

Islam, Agrarian Struggle, and Natural Resources: The Exertion of Front *Nahdliyin* for Sovereignty of Natural Resources Struggle Towards Socio-Ecological Crisis in Indonesia

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Abstract

Indonesia is currently embroiled in social and ecological crisis as a result of the exploitation of natural resources redundant as a consequence of the dominance of the global capitalist system. As a country with a Muslim majority deemed the need for religious organizations to resolve the issue. In 2013, Front *Nahdliyin* for Sovereignty of Natural Resources (FN-KSDA) was established as a response to the social-ecological crisis in Indonesia. Among NU members (*Nahdliyin*), the existence of organizations such as FN-KSDA is something new. In the middle of NU's attention to the agrarian conflict and natural resources that are considered quite minimal, until now FN-KSDA moving outside the

formal structure of the NU. This study also examines how the perspective of FN-KSDA against the sovereignty of natural resources. This article reviews the importance of the agrarian reform carried FN-KSDA by relying on sources of Islamic law that the Qur'an and Hadith, as well as the results of the NU congress. The agrarian reform and upholding the sovereignty of natural resources made FN-KSDA are already have a legitimacy whether from the main sources of Islamic law, the Qoran and the hadith as well as internal decisions of organizations such as Nahdlatul Ulama.

[Indonesia saat ini tengah dirundung krisis sosial-ekologis akibat eksploitasi sumber daya alam yang berlebihan sebagai konsekuensi dari dominasi sistem kapitalisme global. Sebagai negara yang mayoritas penduduknya beragama Islam, dirasa perlu adanya organisasi keagamaan untuk mengatasi persoalan tersebut. Pada tahun 2013, Front Nahdliyin untuk Kedaulatan Sumber Daya Alam (FN-KSDA) didirikan sebagai respon atas krisis-sosial ekologis di Indonesia. Di kalangan warga NU (*Nahdliyin*), keberadaan organisasi seperti FN-KSDA merupakan sesuatu yang baru. Di tengah perhatian PBNU terhadap konflik agraria dan sumber daya alam yang dianggap cukup minim, sampai saat ini FN-KSDA bergerak di luar struktur resmi PBNU. Kajian ini meninjau pentingnya perjuangan agraria yang dilakukan FN-KSDA dengan mendasarkan pada sumber hukum Islam yakni *Al-Qur'an* dan *Hadits*, serta hasil-hasil muktamar NU. Artikel ini juga mengkaji bagaimana perspektif FN-KSDA terhadap kedaulatan sumber daya alam. Reformasi agraria dan penegakan kedaulatan sumber daya alam membuat FN-KSDA sudah memiliki legitimasi baik dari sumber utama hukum Islam, *Al-Qur'an* maupun *hadits* serta keputusan internal organisasi seperti Nahdlatul Ulama.]

Keywords: Nahdlatul Ulama, agrarian struggle, socio-ecological crisis

Introduction

During the campaign, Jokowi-JK promised to raise the average economic growth of Indonesia at 7% annually¹. But until the quarterly and first in 2016, Indonesia's economic growth is below the percentage of 5%. Earlier, the World Bank projected that Indonesia will experience economic growth of 5.1% in 2016 and 5.3% for 2017². For the sake of catch up, the government attempts to optimize the various sectors to establish 12 economic policy package³.

Of the 12 packages of the economic policy, 10⁴ which serve to accelerate investment in Indonesia in order to raise the national GDP. The problem is, in this program the government also relaxed ease of investment in extractive industries, such as oil and gas mining, coal and mineral water. The sector is even deliberately relied upon as a pillar of national economic growth⁵.

¹ BBC, "Pertumbuhan Ekonomi Indonesia Menurun Lagi", accessed July 10th, 2016, http://www.bbc.com/indonesia/majalah/2016/02/160205_indonesia_pertumbuhan_menurun.

² World Bank, "Laporan Triwulanan Perekonomian Indonesia, Maret 2016: Investasi Swasta Diperlukan", 15 Maret 2016, accessed July 10th, 2016, <http://www.worldbank.org/in/news/feature/2016/03/15/indonesia-economic-quarterly-march-2016>.

³ Economic Policy Package is a product of the policies Jokowi-JK government program that was released in September 2015 that specifically deal with the problems caused by the global economic crisis. Economic policy package aimed at accelerating economic growth target that contains as many as 12 packets. One is to simplify licensing for investors to invest in Indonesia. Bappenas, "Data Dan Informasi Utama", accessed July 11th 2016, <http://www.bappenas.go.id/id/data-dan-informasi-utama/publika-si/paket-kebijakan-ekonomi>.

⁴ Lili Rusna Fajriyah, "Jokowi Umumkan 10 Paket Kebijakan Jilid 10", *Sindonews.com*, accessed July 11th, 2016, <http://ekbis.sindonews.com/read/1104815/33/jokowi-umumkan-10-poin-paket-kebijakan-jilid-xii-1461846040/>

⁵ Working Paper FNKSDA, 2.

In fact, as stated by Joseph Stiglitz, a Nobel laureate in economics world economists, relying on the acceleration of GDP growth through extractive industry or the mining sector is a fatal mistake. Indeed, GDP will increase in line with productivity extractive industries. However, if taken into account, profits from the exploitation of natural resources is a true foreign party, causing GNP can not be increased. In addition, the extractive industries are also prone to health problems and damage the environment⁶.

The views were put mining as a function of a country's production is basically the neo-classical ⁷. In addition to the ecological crisis because of its voracious land and water, extractive industries socially too often led to conflict, violence, human rights violations, and impoverishment⁸. The volatility of extractive industries on social conflicts can be seen from the Report of the Agrarian Reform Consortium (KPA). On 2015⁹, KPA mentions that occurred at least 252 agrarian conflicts in the country with an area of conflict to reach about 400 430 ha. The conflict involving the 108 714 households that occurred in the plantation sector as much as 127 conflicts (50%), infrastructure development as much as 70 conflicts (28%), forestry conflict 24 (9.60%), mining a total of 14 conflicts (5.2%),

⁶ Joseph E. Stiglitz, Amartya Sen, Jean-Paul Fitoussi, *Mengukur Kesejahteraan: Mengapa Produk Domestik Bruto Bukan Tolak Ukur yang Tepat untuk Menilai Kemajuan?* (Tangerang Selatan: Marjin Kiri, 2011), xxiv – xxv.

