consists of people praying together, which is the most important in Anwar Ibrahim's opinion. So, he thinks the *mukim* has played a role in protecting the environment in Aceh Jaya. Previously, the establishment of this company did not involve *Mukim*, so that the Environmental Impact Analysis was not in accordance with regional conditions in Aceh Jaya. That's why he thinks that

³⁴ Interview with Tengku Abdullah, *Mukim* Panga Pucok, Aceh Jaya District, 4 August 2021.

³⁵ Interview with *Keuchik* Ladang Baro, M. Irfan, Aceh Jaya District, 4 August 2021.

³⁶ Interview with M. Adan Husein, *Mukim* Panga Pasi, Aceh Jaya District, August 4, 2021.

³⁷ Interview with Muhammad Ali, Secretary of Kuta Tuha, Aceh Jaya District 4 August 2021.

the budget given to *Mukim* to deal with environmental problems can be increased.³⁸

In this context, it can be understood that *Imeum Mukim* is quite active in advocacy efforts to prevent environmental pollution. These efforts are usually conveyed in formal or informal meeting forums. These efforts are expected to raise awareness of the dangers of environmental pollution if the community is not taken care of. Likewise, *mukims* also play a significant role in preserving customs, resolving conflicts between villages, and ensuring village borderline to create peace between communities.

Imeum Mukim, in advocating the prevention of environmental pollution, cooperates and coordinates with various parties, both government institutions, community institutions, and customary institutions. Government institutions such as the Village Head while NGOs are WALHI, JKMA. It is essential to do so that the prevention of environmental pollution can be appropriately executed.

However, there are several challenges in carrying out the role of *mukim*, for example, CSR funds that are not paid on time to the community. It causes the community to protest against the company in Ladang Baro village. The CSR funds provide to help orphans, the poor, and environmental sustainability.³⁹ However, it seems that the CSR funds are not a problem in other residential areas.

So, it can be said that the role of *Imeum Mukim* in advocating the prevention of environmental pollution in Aceh Jaya has been going well. This can be seen from its application, such as public awareness to protect the environment and prevent littering. *Imeum Mukim* also collaborates with the government, community institutions, and traditional institutions.

Environmental Conservation in the Perspective of Customary Law and Islamic Law

1. Customary Law Perspective

Customary law in Acehnese society is still well applied and has juridical power. Therefore, community dispute resolution using customary law mechanisms has philosophical and sociological values. These values are not only in a legal settlement at the village level but also at the mukim level. The philosophical foundation of customary dispute resolution is a mechanism with customary and cultural values in the dispute resolution process.⁴⁰ It includes the resolution of pollution cases and environmental conservation; Aceh's customary law has customary rules and prohibitions on this matter.

³⁸ Interview with Anwar Ibrahim, Chairman of the Aceh Traditional Council, Aceh Jaya, 5 August 2021.

³⁹ Interview with M. Irfan, Keuchik Ladang Baro, Aceh Jaya, 4 August 2021.

⁴⁰ Muslim Zainuddin, *Peran dan Fungsi Kelembagaan Mukim...*, p. 331.

In Aceh Jaya, as emphasized by Tengku Abdullah, one of the *Imeum Mukims*, several customary laws serve as the basis for solving environmental pollution problems. Even the police chief handed it over to the *mukim* to settle the issue. It is why village qanun is needed as the basis for customary law. However, there are still some qanuns that have not been implemented.⁴¹ The role of the *mukim* is to socialize the prohibitions for the community, which have existed in the customary rules since the past time. *Imuem Mukim* conveys the customary practices and prohibition in the meeting forum, for example, the taboo day to go to the ricefield is still being preserved.⁴² If the environmental pollution is left unchecked, it will clearly have a very severe impact, now we can feel the pollution, except for areas where no companies are operating. Therefore, some people are not ready to accept the company operating around their neighborhood.⁴³

The chairman of MAA emphasized that the environment depends on customs which teach us not to be arbitrary with the environment. However, he has not heard any complaints from the public so far. In Panga, there is a customary forest protected and taken advantage of by the community. In addition, in this customary forest, there is also a watershed whose 100 meters of forest near the watershed cannot be cut down because customary rules prohibit it.⁴⁴

The use of customary law in forest management is applied in protecting forests and trees around springs, not cutting down trees whose fruit can be eaten by humans and animals. Logging is permitted only to benefit residents' households, such as building houses, *meunasah* (praying space), study halls, and other public facilities. Villagers who cut down forest areas for new land clearing, even though they are not in protected forest areas, must provide 5% of their profits for the benefit of the village. The protected trees are honey-producing wood, *timpo*, and *ara* (fig). Likewise, some hunting results are distributed to residents who witness the hunting process.⁴⁵

M. Irfan, Keuchik Ladang Baro, mentioned that there is a customary law that regulates every purchase of 14 hectares of land belonging to the village community. Likewise, it is also regulated in village qanun that if an outsider buys land in the village, the buyer is obliged to pay 7% to the village. If the buyer is from the village community, the buyer must pay only 5% to the village. It is intentionally regulated to get profit for the village by the establishment of one of

⁴¹ Interview with Tengku Abdullah, Mukim Panga Pucok, Aceh Jaya, August 4, 2021.

