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## **Nahdlatul Ulama's Kyai Patronism and the Conservation of Marine Ecosystems in Mitigating Destructive Fishing**

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### **Abstract**

This article examines the role of the NU *kyais* as patrons of social change in coastal communities in preserving the Lamongan marine ecosystem through the Bahtsul Masail decision regarding preventing and prohibiting destructive fishing. The research method used in this study is qualitative descriptive research that uses observation, in-depth interviews, and documentation as data collection methods. The research study results in this article show that the patrons of the NU *kyais* play a significant role in making social changes to the Lamongan coastal community through the green fatwas they make. The role of the NU *kyais* in social change and environmental preservation is expressed through a green fatwa regarding the preservation of marine ecosystems by prohibiting destructive fishing gear. The NU *kyais*, considered authoritative patrons of the Lamongan coastal community, base their social construction on priority fiqh considerations by prioritizing public and long-term benefits rather than short-term specific benefits. According to the NU *kyais*, conserving marine ecosystems by prohibiting destructive fishing gear is a general and long-term benefit that must be prioritized rather than the welfare of a handful of fishing boat owners using destructive gear.

[Tulisan artikel ini bertujuan untuk menelisik peran kyai NU sebagai patron perubahan sosial masyarakat pesisir dalam melakukan pelestarian ekosistem laut Lamongan melalui keputusan Bahtsul Masail tentang pencegahan dan larangan destructive fishing. Metode penelitian yang digunakan dalam studi ini adalah penelitian deskriptif kualitatif yang menggunakan observasi, wawancara mendalam, dan dokumentasi sebagai metode pengumpulan datanya. Adapun hasil dari studi penelitian atikel ini menunjukkan bahwa patronisme kyai NU berperan cukup signifikan dalam melakukan perubahan sosial pada masyarakat pesisir Lamongan melalui fatwa hijau yang dibuatnya. Peran perubahan sosial kyai NU, dan pelestarian lingkungan diekspresikan melalui fatwa hijau tentang pelestarian ekosistem laut dengan cara pelarangan alat tangkap ikan yang destruktif. Para kyai NU yang dianggap sebagai patron otoritatif masyarakat pesisir Lamongan melandaskan konstruksi sosialnya dengan pertimbangan fikih prioritas, yaitu dengan cara memprioritaskan kemaslahatan yang bersifat umum dan jangka panjang, daripada kemaslahatan, dan kemafsadatan khusus yang bersifat jangka pendek. Menurut kyai NU, melestarikan ekosistem laut dengan mengharamkan alat tangkap ikan yang destruktif adalah kemaslahatan umum dan jangka panjang yang harus diprioritaskan, daripada kesejahteraan para segelintir juragan kapal ikan dengan alat yang destruktif.]

**Keywords:** NU *Kyai*; marine ecosystem preservation; destructive fishing

## Introduction

The patrons of the *kyai* in the construction of Indonesian society are positioned as authoritative agents for transformative social change. Clifford Geertz noted that *kyai* is a "cultural broker" who is considered to have quite a strong influence on the life of the grassroots community.<sup>1</sup> The fatwas of the *kyais* are considered to have more binding power than the regulations made by the government. *Kyai's* voice is considered a representation of God's voice. Therefore, in his study, Hiroko Horikoshi said that social change in society in the New Order era could not be separated from the role of the *kyai*.<sup>2</sup>

The Lamongan coastal community is known as a religious community and upholds the patrons of the *kyais*. The number of Islamic boarding schools and the tombs of saints and scholars evidence this case. The religiosity level of the Lamongan coastal community is marked by their obedience and sense of *ta'zhim* towards the *kyais*. Apart from being positioned as educators, scholars, and community leaders. *Kyais* are also considered influential elders in evoking awareness of social change through awareness of the mechanics of the students who are instructive and top-down.<sup>3</sup>

The issue of preserving marine ecosystems and the welfare of fishermen is one of the examples faced by the Lamongan coastal community, which needs the role of *kyais*. One of the issues of environmental damage that needs attention from the local community is the issue of destructive fishing through various fishing gear that are not environmentally friendly. Numerous fishermen who use destructive fishing gear such as seine nets, purse seine nets, and trawls make NU *kyais* present to respond to these various ecological problems.