⁷ Dwicipta & Hendra Try Ardianto (ed), *Rembang Melawan: Membongkar Fantasi Pertambangan Semen di Pegunungan Kendeng* (Yogyakarta: Literasi Press, 2015), 35-36.

⁸ Siti Maimunah, *Negara Tambang Dan Masyarakat Adat: Perspektif HAM dalam Pengelolaan Pertambangan yang berbasis Lingkungan dan Kearifan Lokal*, (Malang: Intrans Publishing, 2012), 10.

⁹ Konsorsium Pembaharuan Agraria, "Catatan Akhir Tahun KPA 2015", accessed July 12th, 2016, https://www.dropbox.com/s/1nbecwlcfy5lkvs/CatatanAkhirTahun_KPA_2015.pdf?dl=0.

sector another conflict as much as 9 (4%) and the last conflict in the area of agriculture and coastal communities as much as 4 conflict (2%). KPA noted that the number of such conflicts always increase every year.

Also in the matter of human rights violations, the extractive industries sector is also a most 'contributor'. According to data from the Indonesian Human Rights Commission in 2013, 6,000 cases were entered, about 70% of cases of land-based and natural resources (State and Private). Of the 40 cases, the National Inquiry Commission (2013-2014) gross human rights violations, systematic and chronic over MHA in the forest area. These human rights violations involving security forces police (Most Dominant unity Brimob) and the Army, Company (State and Private): Mine (Gold, Coal, Nickel), plantations (palm, sugarcane, cocoa), Forest (Conservation, Forest Preserve, HTI), also involving the central and regional governments and communities (customary institutions established by the government)¹⁰.

The fact the social and ecological crisis caused by extractive industries have not received serious attention from the government. Impressed even deliberately ignored. Could be, it is triggered by the government's policy in the management of natural resources that have been patterned developmentalism¹¹. In this case, the agrarian resources and natural resources are positioned as an asset and economic potential are provided for the commodity market.

¹⁰ Eko Cahyono, "Masalah - Masalah Agraria dan Kedaulatan Bangsa," This paper was submitted in the *Pesantren Agraria*, Front Nahdliyin untuk Kedaulatan Sumber Daya Alam (FN-KSDA), Malang June 17th, 2016.

¹¹ Eko Cahyono, "Gemah Ripah Loh Jinawi, Untuk Siapa?" (Makin Jauhnya Cita-cita Kedaulatan Agraria). This paper was submitted in Final Reflection Seminar in 2015 with the title: "Mengelola Ruang, Menata Kehidupan, Membangun Peradaban: Menyediakan Ruang Hidup yang Layak Bagi Rakyat di era 'Revolusi Mental', Unibraw Malang, December 8th, 2015, 4.

Developmentalism models have also led to structural imbalances natural resource-Agraria. Various forms of domination, possession, distribution and utilization of natural resources or the Agrarian packed through projects with the issue of populist-democratic and ride through the issues of a growing trend as the ecological crisis. As a result, until now many farmers, indigenous peoples and other rural communities lost their land and agrarian resources in a way that natural (land disposition Naturalisation)¹². Loss of this land as well as experienced by citizens NU (nahdliyyin), inasmuch as most live in rural areas ¹³. As seen in the case of Lapindo mudflow in Sidoarjo, planting dynamite to conduct seismic surveys by Exxon in Jombang, conflicts residents with oil and gas companies in Sumenep, water conflicts between citizens and PT Aqua-Danone in Klaten, conflicts residents with troops and companies in mining Kebumen conflict society with Cement Company in Rembang etc¹⁴.

The widening conflict issues based Agricultural and natural resources have received less attention than the NU organization itself. This can be proved by the absence of structures/bodies under NU care of this problem. While it is clear that the victims are residents directly Nahdliyin.¹⁵ Therefore, it is important to examine how the interpretation organizations FN-KSDA on the issue of the crisis of natural resources and agrarian sourced from the sources of law

¹² *Ibid.*, 5.

¹³ Recommendation of Konbes Nahdlatul Ulama', Pondok Kempek Cirebon September, 15th - 17th, 2012, 4.

¹⁴ Working Paper FN-KSDA, *Ibid.*, 2-3.

¹⁵ This activity took place on July 4, 2013 which is housed in the LKIS Hall, Yogyakarta. Basically, this activity was initiated by NU organic groups who are concerned about this issue. This group consists of personal work as academics, social activists, or NU itself.

(*Mashadir al-hukm*) of Islam such as the *Qur'an*, *Sunnah*, *ijma'* and *Qiyas*.

Methods

The approach in this study using a critical perspective. Through this approach, the authors describe the problems of inequality agrarian structure or contradictions management of natural resources so that the impact on the socio-ecological agrarian crisis in Indonesia. Methods of critical research start from the real social problems experienced by individuals, groups, or classes of oppressed and alienated from the social processes that growth and development¹⁶. In this context, relations of oppression experienced by communities in rural areas or indigenous peoples. Many of them are Nahdliyin. The Critical approach used by FN-KSDA oriented to a concrete action that aims to create social change. *Quran*, *Hadith*, *Ijma* and *Qiyash* the main guidelines used by the authors in explaining the phenomena of nature damage done by humans institutionalized through state institutions or corporations. Additionally, *Manhaj Aswaja* used to analyze the issue of inequality is then decided by the results of the congress's decision and *Bathsul Masail Nahdlatul Ulama*.

Profile and History of The Front Nahdliyin untuk Kedaulatan Sumber Daya Alam (FN-KSDA)

In 2012, through the Conference of the Great (Konbes) in Cirebon, in the economic field, NU recommend 'renegotiate mining contracts of work in order to provide a greater benefit to the inclusion of Indonesia and welfare of the citizens ". Another element that is close to NU, the Indonesian Islamic Students Movement (PMII) have higher demands. In 2012, PMII

¹⁶ Donald E. Comstock, A Method for Critical Research, in Eric Bredo and Walter Feiberg (eds), *Knowledge and Values in Social and Educational Research* (Philadelphia: Temple University, 1982), 370-390.

demanding the nationalization of the mining and energy assets. While *Ikatan Sarjana Nahdlatul Ulama* (ISNU), stated that the ultimate goal of governance is energy sovereignty and national energy security. But organizationally, almost no advocacy massive wave of NU group of residents who have problems of agrarian conflicts and natural resources¹⁷.