⁴² Interview with M. Adan Husein, Mukim Panga Pasi, Aceh Jaya, August 4, 2021.

⁴³ Interview with Muhammad Ali, Secretary of Gampong Kuta Tuha, Panga, Aceh Jaya, 5 August 2021.

⁴⁴ Interview with Anwar Ibrahim, Chairman of the Aceh Traditional Council, Aceh Jaya, 5 August 2021.

⁴⁵ Ainul Mardhiah, Suprianto dan Djufri, *Pengelolaah Hutan Berbasis Kearifan Lokal...*, p. 131.

the companies in Ladang Baro Village. The community has to learn from the failure in the past because the company was established without clear documents.⁴⁶

Furthermore, Muhammad Ali, Secretary of Kuta Tuha, said that if you want to build an industry, go ahead because there are no restrictions. However, there are conditions, and the company must communicate with the village apparatus because we are responsible for our village where the company is located. Industries must maintain waste disposal regulations and not pollute the environment. Muhammad Ali acknowledged that he is pleased with the industry because he believes it can overcome unemployment.⁴⁷

In this context, the community must view the forest as a source of community life. If someone opens new land, they must report to the *keuchik* and pay peg fee. Decision-making related to forests must be discussed at the *mukim* level by involving the *pawang glee* (traditional institutions in charge of the forest). The person in charge of implementing customary sanctions is the mukim, assisted by the *keuchik*, *pawang glee* and *petua seuneubok* (traditional institutions that take care of the fields). The customary rules state that forest animals are given special names to honor animals because mentioning animals by names is considered taboo.⁴⁸

In the context of environmental conservation in the perspective of customary law, it is emphasized that there are customary rules in Aceh customs that have been established as law. The 2008 Qanun emphasizes that environmental pollution can be coordinated with customary institutions like *mukim* and *keuchik*. *Imeum Mukim* executes its role in preventing deforestation, protecting watersheds, not disturbing protected animals, and polluting the environment. Then in Aceh's customs, some prohibitions and taboos are still adhered to by the community, including in Aceh Jaya. For example, the ban on going into the forest on Friday, mentioning the animal's name directly (certain animals have a particular name), and various other taboos.

2. Islamic Law Perspective

Islamic law is necessary to avoid damage and disaster that can destroy the community in society. Islamic law must be implemented responsibly and adequately. Thus, the rules regarding the environment can run well, so a harmonious and balanced living environment can be realized as expected by all humanity. To actively and positively support the development in Indonesia, Muslims are expected to actively participate in the development by practicing the

⁴⁶ Interview with M. Irfan, Keuchik Ladang Baro, Aceh Jaya, 4 August 2021.

⁴⁷ Interview with Muhammad Ali, Secretary of Gampong Kuta Tuha, Panga, Aceh Jaya, 5 August 2021.

⁴⁸ Ainul Mardhiah, Suprianto dan Djufri, *Pengelolaah Hutan Berbasis Kearifan Lokal...*, p. 131.

principles of Islamic law as mentioned above.⁴⁹

Generally, in Aceh, people are prohibited from logging in protected forest areas, including water-protected areas. On Friday, it is forbidden to go to the forest. If people clear new land by logging, taking rattan, and hunting wild animals, they will be punished according to the customary law. It is forbidden to plant crops prohibited by law and aggravate natural conditions such as marijuana and oil palm. People should not be arrogant in the forest. In addition, communities do not cut down or disturb trees used for shelter and animal breeding in the woods. Likewise, the community is prohibited from disturbing animals and feeding livestock in the forest area.⁵⁰

Specifically, in Aceh Jaya, the law on environmental destruction is in accordance with religious guidance because humans cause damages on land and sea. So, to discuss legal issues, *mukim* also invites the *teungku imum* (spiritual leader at the village level) in the meeting along with the *imeum chik* (religious leader at the *mukim* level). So, if the two figures are not present, the meeting will be canceled.⁵¹ This statement is in line with the affirmation of Islamic law regarding environmental destruction as stated in the Qur'an: Damage has spread on land and sea caused by humans' actions, Allah wants them to taste some of the (results of) their actions so that they might return (to the right path). (Surat al-Rum: 41).