The fishermen of the Lamongan coast feel the damage to the marine ecosystem caused by destructive fishing gear. Many damaged coral reefs and the extinction of several fish species have become a reality during life faced by the Lamongan coastal community. However, on the other hand, fishermen's dependence on destructive fishing gear

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<sup>1</sup> Clifford Geertz, *Islam Observed: Religious Development in Morocco and Indonesia*, 15th pr (Chicago: Univ. of Chicago Press, 1999), 122.

<sup>2</sup> Hiroko Horikoshi, *Kyai dan Perubahan Sosial* (Jakarta: Islamic Boarding School and Community Development Association, 1987).

<sup>3</sup> Clifford Geertz, "The Javanese Kijaji: The Changing Role of a Cultural Broker," *Comparative Studies in Society and History* 2, no. 2 (January 1960): 228–49, <https://doi.org/10.1017/S0010417500000670>.

must also be considered. The welfare of the Lamongan coastal fishing community has so far relied on its economic growth on these destructive tools.<sup>4</sup> Thus, the presence of the NU *kyais* is significant enough to provide theological legitimacy for various government regulations regarding the prohibition of destructive fishing, which the local community has ignored without uprooting the welfare of the Lamongan coastal community on which their economy rests.

However, a few NU *kyais* took the opposite attitude to the social change offered by the majority of NU *kyai*. Suppose the social change of the NU *kyais* is expressed by formulating a fatwa regarding destructive fishing gear. In that case, some of the NU *kyais* are suing the fatwa because they are considered unresponsive to the needs and sustainability of the fishermen's economic welfare.

At this moment, the study in this article seeks to examine the social construction of the NU *kyais* regarding the fatwa for the prohibition of destructive fishing gear and the future welfare of the Lamongan coastal communities.

## **Methods**

The locus of this research study is located in Paciran District, Lamongan Regency, where most people's livelihoods are fishermen. The research in this article study is qualitative descriptive research. This article seeks to see how the role of the NU *kyais* as cultural brokers and agents of social change strengthens various government regulations regarding the prohibition of destructive fishing in Indonesia. The patronism of the NU *kyais* in the life of the Lamongan coastal community is exceptionally influential on the social change of the Lamongan coastal community. Thus, it is hoped that the green fatwas will break the destructive fishing chain in Indonesia. The data collection technique used in the study of this article was in-depth interviews with NU *kyais*, such as KH Abdul Ghoni, KH Bahruddin, and Gus Udin. The three informants connected researchers with the Nahdhiyyin Paciran community at their Bahtsul Masail institute. In addition, the data collection techniques used by researchers are observation, participant, FGD, and documentation.

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<sup>4</sup> Abid Muhtarom, "Analisis Kontribusi Hasil Perikanan Laut terhadap Kesejahteraan Para Nelayan dan Masyarakat di Kabupaten Lamongan," *JURNAL AKUNTANSI* 2, no. 1 (February 2017): 15, <https://doi.org/10.30736/jpensi.v2i1.91>.

While the analytical method used in this article is the Huberman and Miles analysis method, in this case, the researcher reduced the data, which had been collected from interviews, observations, and documentation related to the green fatwa of NU *kyais* in maintaining marine ecosystems in the coastal communities of Lamongan. After recording, the researcher reviewed the notes from interviews, observations, and documentation and selected data relevant to the research theme. The next stage illustrates clarified data as a form of attention to the focus and objectives of the research so as not to shift from the answer to the research problem formulation. Finally, the researcher then analyzes these data in the form of information to present research results, extracted from interviews with NU *kyais*, daily observations of NU *kyais* in environmental preservation, and documentation of fatwas from NU *kyais* in Paciran Lamongan.<sup>5</sup>

## Results

### **The Role Portrait of *Kyai* as Cultural Broker and Agent of Social Change in Lamongan Coastal Community**

*Kyai* as a cultural broker and agent of social change in Geertz's view, as written in his book *The Javanese Kijai: the Changing Role of a Cultural Broker*, reveals that the *kyai* has a role as a liaison between pesantren and the structure of power in Java.<sup>6</sup> Still, according to Geertz, *kyai* is also considered a moderating variable between the world of santri and society with external culture, as well as translators connecting traditionalism and modernism. Many academics believe that the theories and definitions of *kyai* through Geertz's research were relevant in the 1950s. However, from another perspective, the meaning transformation of the *kyai* as a cultural broker has begun to shift because it is considered that the *kyai* currently has transformed into a political broker who is not only cultural.

In the socio-anthropological context of the Lamongan coastal community, the position of the *kyai* is indeed not only acting as a cultural broker as described by Geertz, but their existence has begun to shift, and their role as agents of social change using political, religious, economic and environmental instruments. *Kyai* has often been

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<sup>5</sup> Matthew B. Miles, AM Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, Fourth edition (Los Angeles: SAGE, 2020), 168.