Unfortunately, although this issue has been the talk of the neighborhood NU, but not yet a serious discussion in NU. Nahdliyin discussion on Conflicts and Governance of natural resources is the first step in the concretization of the struggle for NU members agrarian field and sovereignty of natural resources. The discussion is then agreed to the establishment of a container which was then named *Front Nahdliyin untuk Kedaulatan Sumber Daya Alam* (FN-KSDA). This Front is the coordination between Jamaat NU who are concerned about issues of conflict of natural resources management, such as air, water, soil, and everything contained in it, especially those occurring in the base of NU.

This discussion is also setting up a media network for the smooth circulation of information and the ease of organizing and the mainstreaming of governance of natural resources among NU, namely www.daulathijau.org¹⁸.

FN-KSDA organization is certainly not the only organization in Indonesia which has a special attention to the issue of social and ecological crisis. There are many organizations that previously had the same focus as, *Wahana Lingkungan Hidup* (WALHI), *Serikat Petani Indonesia* (SPI), *Konsorsium Pembaharuan Agraria* (KPA), *Jaringan Advokasi Tambang* (JATAM), *Aliansi*

¹⁷ Working Paper FN-KSDA, Ibid., 3-4.

¹⁸ This website is a media network that produces the information or update issues relating to problems of conflict-based agrarian and natural resources. In addition, this media, as well as media publicity activities carried out by a network of FN-KSDA in various corners of the archipelago such as social advocacy and recruitment activities.

Masyarakat Adat Nusantara, etc. Issues or analytical framework employed by these organizations are not much different from the FN-KSDA. As the issue of citizen safety and food sovereignty to be reproduced by FN-KSDA, as well as ecological and industrial disasters that will be used as a framework of analysis in each case that is being advocated.

But the difference between the FN-KSDA with these organizations is the basis of theological, cultural and methods of motion. Theologically, FN-KSDA hold fast to the principles of Islam (the Islamic texts: *Qur'an*, *Hadits*, *Ijma*, *Qiyas*) and the values of the *Ahl al-Sunnah wa al-Jama'ah (Aswaja)*¹⁹, while culturally, the method of motion performed by FN-KSDA is the culture that is owned by residents *Nahdliyin*, that of the relationship, *halaqah-halaqah* and produce a successor through the recruitment process²⁰.

From Resolusi Jihad to Jihad Against Capitalism

The emergence of a group of young activists NU who have a sense of concern for social problems such as FN-KSDA is not new. NU itself has a long history gave birth to young intellectuals who have a dynamic perspective in seeing the problems of the world. One of the main factors of the rise of the young intelligentsia NU is the number of sons and daughters of NU who pursue higher education and living in an academic

¹⁹ *Aswaja* an ideology that is the orientation and the spirit of religious movements NU. *Aswaja* not only a cornerstone of the NU thinking, but also the identity to distinguish the identity of the NU's person with the other. Rumadi, *Post-Tradisionalisme Islam: Wacana Intelektualisme Dalam Komunitas NU* (Cirebon: Fahmina Institute, 2008), 46.

²⁰ This process becomes one of differentiator between FN-KSDA with other organizations. Front recruitment process by conducting shaped or Agrarian School and Agrarian Pesantren (If the location is in Pesantren). The material shall be given to this activity are like 1) Islam and natural resources, 2) Socio-Capitalism, 3) Research Action Crisis Ecological and Agricultural, 4) Media and Extractive Industries, 5) Youth and Organizing, 6) Women and Empowerment, 7) Cooperative etc.

setting. So then this triggers young children NU formed NGO²¹ which not only intensified the religious activities, but also participate in building a progressive religious discourse²² as a manifestation of diversity is not just limited to building human relationships with God (*hablum min-Allah*), but also the relationship between humans (*hablum min an-nas*), and human nature (*hablum min al-'Alam*).

It is a manifestation of integration of Muslims Islamic outlook on life into efforts to uphold human dignity through individual efforts to achieve fuller autonomy for the citizens; upholding the rule of law; a tribute to human rights; strengthening of the power of ordinary people²³. In the context of the historical-ideological, NU has long historical roots in the course of the Indonesian nation. Even if the claim is not excessive NU as a form of manifestation of progressive Islam in Indonesia. The claim can be proved through the involvement of *Kiai-kiai* or NU figures in the struggle for the independence struggle, and uphold national values or humanity.

In this context, NU not only attend to its own citizens but has a great responsibility in the arena of national life. Since its establishment, NU active in shaping the country and continue to hold it together. This principle is kept held down until today and even continued to be reiterated when the country hit by

²¹ Some of the NGOs in question has an influence on the development of intellectualism NU may be mentioned, for example P3M (Association of Development Pesantren and Society) was founded in 1983, Lakpesdam (Institute for Research and Development of Human Resources) NU established in 1985 after NU reiterated to Khittah 26 on in 1984. in the 1990s, in the area emerged a number of NGOs led by young people NU. For example, LKiS (Lembaga Kajian Islam dan Sosial) in Yogyakarta, Desantara Institute in Jakarta, Ilham in Semarang, eLSAD in Surabaya, Avveroes in Malang, INCRes in Bandung, Bildung in Cirebon, LAPAR in Makassar, Syarikat in Jogja, and others. Rumadi, *Post-Tradisionalisme*, Ibid., 4-5.

²² Ibid.

²³ Kazuo Shimogaki, *Kiri Islam*, Ibid., xvi - xvii.

various problems²⁴. The gait exemplary of the kiai NU in its commitment to maintain a nation is starting from the formation of *Nahdlatul Wathan*²⁵ (National Movement).

Not only that, the efforts undertaken by the real struggle offer NU is by issuing *Resolution Jihad*²⁶. This declaration reflects the commitment of the kiai NU, which was then headed by *Hadlaratussyekh* Hasyim Asy'ari to wage jihad against colonialism and imperialism. Resolution jihad to be the highlight of resistance against colonialism that ignited the scholars and students. *Pesantren*, in this case, becomes a seedbed spirit of anti-colonialism, patriotism and *jihad fisabilillah* to form a sense of nationhood which is typical for Indonesia²⁷.

²⁴ Abdul Mun'im DZ, *Piagam Perjuangan Kebangsaan* (Jakarta: Setjen NU Online, 2011), 13.