Related to this verse, humans must take good care of the environment, people, companies, and the government. Companies should not think only about economic benefits or illegal logging without thinking about environmental sustainability. Whereas religious teachings emphasize that we must plant new ones if we cut down trees.⁵²

Therefore, according to Islamic law, the law on this matter is haram and can be subject to *ta'zir* (punishment for offenses at the judge's discretion) if it causes the death of another person.⁵³ Muslims and people, in general, should pay attention and protect the environment. It is essential to protect the environment, first of all, by the individuals of each community. The second, the government;

⁴⁹Abdul Manan, Pencemaran dan erusakan Lingkungan dalam Perspektif Hukum Islam, *Jurnal Hukum dan Peradilan* 4, No. 2 (2015), p. 238.

⁵⁰ Ainul Mardhiah, Suprianto dan Djufri, *Pengelolaan Hutan berbasis Kearifan Lokal...*, p. 131.

⁵¹Interview with Tengku Abdullah, *Mukim* Panga Pucok, Aceh Jaya, 4 August 2021.

⁵² Interview with Kamal Wijaya, Secretariat of the Aceh Jaya District Ulema Council, August 5, 2021.

⁵³Ruqoyyah Habibaurrahim dan Wahyudi Bakrie, Pencemaran Lingkungan dalam Fiqih Islam dan Undang-Undang No. 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup, *Sharia: Journal of Indonesia Comparative of Sharia Law*, Vol. 3 No. 1 (2020), h. 59-60.

they have the authority to maintain and impose sanctions. In this case, the ulama's position is as a government partner that protects the environment.⁵⁴

From the perspective of Islamic law, it is clear that there is a strong relationship between the role and advocacy of the *Imeum Mukim* as a traditional institution in saving the environment. In Acehnese customary law, some taboos and prohibitions can be used to preserve the environment. According to Islamic law, customary law can be referred to as *al-urf*, which is a good habit in society. The messenger of Allah said: "From Ibn Mas'ud, the Prophet said: "What according to Muslims is good, then it is also good according to Allah" (Narrated by Imam Ahmad). According to Imam Shafi'i and other schools of thought, *al-urf* or custom can be used as a legal argument if it does not conflict with the Qur'an and Sunnah.⁵⁵

Therefore, from the perspective of Islamic law, it is clear that destructing the environment is forbidden. On the other hand, protecting the environment is an obligation and a shared responsibility because nature belongs to Allah and must be preserved for the benefit of humanity. On the other hand, destroying it in Islamic law is a prohibition that can result in sin and loss for the future of humankind in general.

Conclusion

Based on the discussion above, it can be emphasized that the advocacy of *Imeum mukim* has played a role in the prevention of environmental pollution in Aceh Jaya according to customary law and Islamic law. This role and authority can be seen when the *Imeum Mukim* resolves cases at the *mukim* level after being unresolved at the village level. The *Imeum mukim* can carry out the role and authority because, in the customary system, the *Imeum Mukim* is one of the traditional institutions. In performing its functions and authorities, *Imeum Mukim* coordinates with various parties, such as the police, MAA, JKMA, Walhi, and villages. The collaboration aims to ensure that advocacy on environmental pollution runs well. In addition, *Imeum Mukim* in Aceh Jaya has advocated and disseminated the prevention of environmental pollution by reviving customary rules, such as *kenduri blang*, taboos on entering the forest on Fridays. *Imuem Mukim* also makes qanuns at the *mukim* and village levels that accommodate the preservation of the environment, for example, protecting watersheds and prohibiting illegal logging, and protecting certain animals and various forms of environmental destruction. Moreover, a discussion is also held to encourage CSR funds from the company, which is used to assist

⁵⁴ Interview with Kamal Wijaya, Secretariat of the Aceh Jaya District Ulema Council, August 5, 2021.

⁵⁵ Zulfan Wandu, Eksistensi 'Urf dan Adat Kebiasaan Sebagai Dalil Fiqh, *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 2, No. 1 (2018), p. 191.

orphans, the poor, and environmental sustainability. Furthermore, in the perspective of customary law, environmental pollution also contains customary rules and prohibitions because customary law has philosophical, juridical, and sociological powers that have become part of the law that lives in society (living law). In the perspective of Islamic law polluting the environment is a prohibition that brings the wrath of Allah. It also damages the preservation of the environment and the benefit of humans in general. On the other hand, preserving the environment is an obligation that humans must do. Because keeping nature sustainable for the future of humans is a responsibility of human beings to the environment.

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