<sup>6</sup> Geertz, "The Javanese Kijaji", 12.

stigmatized as an obstacle to social change. Karl Marx feared he would experience structural desecralizing if his advice or green fatwa collided with fishermen's welfare issues. The problem is caused by the flow of modernism and needs and society's dependence on the central economy.

According to Marx, religious people in Europe who have an equal position with the *kyai* in Java are often used as legitimators by capitalist oligarchs. Religious people are only used as mouthpieces for power to secure the various desires and libidos of their power. It is because the way religion works are considered to have the potential to perpetuate stagnation and is categorized as a classic problem with no critical value toward change.<sup>7</sup>

In fact, at the same time, Weber provides the opposite perspective. According to him, it is precisely through religion that social change can be adequately realized.<sup>8</sup> Gustavo Gutiérrez also said that religious people<sup>9</sup> like *kyai* must be able to become agent of liberation for proletarian society from oppression by political oligarchs and capitalism from potential oppression by the bourgeoisie. Farid Esack also provided theoretical justification that religious people like *kyai* have the potential for multiple roles. On the one hand, its existence can become an obstacle to social change with various forms of oppression in the name of prostituted religious texts. But on the other hand, its existence can be a generator of social change with various theologies of liberation through its liberative interpretations.<sup>10</sup>

In the Lamongan coastal community context, the patronism of the *kyai* is still needed as an agent of social change. For example, at certain times, some coastal communities in Lamongan still depended entirely on the advice and solutions of the *kyais* when facing their main problem in matters of religion. At this point, the *kyai's* position as a cultural broker still plays a significant role in the construction of the Lamongan coastal community. The figure of the *kyai* in the Lamongan coastal community's reality is seen not only as a leader in religious

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<sup>7</sup> Karl Marx and Friedrich Engels, *On Religion*, Dover ed, *Dover Books on History, Political and Social Science* (Mineola, NY: Dover Publications, 2008), 49.

<sup>8</sup> Max Weber, *The Sociology of Religion* (Boston: Beacon Press, 1993), 139.

<sup>9</sup> Gustavo Gutiérrez, *A Theology of Liberation: History, Politics, and Salvation* (Maryknoll, NY: Orbis Books, 1988), 183.

<sup>10</sup> Essack Farid, *Tafsir Pembebasan* (Yogyakarta: LKis, 2009), 53.

rituals but also as an agent of social and ecological change.<sup>11</sup> The Lamongan coastal community is still robust about the role of the *kyai* as a provider of solutions to various problems. Consequently, it is unsurprising that the *kyai* is seen as a teacher because of his high religious capacity.<sup>12</sup> *Kyai*, the patron of social change in coastal Lamongan, not only plays a role in the cultural order but also in the area of ecological issues. Therefore, Horikoshi defines *kyai* as a social parameter. Thus, when social, cultural, or ecological problems occur, the *kyai* first offers solutions.<sup>13</sup>

According to a study by Mufid, preventing damage to marine ecosystems is quite effective when mobilized by *kyais* as bridges and agents of social change through their green fatwa formulations. Furthermore, Mufid said that social change by patron *kyai* is a significant intense form of offering change because the *kyai's* position in the structure of religious society occupies a strategic position to exert influence.<sup>14</sup> If reduced based on the explanation above, there is no change in the context of the Lamongan coastal community as both come from religious communities.<sup>15</sup>

The domination of the role of the *kyai* in the Lamongan coastal community is an element that cannot be separated in the process of religion and social change to maintain marine ecosystems. Contextually in the Lamongan community, NU *kyais* have a function to save and maintain the social system and marine ecosystems. In addition, the *kyai*, in the view of the Lamongan coastal community, is also strongly believed to maintain sustainability and balance marine ecosystems and people's welfare. Therefore, in Weber's analysis, the leadership of

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<sup>11</sup> Izzatul Mardhiah, Rihlah Nur Aulia, and Sari Narulita, "Konsep Gerakan Ekoteologi Islam Studi Atas Ormas NU Dan Muhammadiyah," *Jurnal Studi Al-Qur'an* 10, no. 1 (2014): 83-97, <https://journal.unj.ac.id/unj/index.php/jsq/article/view/4420/3338>.