²⁵ This movement was founded in 1916 which was then officially incorporated with the composition of management: KH. Abdul Kahar as Director, KH. Wahab Hasbullah as head of the Council of Teachers (clerical), since then *Nahdlatul Wathan* used as the headquarters of the youth. Each was about to begin learning activities, students are required to first sing struggle songs in Arabic and then converted into a poem. This movement was formed aiming to establish the youth to become defenders of Islam and defenders of homeland formidable. Chairul Anam, *Pertumbuhan Dan Perkembangan Nahdlatul Ulama* (Surabaya: PT. Duta Aksara Mulia, 2010), 29. See Abdul Mun'im DZ, *Piagam Perjuangan Kebangsaan* (Jakarta: Setjen NU Online, 2011), 21-23.

²⁶ *Resolusi Jihad* declared on 21 to 22 October 1945 in the NU headquarters Bubutan Surabaya. *Resolusi Jihad* is then echoed throughout Java and Madura, especially in Surabaya. The spirit of jihad against the allied forces NICA burning everywhere. *Ibid.*, 130 - 131. And even NU issued *Resolusi Jihad II* as a form of hardened its stance against foreign invaders nation was scattered in the Earth Indonesia. *Resolusi Jihad II* was held during the congress of *Nahdlatul Ulama' XVI* held in Purwokerto on March 26 to 29, 1946. Abdul Mun'im DZ, *Piagam Perjuangan Kebangsaan*, *Ibid.*, 68.

²⁷ Zainul Milal Bizawie, *Materpiece Islam Nusantara: Sanad Dan Jejaring Ulama-Santri (1830-1945)* (Tanggerang Selatan: Pustaka Compass, 2016), 29.

On the struggle waged by the *kiai* NU, *santri* and all the patriots for independence, then proclaimed Indonesia's independence. However, until now, the facts show that this nation has not been entirely free from colonialism. However, the model is different their occupation. If the first of the invaders while we do it physically, then the occupation is currently done in non-physical. Colonization is currently done through the domination of political and economic order. This is what is known as imperialism without colonies or neo-imperialism.

One marker model of a new round of colonization in Indonesia was after the passing of Law No. 1 of 1967 concerning Foreign Investment Act (UU PMA - *Penanaman Modal Asing*). This law became the first milestone of the destruction of the dignity of the Indonesian nation by foreign interests. Where virtually all the nation's wealth of natural resources Indonesia co-opted by foreign interests (state or private).

Such conditions are exacerbated by global development scheme global north countries through trade agreements such as the WTO (World Trade Organization) or the international financial institutions intangible IMF (International Monetary Fund) and World Bank that offers recipe development to developing countries, in particular, Indonesia²⁸. Consequently, the direction of development of the Indonesian nation must be submissive and obedient to the mechanism of a free market system,²⁹ in terms of its political system, economy, and culture.

²⁸ See the story of the recognition of the International bandit who penetrates to the government of developing countries to agree on the offers given by the corporatocracy regime. John Perkins, *Membongkar Kejahatan Jaringan Internasional* (Jakarta Selatan: Ufuk, 2009).

²⁹ Regime of the free market system is the brainchild of a group of new rights such as Milton Friedman, Robert Nozick and Depak Lal. This idea is called Neoliberalism, which means consider that the state should not interfere with

This is what is known as neo-liberalism system. During the SBY-Boediono regime, neo-liberal development scheme that was settled in MP3EI program. Results of research conducted by Sayogyo Institute (2014) showed that the MP3EI is a design development since its inception and is intended only made through consultation, discussion, and participation with the business world and the corporate owners of multinational giants.

The development scheme was created to facilitate businessmen and owners of giant corporations to invest in Indonesia ³⁰. Of course, this time MP3EI is gone, but its existence has now revived by Jokowi-JK government through RPJMN 2015. The similarity of the two things is how to boost infrastructure development with foreign debts³¹. Both are also the trajectory of the new imperialism ³² in Indonesia³³, so the social and ecological crisis happened are acute.

the market mechanism system, and let the market regulate itself. See Muhadi Sugiono, *Kritik Antonio Gramsci Terhadap Pembangunan Dunia Ketiga* (Yogyakarta: Pustaka Pelajar, 2006), 144.

³⁰ Noer Fauzi Rachman. MP3EI: Materplan Percepatan dan Perluasan Krisis Sosial-Ekologis di Indonesia, accessed July 12th, 2016, <http://www.aman.or.id/wp-content/uploads/2014/06/Rachman-2014-MP3EI-AMAN1.pdf>.

³¹ Donang Wahyu, "Bangun Infrastruktur Pemerintah Percepat Utang RP 63 Triliun", *Katadata*. accessed July 12th, 2016, <http://katadata.co.id/berita/2016/01/05/bangun-infrastruktur-pemerintah-percepat-utang-rp-63-triliun>. See Mulya Nurbilkis, "Pemerintahan Jokowi Masih Ambil Utang Luar Negeri Buat Bangun Infrastruktur", *Detik.com*, accessed July 11th, 2016, <http://finance.detik.com/read/2015/02/25/163351/2842991/4/pemerintahan-jokowi-masih-ambil-utang-luar-negeri-buat-bangun-infrastruktur>.

³² The new imperialism refers more to the concept of capitalist imperialism used by David Harvey. Imperial capitalist is that in his position as a special political project of actors remit is based on the command of a territory and the capacity to mobilize resources-human and natural resources for the purposes of political, economic and military. David Harvey, *Imperialisme Baru: Genealogi dan Logika Kapitalisme Kontemporer*. Terj. Eko PD. (Yogyakarta: Resist Book, 2010), 31.

The complexity of the problems experienced by the people of Indonesia, both from economic and political pressures intervention abroad or even from the nation itself which impact directly to the sovereignty of the agrarian and natural resources. It is deemed necessary for the organization FN-KSDA to perform jihad against capitalism³⁴ which increasingly threatens the sovereignty of the nation.

The Basic of Struggle for Agrarian and Natural Resources Sovereignty

It is common knowledge among Muslims, that man on earth is assigned to be the Caliph. Assignment as caliphs, in many cases, requires the existence of a group of fighters assigned to commanding the good-forbidding the evil. In the QS. Ali Imron 104 stated: *And let there be [arising] from you a group of people inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful.* "A group" in many commentators interpreted as a nation, a band, or a organizations that have certain specifications for the call for kindness and preventing misguidance. In the agrarian question and the natural resources, of course, needed one organization that is a concern given the complexity of the issue lately. FN-KSDA established as an effort to implement these objectives.