<sup>12</sup> Robby Darwis Nasution, "Kyai As Agents of Social Change and Peace in Traditional Society," *Sosiohumaniora* 19, no. 2 (July 2017): 1-16. <https://doi.org/10.24198/sosiohumaniora.v19i2.10346>.

<sup>13</sup> Horikoshi, *Kyai dan Perubahan Sosial*, 91.

<sup>14</sup> Moh. Mufid, "Fiqh Konservasi Laut: Relevansi Fiqh al-Bi'ah di Wilayah Pesisir Lamongan," *Al-Manahij: Jurnal Kajian Hukum Islam* 12, no. 1 (2018): 1-16. <https://doi.org/10.24090/mnh.v12i1.1356>.

<sup>15</sup> Zainal Fadri, "Social Changes in Rural Muslim Communities After the Arrival of Kyai," *COMMUNITY* 11, no. 2 (December 2020): 133-42. <https://doi.org/10.20414/komunitas.v11i2.2688>.

religious figures such as *kyai* is considered essential and charismatic.<sup>16</sup> According to him, the charisma of the *kyai* as a role model for traditional society in paternalistic relations has the potential for social change.

Meanwhile, according to Durkheim, the solidarity and awareness built in traditional societies such as in the Lamongan coastal community is mechanical solidarity. In traditional society, the role of the clergy, such as *kyai*, has a sacred domain as a representation of God on earth. Thus, religious people such as *kyai* have a divine patronism cult in Lamongan society. Fatwas and their advice are represented as norms that must be used as a means of social control and social engineering. Mechanical traditional community solidarity places the position of the *kyai's* fatwa in a top-down manner that must be followed and obeyed, including fatwas for social change and environmental preservation, which are expected to be able to encourage the birth of sustainable social welfare.<sup>17</sup>

### **The Urgency of the Green Fatwa**

Even though Indonesia has been named the largest maritime country, it is also rich in marine resources and potential.<sup>18</sup> However, most marine ecosystems are still under threat. One of the marine environments in danger is the marine ecosystem on the coast of Lamongan. One of the dangerous hazards of the Lamongan coastal marine ecosystem is also caused by destructive fishing activities by fishermen using fishing tools such as trawls, seine nets, purse seine nets, dynamites, and other dangerous chemicals.<sup>19</sup> Destructive fishing behavior is certainly not justified because it can damage marine biodiversity.<sup>20</sup> On the other hand, the pattern of catching fish

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<sup>16</sup> Weber, *The Sociology of Religion*, 182.

<sup>17</sup> Emile Durkheim and Karen E. Fields, *The Elementary Forms of Religious Life* (New York: Free Press, 1995), 177.

<sup>18</sup> Hari Eko Irianto, Sri Turni Hartati, and Lilis Sadiyah, "Fisheries and Environmental Impacts in the Great Jakarta Bay Ecosystem," *Indonesian Fisheries Research Journal* 23, no. 2 (February 12, 2018): 69, <https://doi.org/10.15578/ifrj.23.2.2017.69-78>.

<sup>19</sup> Ahmad Royani Royani, "Sanksi Hukum Pidana Terhadap Penggunaan Bahan Peledak dalam Penangkapan Ikan," *Jurnal Independent* 6, no. 1 (March 2018): 100, <https://doi.org/10.30736/ji.v6i1.79>.

<sup>20</sup> HZ Abidin et al., "Land Subsidence in the Coastal City of Semarang (Indonesia): Characteristics, Impacts and Causes," *Geomatics, Natural Hazards and Risk* 4, no. 3 (September 2013): 226–40, <https://doi.org/10.1080/19475705.2012.692336>.



destructively has a vital role as “a backbone” for the economic growth of the Lamongan coastal community because the catch of fish circulating at the fish auction market has depended on the results of fishermen using fishing gear.<sup>21</sup> In this context, the ulama's fatwa, a source of national law, is expected to be a social construction tool for preserving marine ecology.

The dilemma of using destructive fishing gear cannot be separated from political-economic interests. During the era of the Minister of Maritime Affairs and Fisheries Susi Pudjiastuti, destructive fish harvesting methods were prohibited through the Minister of Maritime Affairs and Fisheries Regulation No.2/Permen-KP/2015. Unfortunately, during Minister Edhy Prabowo, this regulation was repealed because it was felt that the economic growth of coastal communities could stop if trawls and seine nets were banned. Minister Edhy's regulation above was later annulled by the new Minister of Maritime Affairs and Fisheries, namely Sakti Wahyu Trenggono, who returned Susi Pudjiastuti's policy to prohibit fishing using destructive fishing gear through the KP Ministerial Regulation Number 18 of 2021 concerning Placement of Fishing Equipment and Fishing Auxiliary Equipment in WPP-NRI and High Seas and Arrangement of Andon Fishing.

Therefore, the Bahtsul Masai'l MWC NU Paciran Institute formulated a fatwa prohibiting the destruction of marine ecosystems in the coastal area of Lamongan. The formulation consists of two main parts. First, it is not permissible to use fishing gear (API) that disturbs and damages the sustainability of fish resources. Unless following the provisions set by the government. Second, the status of caught fish that damages the environment is not justified and is considered not halal because destructive fishing is involved.

Apart from that, the Bahtsul Masai'l MWC NU Paciran Lamongan Institute also appealed to government structures to socialize massively about the Minister of Maritime Affairs and Fisheries Regulation Number 18 of 2021 regarding the Placement of Fishing Equipment and Fishing Auxiliary Equipment in WPP-NRI and the High

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<sup>21</sup> Mohammad Yaskun and Edie Sugiarto, “Analisis Potensi Hasil Perikanan Laut Terhadap Kesejahteraan Para Nelayan dan Masyarakat di Kabupaten Lamongan,” *JURNAL EKBIS* 17, no. 1 (March 1, 2017): 9, <https://doi.org/10.30736/ekbis.v17i1.70>.

Seas as well as Arranging Andon Fishing for fishermen by cooperating with elements from religious figures and leaders. Other recommendations were also made for the government to educate the public about the importance of maintaining marine ecosystems to sustain fish resources. Finally, it is recommended that the government provide and provide assistance to fishermen in the form of fishing equipment (API) that conforms to the standards set out in Permen KP Number 18 of 2021.

The decision on the green fatwa Bahtsul Masa'il Paciran was passed on August 8, 2021, with a session presided over by Diya'uddin Muhammad IM and Taufiq Hidayat. The fatwa was also legitimized by several *Mushahih* (ratifiers), such as KH. Abdul Majid Yasin, KH. Abdul Ghoni Mannan, and KH. A. Masruri Nur Salim. In addition, they were acting as formulators, namely KH. Misbahus Shudur, and KH. Moh. Bahruddin, and supported by several members, such as Miftahul Huda, Khoirul Huda, Mukhlisin, Muh. Syifa'un Nuha, and Haris Aghil Lil Anwar.

From there, the role of the NU *kyais* has experienced a shift in the Lamongan coastal community. Since the green fatwa issuance, researchers have found that the NU *kyai* roles in social change are not only seen by the community from the point of view of their cunning in transforming the esoteric understanding of religion in the Lamongan coastal community. However, their role as patron of protecting marine ecosystems is also being considered, despite being met with opposition. It can be seen from his courage in issuing a fatwa regarding the prohibition of destructive fishing gear. Although some scholars, community leaders, and even fishermen disagree with the green fatwa formulated by Bahtsul Masa'il MWC NU Paciran Lamongan. Nevertheless, the courage to issue a fatwa did not change the stance of the NU *kyais* to be pro toward the sustainability of marine ecosystems as a top priority.

## **Discussion**

The investigations conducted by the researchers show that the use of destructive fishing gear is one of the causes of damage to marine ecosystems, which impacts decreasing fish populations. The use of the destructive fishing gear is quite widespread by fishermen on the coast of Lamongan. For example, according to data reported by the Government of Lamongan Regency in Kranji Village, boats with

prohibited fishing gear, such as 21 units of trawls, 30 units of seine nets, and 72 units of purse seine nets. In Weru village, there are 441 seine net units. In Blimbing Village, the number of seine nets is more dominant, 455 units. Of all the villages mentioned, only Kranji has trawl fishing gear, but of the seine nets fishing gear, Loghung Village dominates with 155 units.<sup>22</sup>

Based on studies conducted by IPB and UNDIP, as quoted by the Ministry of Environment and Forestry, that fishing gear such as trawls and seine nets seriously threaten the preservation of marine ecosystems; from 100 percent of catches, 51% of catches are on target. Meanwhile, 49% of the fish caught were non-target. Thus, at this point, the state prohibits fishing gear such as trawls, purse seine nets, and seine nets from being operated by fishermen.<sup>23</sup> It is at this moment that the role of the NU *kyais* as cultural brokers and agents of social change is expected to be able to respond to various problems of marine ecological damage that continue to escalate day by day.