The emergence of agrarian conflicts and natural resources should be restored to the primary source of Islamic law: the Qur'an and Hadith. First, whether the seizure, confiscation or land rights actually claims relating to the issue of property rights. Al-Qur'an a basically standardize land

³³ Muhammad Ridha, "RPJMN 2015 dan Operasi Imperialisme di Indonesia", *Indoprogess.com*, accessed July 12th, 2016, <http://indoprogess.com/2015/03/rpjm-2015-dan-operasi-imperialisme-di-indonesia/>.

³⁴ Previously, Jihad Against Capitalism is the theme of the Seminar and Activist Meeting FN-KSDA in Jombang on 1 to 5 August 2015 to coincide with the convening of the congress of *Nahdlatul Ulama* (33).

ownership or absolute power in the hands of Allah (Sura 2: 107, 10: 68, 22: 64, 25: 2 and 31: 26).³⁵

Accordingly, the Koran ordered that the land -including natural resources- to be preserved by the man in his position as caliph fil ardlī for the continuation of the ecosystem. The Qur'an explicitly assigned to man for the prosperity of the land as in Surah Hud: 61.

He has produced you from the earth and settled you in it, so ask forgiveness of Him and then repent to Him. Indeed, my Lord is near and responsive.

The verse is lacking even showed plainly that real human beings are created from the ground. The destruction of the land will automatically destroy people anyway. Thus, humans have the mandate for the prosperity of the land. On this basis, some have argued³⁶ that human power over land ownership is relative, which includes efforts prosperity mandate the use, processing, empowerment, as well as the distribution rights (tenure) of land.

Owners relative meaning, ya not absolute ownership. That is, ownership is limited so far as it is used within the limits of the commands and prohibitions of the Quran³⁷. Thus, it forbids

³⁵ Musyafak, "Teologi Agraria dan Jalan Islah", *Tempo.co* January 20, 2012, accessed July 10th, 2016, <https://www.tempo.co/read/kolom/2012/01/20/519/teologi-agraria-dan-jalan-islah>.

³⁶ Ibid.

³⁷ Even in the Quran there is no clear indication whether the land can be enabled commodities. Al-Qur'an is only mandated to humans for the prosperity of the land. Mastery limited as far as the utilization of size that it contains an obligation to prosper. With this view, see the agrarian conflict in various places lately presumably precisely what was written by Karl Polanyi in his book, *The Great Transformation* was quoted as saying Eko Cahyono: "Land and natural resources are not commodities and are not fully treated as commodities. Treating the soil (and natural) as commodities with separating them from the bonds of social relations attached to it, will undoubtedly produce shocks that would destroy the joints continuity of life was, and then there will be a movement counter to protect the public from damage more

to grab, seize, take over the land under the control of people in legitimately, whether committed by individuals, groups, corporations, and government.

In Islamic law, legal ownership of the land, among others, obtained from: (1) al-isti'la 'al-mubahah (acquisition of an ownership that is not owned by anyone with a valid path), such as the Ihya' al-Mawat (turn the soil dead / non-productive); (2) Uqud (contract of sale which legitimate and is based on the willingness of the two sides); (3) khalafiyah (change of status of the legal land ownership) in the form of inherited land or compensation.³⁸

So, what about the legal fight for land taken in a manner prohibited by law? In a hadith narrated by Bukhari-Muslim mentioned, the Prophet once said: "*whoever is killed defending his property is a shaheed*"³⁹ Thus, the struggle for the land must be done if land expropriation by the government or corporation in a manner prohibited by law. How criticized here include using the legitimacy of the government to control people's lands previously acquired legally. Moreover, if the takeover creates a monopoly and accumulation of wealth for the few elite-bourgeois.

In the case of agrarian reform which became one of the missions agrarian struggle FN-KSDA, as described by the Gita

severe. Entering the ground (and labor) market mechanism is the condescending attitude of the public nature and as such are simply handed people living arrangements on market mechanisms. Will naturally give birth to turmoil resistance ". Eko Cahyono, *Ibid.*, 1-2

³⁸ Wahbah Az-Zuhaily, *Al-Fiqh Al-Islam Wa Adillatuhu*, V: 501 in islambergerak.com *Dalil Perjuangan Agraria*, Desember 24, 2015.

³⁹ Djazuli H.A, *Fiqh Siyasah: Implementasi Kemaslahatan Umat dalam Rambu-rambu Syari'ah* (Jakarta: Kencana. 2003), 209.

Anggraini⁴⁰, the practice of true agrarian reform has occurred in the era of the Prophet. Agrarian reform is one way the Prophet economic empowerment of Muslims at the time. This is partly visible when the Prophet made a policy of giving land previously abandoned to its people and the policy sets out land for public purposes. The practice of the latter in the treasures of Islamic law known as hima.

In a hadith delivered from Asma 'bint Abu Bakr that the Prophet had given plots of land to Az-Zubair RA at Khaibar, in which there are trees and palm groves. The Prophet also gave the land to the Abu al-Khusyani Tsalabah RA with accompanying letter carved up the land. The policy of giving land also carried the Prophet to those who are new to Islam. This is done to strengthen the firmness of faith and their socio-economic conditions. As did the Prophet against leaders of Bani Hanifah, Mujja'ah Al-Yamamah. Prophet wrote a letter granting of land, which reads: ⁴¹

"In (or with) the name of Allah, the Beneficent, the Merciful." This is a letter that was written to Mujja'ah bin Muhammad Rasulullah Murarah bin sulma. Behold I have given unto the land plots in the Region Ghaurah, Ghurabah and Hubul. Whoever discuss this matter to you, then came facing me "

Regarding ownership of land acquired from efforts to turn the vacant land (Ihya 'al-Mawat) are such hadiths from Hisham bin Urwah RA from his father that the Messenger of Allah said:

"Those who manage vacant land (Mawat), then it has become their ownership rights and no rights for the perpetrators of injustice to take out and grab it."

In another Hadith, from Raf i 'bin Khudaij from Prophet Muhammad, he said:

⁴⁰ Gita Anggarini, "Perjuangan Islam Untuk Menata Ketidakadilan Penguasaan dan Pemilikan Sumber Daya Agraria di Indonesia", *Jurnal Bhumi*, Vol. 1, No. 2, November 2015, 163-178.