Based on an interview the author conducted with KH Abdul Ghoni, a Ro'is Surya NU in Paciran, said that the preservation of marine ecosystems is an urgent need in the midst of increasing marine ecological damage. The large number of coral reefs damaged due to destructive fishing gear such as trawls, seine nets, and purse seine nets requires the *kyai* to respond through the formulation of green fatwas. The NU *kyais* in the Paciran Lamongan coast saw that the destruction of marine ecosystems occurred due to the perspective of fishermen in Lamongan who saw the relationship between humans and nature as a subject and object relationship. Because nature is considered an object, humans often exploit it excessively. Even not infrequently, the existence of humans as a caliphate on earth is regarded as a theological justification that using nature is God's commandment<sup>24</sup>

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<sup>22</sup> Lamongan KKP, *Profil Perikanan* (Lamongan: Dinas Perikanan Kabupaten Lamongan, 2020), 31.

<sup>23</sup> Menlhk, "Kenali Cantrang, Alat Tangkap Ikan yang Dilarang," Berita Pemerintah, *Kementerian Lingkungan Hidup dan Kehutanan* (blog), Mei 2017, <http://ppid.menlhk.go.id/berita/berita-pemerintah/2657/kenali-cantrang-alat-tangkap-ikan-yang-dilarang>.

<sup>24</sup> Abdul Ghoni, Interview (Lamongan, 2020).

It is at this point Seyyed Hossein Nasr, in his work entitled "*Islam dan Nestapa Manusia Modern*,"<sup>25</sup> tries to sue the supremacy narrative of the interpretation of the caliphate on earth, which is anthropocentric. Still, according to Nasr, modern humans tend to turn nature and its various resources into prostitution.<sup>26</sup> Meanwhile, according to Baqir Muhammad Sadr, limited natural resources must be managed and appropriately utilized for the common good.<sup>27</sup> Instead of being exploited by capitalist oligarchs whose desires are endless.<sup>28</sup>

At the same time, Fritjof Capra also affirmed various ecological damages. He states, "Ecology and spirituality are fundamentally connected because deep ecological awareness, ultimately, is spiritual awareness." This statement indirectly concludes that deep ecological awareness initiated by *kyais* towards preserving marine ecosystems in Lamongan can build connectivity between ecology and spirituality in the coastal communities of Lamongan. This connection between the two is called spiritual awareness.<sup>29</sup> In other words, the deeper the role of the *kyai* in giving awareness of the existence of nature essential to the Lamongan coastal community, the closer the Lamongan coastal community is to spiritual values. Therefore, patron *kyai* as social change initiators and religious inspirers are crucial to take preventive action against damage to the Lamongan marine ecosystem.

KH Sahal Mahfudh also commented on the same anxiety in the Indonesian context. According to Sahal Mahfudh, humans often regard nature only as an object that has no value.<sup>30</sup> Therefore, he considers that nature and humans should be placed in the same position, namely as

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<sup>25</sup> Seyyed Hossein Nasr, *Islam dan Nestapa Manusia Modern* (Bandung: Pustaka, 1983), 61.

<sup>26</sup> Siti Rohmah, Erna Herawati, and Moh Anas Kholish, *Hukum Islam dan Etika Pelestarian Ekologi: Upaya Mengurai Persoalan Lingkungan di Indonesia* (Malang: UB Press, 2022), 92.

<sup>27</sup> Baqir Muhammad Sadr, *Buku Induk Ekonomi Islam: Iqtishaduna* (Jakarta: Mizan, 2008), 25.

<sup>28</sup> Moh Anas Kholish, Gugus Irianto, and Andi Muhammad Galib, *Fikih Ekonomi Kontemporer: Konfigurasi Pemikiran Ekonomi Islam di Era Global* (Malang: Empat Dua Media Intrans Publishing, 2021), 170.

<sup>29</sup> Fritjof Capra, "Deep Ecology: Educational Possibilities for the Twenty-First Century," *The NAMTA Journal* 38, no. 1 (2013): 16, <https://eric.ed.gov/?id=EJ1078054>.