⁴¹ Gita Anggraini, *Ibid.*, 167

"Those who cultivate the land of others without their knowledge and permission, then the landowner has the right to finance the plant. While growers no right to get results from plants that have earned ".⁴²

Results Mukhtamar NU and Bahtsul Masail NU

As an organization that originated from Nahdliyin culture, of course, FN-KSDA organization basing its struggle principles also departs from the interpretation of the results of NU ulema (*kyai*) in responding to the issue of agrarian-natural resources crisis. There are two principal foundations of FN-KSDA struggle that comes from a great decision Bahtsul Masail⁴³, among others:

First, the Decision Bahtsul Masail al-Diniyah al-Maudlu'iyah NU XXX, PP. Lirboyo Kediri, East Java, 21 to 27 of November 1999⁴⁴ decided that:

1. It should be given Cultivation Rights on a temporary basis to farmers who lack land to take advantage of state land for the long term
2. Development of agriculture based economy is expected to become the backbone of the national economy in the future

⁴² Ibid.

⁴³ Bahtsul Masail is a forum coordinated by advisory institutions (legislative). The Forum is tasked to take on Islamic laws both with regard to bahtsul fihiyyah (fiqh issues) as well as problem-ness, even the problems of Sufism (the congregation). KH. MA. Sahal Mahfud. Bahtsul Masail dan Istimbath Hukum NU: Sebuah Catatan Pendek dalam Ahmad Sahal dan Munawir Aziz (ed), *Islam Nusantara: Dari Ushul Fiqh Hingga Paham Kebangsaan* (Bandung: PT. Mizan Pustaka, 2016), 52.

⁴⁴ Muhammad Al-Fayyadl, "Nahdliyin Dan Perjuangan Agraria", This material is delivered in Pesantren Agraria activities organized by FN-KSDA Malang Raya on June 17-19 2016 in Desa Bulukerto, Kota Batu. He also became one of the leaders of the National Committee of FN-KSDA

3. In order to further develop the people's economy, fundamental thing that needs attention is the small farmers' ownership of the assets, which is less than 0.5 hectares. For that, we need a realignment of asset utilization of land through agrarian reform to guarantee the rights of farmers to use the land owned
4. The development of democracy in the political sphere as the foundation of wisdom healthier. Economic growth should have been based on Natural Resources (SDA), which can be updated and Human Resources (HR) is available on the premises. NU-based human resources from the masses of farmers to be aware of and be strengthened
5. The Baseline of the people's interests are their rights in the Islamic Shari'ah which includes at least five parent rights: a)Protection of life and salvation of soul and body (hifz al-nafs); b)Protection of the right to believe and practice their religion (hifz al-din) c)Protection of safety, development, and utilization of the intellect (hifz al-'aql); d)Protection of the right to property or wealth acquired legally (hifz al-mal); e)Protection of rights of offspring (hifz al-nasl).
6. That in order to achieve the above objectives, in particular the government should empower and protect the rights of poor people (both physical, social, economic, political and cultural) of exploitation and aggression group strong. State/ government does not show any commitment to justice and protection of the weak people, in Islam perspective, is void, not legitimate.
7. It is the duty of all the people, directly through their elected representatives, especially the clergy, to exert social control (commanding the good and forbidding the evil) continuously at all levels, from the village to the center, so that no one else rupiah of state money as

belonging to God (and power-financed with the money) diverted for personal gain ruler or misused for things that are detrimental to the people and against the demands of welfare and justice together:

Second, Decision Bathsul Masail Nahdlatul Ulama Conference All 33 in Jombang on August 1 to 5, 2015⁴⁵, decided:

1. Excessive exploitation of natural wealth, causing negative impact greater than positive impact it is haraam even if legal.
2. Granting a permit for exploitation by government officials who have an impact on the destruction of nature that can not be repaired anymore haraam.
3. If conversion productive land as farmland or fields into housing, offices or factories impact on mudlarrah 'ammah on the economy it is haraam
4. moratorium on all large-scale enterprise license in plantations, forestry, mining and coastal areas, as well as reviewing all policies permit issued by the government or local governments in the field of natural resources.
5. Stop all forms of handling conflicts caused by natural resource issues in a violent manner and prioritizing processes and dialogic methods.

Bathsul Masail decision Working Group PWNu East Java, PP Bahr Ulum Jombang Tambakberas February 25-27, 2014⁴⁶ decided that:

1. Natural Resources in the form of river water, sea water, spring water, forest products, salt, contained in *mubahah* land (land that is not owned by individuals / government owned) can not be monopolized by

⁴⁵ Extract from materials of Bathsul Masail Diniyah Qonuniyah Commission on Mukhtamar 33 Nahdlatul Ulama Jombang 1 - 5 of August 2015, 42-49 & 120-125.

⁴⁶ Muhammad Al-Fayyadl, *Ibid.*, 4.

- individuals. Illegitimate government grant ownership or management rights to individuals
2. Water resources in the soil, both on the ground *mawat* (no owner land) or state-owned land, or land owned by individuals, its management must pay attention to the balance of our environment, so it does not damage the environment
 3. Mining of gold, silver, gas, coal, iron ore, tin, nickel, petroleum, bauxite, marble, iodine, graphite and the like contained in state land or land owned by private individuals, should be managed in the best interests and welfare of the people with regard the balance of nature and environmental damage. Illegitimate government attention to the interests of investors.
 4. If there is damage or loss, then the responsibility is investor.

NU decisions on issues related to agrarian reform were already there. In a second bahtsul masail forum in Jakarta May 11 to October 13, 1961 NU never banned land reform'. This decision is based on the idea that at the time of PKI take unilateral action to force land reform in various places. Said to be unilateral because the new Land Reform Committee performs their duties on 1 September 1961. Thus, there is the impression of the implementation of the land reform program turned into a land grab (Tim LTN 2011, 324).⁴⁷ Therefore, the proper term is actually forbid the seizure of land, not land reform as in the decision.

In the New Order era, economic development is a priority of government have an impact in the form of land eviction of the people under the pretext of development. It responded by NU clerics with Muktamar 29th in Bandar Lampung on 16-20 Rajab 1412 AH / 21 to January 25th, 1992. The decision of the conference was one of the displaced

⁴⁷ Gita Anggraini, *Ibid.*, 167.

people's land for public purposes. The contents of the decision are a) land eviction by the government for public purposes (*al-maslahah al-'amma*) permitted, with the proviso actually utilization by the government for the benefit of which is justified by the Personality 'and with adequate compensation. b) the best way to determine land eviction compensation according to fiqh reached through consultation on the basis of justice and no party feels aggrieved (Tim LTN 2011, 507).⁴⁸

In the period leading up to 98' reform, land conflicts in the name of land acquisition for public purposes too much. To that end, through the National Conference Bahtsul Masail NU 16-20 Rajab 1418 H or November 17 to 20, 1997 in Ponpes Qomarul Huda Bagu, Pringgarata Central Lombok, West Nusa Tenggara, the scholars give a decision that compensation is not feasible in land acquisition and land acquisition without the consent of both parties is an unjust action. If the land acquisition by the government for the purpose of legitimate public syar'i, at a reasonable price, then it is permissible, even without an agreement. Furthermore, if the exemption is directed to business interests, then profit from it is haraam. Likewise, although the released land is used as a place of worship, its status remains unclean. However, if the party that occupies the land did not know the procedure, it is permissible.⁴⁹

Natural Resources Sovereignty in FN-KSDA Perspective

Popular sovereignty means that the people are the owners of the supreme power of the state. By declaring itself as a state of law, the sovereignty of Indonesia is not based on the will of government officials, especially corporations, but is determined by law. Law in this context is a manifestation of the

⁴⁸ Ibid., 169.

⁴⁹ Ibid., 169-170.

voice and interests of the people. Article 1 (2) NRI 1945 Constitution stipulates that "Sovereignty belongs to the people and carried out according to the Constitution". The Conception of this sovereignty is different from the concept of sovereignty before the 1945 amendment, which stated that "Sovereignty belongs to the people, and performed entirely by the People's Consultative Assembly".

The Scope of sovereignty in this context is of course not only the territorial sovereignty-which is always connoted with war if disturbed, but also political sovereignty, economic sovereignty, law sovereignty, the sovereignty of the environment and so forth. This means that no political policy, economic policy, and the law can be dictated by the state or a foreign power.

Pancasila should be the basis of sovereignty for countries aspiring to protect all the people of Indonesia and all the independence and the land that has been struggled for, and to improve public welfare, to educate the life of the people and to participate in the establishment of a world order based on freedom, perpetual peace and social justice. The 1945 Constitution of the Republic of Indonesia is a product of the consensus of independence which is the basis for implementing the constitutional mandate of the ideals of the state.

However, along with globalization, the sovereignty of nations as if replaced with the rule of one-world government. Political policies, especially defense and security, of developing countries is often a policy of dictation developed countries that have a strong position in international organizations like the United Nations. What's worse is the economic policy, which along with globalization in the interests of global capitalism, developing countries seemed to not have sovereignty, caused the economic development policy is purely an instruction from the World Bank, IMF, WTO, and others. Not surprisingly, in this context, a lot of legislation relating to the economy as opposed to the constitution.

These regulations created precisely to sustain the neoliberal economic system that make Indonesia a soft field expansion of global capitalism, among them are: Law No. 24 of 1999 on Foreign Exchange System and Exchange Rate System; Law No. 25 of 2007 on Investment; Law No. 30 The Year 2009 on Electricity; Law Number 22 of 2001 on Oil and Gas (Migas). This law has the spirit of capitalistic because Pertamina's position as a part of State-owned enterprises that in fact, equalized with foreign companies; Law No. 7 of 1992 on Banking, where foreigners can have 100% ownership of the bank in Indonesia; Law No. 4 of 2009 on Mineral and Coal; Law No. 18 of 2004 on Plantations; Law No. 19 of 2004 on Forestry; Act No. 19 of 2003 on State Enterprises; Law Number 17 Year 2008 on the voyage; Law No. 11 of 2014 of the Social Security Agency (BPJS); Law No. 40 of 2004 on National Social Security System (Navigation); Law Number 13 Year 2003 on labour; Act No. 7 of 2014 on Trade; Law No. 39 of 2009 on Special Economic Zones (SEZ); Law No. 38 of 2008 on Ratification of the ASEAN Charter; etc.

Various regulations above allowing foreigners holding the natural wealth of national, strategic asset that is serving the public, controlled by foreign and private, legitimizing political low wages for workers, free trade, and the exploitation of foreign companies to sources of raw materials in Indonesia. In the release of *Compass* in 2012, foreign capital dominated national natural wealth in oil and gas sector (70%), the wealth of coal (75%), minerals (89%), copper and gold (85%), banking (50.6%) and plantation (50%). This is a threat to sovereignty over natural resources. Thus, any attempt to threaten the sovereignty of natural resources is should be dammed.

After extracted from the sources of Islamic law, FN-KSDA have enough perspective detail of the sovereignty of natural resources is divided into three concepts, namely: First, the regulation of ownership (*tata milik*). Collective ownership

(*jama'iy*) provides in goods that must be owned collectively; limited private ownership; state ownership as a representation of the people's properties. Second, the regulation of management (*tata kelola*). Cooperation (*shirkah*). Third, the regulation of use (*tata guna*). Common good (*mashalih 'ammah*).

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Natural resource sovereignty FN-KSDA perspective is actually the existing literature of Islamic law. In the areas of property, Islam already provides for ownership.⁵¹ Basically, all that is in the heavens and in the earth belongs to God.⁵² Humans are allowed to take advantage (*al-intifa'*), both in terms of consuming and producing.⁵³ And that's the way that has been determined by Islamic law, whether to get them⁵⁴, to use it⁵⁵, or to distribute it⁵⁶. In addition, Islam divides the property into three types, namely:⁵⁷ collective ownership, state ownership, and private ownership.

Public or collective ownership applies to items such as water sources (*al-ma'*), mining (*ma'dan*), forest (*al-Kila'*), and energy (*an-nar*). It is based on the sources of Islamic law such as the Quran and the Hadith. For example, the Prophet have ever said that "Muslims have collectively against three things: forests / grasslands, water, and fire/ energy" (Reported by Ahmad

⁵⁰ Muhammad Al-Fayyadl, Ibid.

⁵¹ It has been quite a lot of literature of jurisprudence that can be referenced to the view settings ownership in Islam among them, Afzalur Rahman, Muhammad Baqir Sadr, etc.