<sup>30</sup> Sahal Mahfudh, *Nuansa Fiqih Sosial* (Yogyakarta: LKiS, 2004), 43.

collaborative subjects in an ecosystem arrangement which is a symbiosis of mutualism.<sup>31</sup>

Muhammad Mufid, in his study, stated that an influential figure like a *kyai* could become an agent of change in saving the damage to the marine ecosystem on the coast of Lamongan. Thus, the role of the *kyai* is not only seen as a teacher of the Koran with *an sich*'s halal and haram fatwas but has a more strategic role, namely in formulating ecological fatwas. Still, according to Mufid, the figure of a *kyai* is a "green agent" who also plays a role in creating integrity, stability, and beauty within the biotic community in the Lamongan coastal community.<sup>32</sup>

In the researcher's observation, the *kyai*, who takes the highest peak structurally and culturally in the Lamongan coastal community, must be recognized as having an essential role in ecological preservation. In this case, the NU *kyais* in Lamongan emphasize ethics in caring for the environment, although they do not deny several other aspects. Furthermore, the ideas and movements of the NU *kyais* in Lamongan were heavily influenced by their expertise in promoting, evoking, and mobilizing the masses through their theological teachings to preserve the environment.

Although *kyais* are often only identified by most people as agents of the catalyst for soaring individual piety. However, on the other hand, in reality, the *kyai*, apart from their pejorative stigma, turns out that *kyais* are also capable of carrying out social change by producing transformative green fatwas.

The NU *kyais*' construction of a green fatwa as a ban on destructive fishing gear cannot be separated from priority fiqh considerations. According to Gus Udin, one of the caretakers of the Maslakul Huda Islamic Boarding School said that if two benefits clash at one point, then what needs to be done is to measure which benefit should be prioritized and which help should be set aside.<sup>33</sup> The perspective put forward by Gus Udin also received theoretical justification from Yusuf Al-Qaradawi. According to him, "*Fiqh al-*

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<sup>31</sup> Rohmah, Herawati, and Kholish, *Hukum Islam dan Etika Pelestarian Ekologi: Upaya Mengurai Persoalan Lingkungan di Indonesia*, 83.

<sup>32</sup> Mufid, "Fiqh Konservasi Laut: Relevansi Fiqh al-Bi'ah di Wilayah Pesisir Lamongan."

<sup>33</sup> Udin, *Interview*, June 10, 2020, Lamongan.

*Awlawwiyat*" comes as a criticism of the tendency of Muslims to ignore primary issues and prioritize secondary and even tertiary matters.<sup>34</sup> Thus, the objectives of Islamic law in the *maqasid* shari'ah are not perfectly achieved.<sup>35</sup> According to al-Qaradawi, as quoted by Kholish, the measuring tool for the benefit must be prioritized, of course, must consider scientific procedures, one of which is that long-term benefits must be prioritized, rather than short-term ones. Likewise, public benefits must be prioritized rather than specific ones. A similar construction also applies to measuring the *mafsadat*, a priority scale. General and long-term harm should be prioritized over inevitable short-term damage.<sup>36</sup> It is a construction of priority *fiqh* that underlies NU *kyais* to carry out ecological *ijtihad* and social change in the Lamongan coastal community.

In the construction of the NU *kyais*, this destructive fishing gear does have a beneficial side as a support for Lamongan commodities, as well as being the most significant fish producer in East Java. However, its existence is specific to the interests of the ship owner oligarchy. Indeed, it is short-term because it is only to meet the needs of momentary economic welfare, not for long-term ecological benefits.<sup>37</sup>

At this point, the NU *kyai* in Paciran Lamongan, through his fatwa in 2020, really took a stance to strengthen the rules made by the government in the latest Minister of Fisheries and Maritime Affairs Regulation (Permen KP) Number 18 of 2021, regarding Placement of Fishing Equipment and Auxiliary Equipment for Fishing in the Fisheries Management Area of the Republic of Indonesia and the High Seas and Arrangement for Fishing Andons. NU *kyai* considers that the prohibition of destructive fishing gear must also comply with zoning rules, as stipulated in Permen KP No. 18 of 2021 Article 3 Paragraph 1, which states that "IA Fishing Routes cover waters up to 2 (two) nautical miles measured from the coastline outward to the High Seas and/or the

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<sup>34</sup> Yusuf Al-Qaradhawi, *Fi Fiqh Al-Awlawiyyat – Dirasat Jadidah Fi Dhau' Al-Qur'an Wa al-Sunnah* (Cairo: Maktabah Wabbah, 1995), 76.

<sup>35</sup> Moh Anas Kholish and Nor Salam, *Hukum Islam Progresif* (Malang: Setara Press, 2020), 111.

<sup>36</sup> Yusuf al-Qardhawi, *Ri'ayat al-Bi'ah Fi Syari'ah al-Islamiyyah* (Cairo: Dar al-Syuruq, 2006), 61.