⁵² QS: Al Maidah: 17 and Tahaa ayat 6.

⁵³ PBNU, *Hasil-Hasil Muktamar ke-29 Nahdlatul Ulama*, (Jakarta: Lajnah Ta'lif Wan Nasyr PBNU, 1996), 42

⁵⁴ QS An-Nisa': 29, Al-Maidah:1, Al-Maidah: 38, Al-An'am 152

⁵⁵ Surat Thaha: 81

⁵⁶ At-Taubah: 34-35

⁵⁷ Muhammad Baqir Ash-Shadr, *Iqtishaduna*, translated by Yudi, *Buku Induk Ekonomi Islam: Iqtishaduna* (Jakarta: Zahra, 2008), 147.

and Abu Dawood)⁵⁸. He also never banned a friend who asked to manage the salt mine personally. He then instructed that the mine was exploited collectively. In certain cases, the state can manage this collective wealth to be distributed evenly to the public. Also, the state can delegate to certain parties to manage and distribute it based on the public interest.

State ownership applies to items such as the spoils of war, tax revenue, etc. However, it remains that the country's wealth should be used for the welfare of the people and not the prosperity of the ruler and his relatives. While private ownership applies to goods that do not belong to the collective or state owned. That too must be obtained in a manner that is lawful ownership displacement by the Shari'a. Therefore, Islam outlined that not all of wealth could be owned by private. Private owners limited by public ownership and state ownership. At this point, Islam is very different from the capitalism that legitimizes private property rights on all goods purchased by private capable. Capitalism also continues to erode the list of goods belonging to the collective and state could be owned by private. Conversely, Islam requires state ownership of "certain items" as a representation of the properties of the people. Certain goods referred to in the 1945 Constitution are earth, water, natural resources contained therein, as well as branches of production that fulfill the life of a lot of people controlled by the state and used for the greatest people.

Because it is owned collectively, that's why it must be managed cooperatively. In the language of Islam, it's known as "shirkah". To be used for the public, it should not always wait

⁵⁸ Check: Hadith No. 3477 in Abu Dawud Sulaiman Abi Al-Asy'asy, *Sunan Abu Dawud*, Jilid III (Surabaya: Al-Hidayah), 278. Even in Ibnu Majah version, There is addition text: "...dan harganya haram". This means that the three items are not allowed to be positioned as a commodity.

for the state's role to manage the collective goods. The public can use it collectively as before the state existed. The presence of the state to take control of the assets of the collective potentially make the collective ownership of society degraded because the state often commodificate something that should be shared. Examples are the collective management of springs, communal land, which is normally managed collectively by indigenous peoples' customs.

This co-operative arrangement can also be actualized in a cooperative form of business entity which the cooperative's members have it collectively. All members of the cooperative also own shares, voting rights and participate in determining the course of the cooperative. That is ownership and policy not only by the owners of capital as where the company in general.

This cooperative form of true arranged in the 1945 Constitution. In Article 33 explanation, stated that economic democracy is production worked by all, for all under the leadership or members of the viewing public. The prosperity of society that takes priority, not the prosperity of individuals. Therefore, the economy is structured as a joint venture based on family principles. The company form that suitable is the cooperations". The cooperations itself is derived from "co-operation". "Co" means "together" and operation means work. So, the cooperation means work together. Togetherness named cooperation is the cooperative togetherness to achieve a goal.

In a cooperation, there is not a part of members works while the others doing nothing. All of them works together to reach a goal together.⁵⁹ The cooperation system intends to make

⁵⁹ Mohammad Hatta, *Membangun Koperasi, Koperasi Membangun: Gagasan Pemikiran Hatta* (Jakarta: Kompas, 2015), 191. On the basis of this addition, the Recommendation Konbes Nahdlatul Ulama Pondok Kempek Cirebon 15 to 17 September 2012 at the points of preliminary stated that "the Government should clarify the policy on economic-cooperative with the rules clearer and pro-poor. The Government should also be reminded that

people work together in a management of natural resources. In the cooperative system, there is not an existing group own privileges to natural resources. Finally, in the cases of regulations of use, the public goods and private goods both must be used by deciding common good. Its forbidden use goods wick damn common good. This is the perspective of natural resource management according to FN-KSDA.⁶⁰

Conclusion

From those study, both the agrarian reform and to uphold the sovereignty of natural resources made FN-KSDA, both are already have a legitimacy whether from the main sources of Islamic law, the Qoran and the Hadith as well as internal decisions of organizations such as Nahdlatul Ulama, i.e. Congress and Bahtsul Masa'il results. The Basic agrarian struggle in the Qur'an can be found in Surah Hud verse 61, prophetic hadith about the status of *syahid* to those defend the treasure of the deprivation, as well as the history of the division of land made the prophet to prophet's follower who hasn't land.

While the results of the congress which legitimized the agrarian reform and the rule of natural resources namely: Decision Batshul Masail al-Diniyah al-Maudlu'iyah NU XXX, PP. Lirboyo Kediri, East Java, 21 to 27 November 1999; Bathsul decision Masail Nahdlatul Ulama Conference All 33 in Jombang on 1 - August 5, 2015; Results Bathsul Masail Working Group PWNU East Java, PP Tambakberas Bahr Ulum Jombang, February 25 to 27, 2014; The results of the 29th Conference in Bandar Lampung on 16-20 Rajab 1412 AH / 21 to 25 January

the cooperative as the pillar of the economy is not only a jargon, but it must be a spirit of national economic control."

⁶⁰ Lihat: Revrisond Baswir, *Tentang Demokrasi Ekonomi*, Prologue as Gunawan Wiradi, *Menilik Demokrasi* (Yogyakarta, Tanah Air Beta, 2015), vi.

1992; and the results of the National Conference Bahtsul Masail NU 16-20 Rajab 1418 H or Pringgarata 17 to 20 November 1997 in Central Lombok, West Nusa Tenggara. As for natural resources perspective of FNKSDA which consists of three parts: regulation of ownership, regulation of use, regulation of management, it is in conformity with the Surah Al Maidah: 17 and Tahaa paragraph 6; Surah An-Nisa ': 29, Al-Maidah: 1, Al-Maidah: 38, Al-An'am 152 related to the system of properties; hadith on prohibition to privatize the mining about management; and Surat Taha: 81; At-Tawbah: 34-35 about regulation of use.

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