<sup>37</sup> Ghoni, *Interview*.

direction of archipelagic waters and, Fishing Lane IB includes waters outside Fishing Lane IA up to 4 (four) nautical miles”<sup>38</sup>

The *kyai*'s basic form as a catalyst for social change is through the formulation of progressive green fatwas about the future of marine ecosystem preservation, which are often ignored. NU *kyais* see that prohibiting destructive tools is part of the public benefit and the long term must be prioritized. However, the NU *kyais*' construction of catches from dangerous fishing gear was not immediately condemned as illegitimate until the Indonesian government could provide an alternative solution to the Lamongan coastal fishermen.

If the government has determined proper fishing gear with various modifications, it doesn't just ban it. However, the government must be able to provide a solution by procuring fishing gear that meets government standards without reducing the value of the welfare of the Lamongan coastal community.

In this context, the NU *kyais* want to make Paciran Village a "role model village," where in the waters of the Paciran sea, none of the people use the destructive fishing gear. Thus, the sustainability of the marine ecosystem is better maintained than in neighboring villages, such as Blimbing, Kranji, Mantren, and Waru, which mainly use destructive fishing gear, such as trawls, purse seine nets, and seine nets. In Dayat Maulidan's narrative, one of the fishermen in Waru Lor said that the marine ecosystem in Paciran Village is cleaner and bluer, with various sea treasures still stored, than in the joining villages.<sup>39</sup> According to Kyai Ghoni, the welfare of Paciran fishermen with various traditional boats and simple fishing gear must be admitted that the welfare of Paciran fishermen is not much compared to fishermen who use destructive fishing gear. However, the interest of the Paciran coastal community is much more sustainable because the marine ecosystem is still well maintained.<sup>40</sup> According to Kyai Bahrudin, the fishing communities of the Paciran coast do not need to look for fish outside the Paciran zone because their marine resources are still abundant. It differs from fishermen in the villages of Blimbing, Keranji, Mantren,

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<sup>38</sup> KKP, *Profil Perikanan*.

<sup>39</sup> Dayat Maulidan, *Interview*, June 21, 2020, Lamongan.

<sup>40</sup> Ghoni, *Interview*.

and Waru Lor, who have to look for fish outside the Lamongan zoning, where this practice often provokes conflicts between fishermen.<sup>41</sup>

In 2002, Paciran Village was declared a marine ecosystem conservation area, which is still well preserved. Through its well-maintained marine ecosystem, blue swimming crabs are the principal community for Paciran coastal fishermen. In 2002, the government of Paciran Village held a "Feast of a Thousand Crab" to be enjoyed free of charge by residents who attended the event. The Paciran Village Government wants to show that prioritizing the preservation of marine ecosystems will impact the welfare of the Paciran coastal communities. Nature must not be prostituted to fulfill the libido of the oligarchs of seine net owners, and trawlers are momentary. However, the long-term preservation of the sea is threatened.

According to Arianto's study, the ownership of destructive fishing gear, such as trawls, seine nets, and purse seine nets, is owned mainly by coastal communities,<sup>42</sup> as in Lamongan. Even though their catches are abundant, they are considered to be able to improve the economy of the Lamongan people. However, according to Arianto, its destructive power can threaten damage to marine ecology. Still, according to Arianto, a dangerous fishing tool is a net with enormous size and small or tight holes. This style of the net will catch a wide variety of fish of all sizes. Small fish, which have not spawned and reproduced, will also be caught. As a result, there will be a decrease in the number of fish at a particular stage. In addition, using trawl nets and seine nets will damage coral reefs because they are snagged or carried by nets. If this continues, the coral ecosystem will be damaged on a large scale, resulting in the extinction of fish living in the coral area.<sup>43</sup>

In addition to the ecological impact of seine nets and trawlers, it also has severe socio-economic consequences.<sup>44</sup> Using this tool with various types also threatens the existence of traditional fishermen. It is triggered by using seine nets and trawlers by fishermen using large vessels. The widespread use of this tool is considered to have caused

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<sup>41</sup> Bahruddin, *Interview*, June 22, 2020, Lamongan.

<sup>42</sup> Henry Arianto, "Urgensi Perlindungan Ekosistem Laut Terhadap Bahaya Ilegal Fishing," *Lex Jurnalica* 14, no. 3 (December 2017): 184.

<sup>43</sup> Mufid, "Fiqh Konservasi Laut: Relevansi Fiqh al-Bi'ah di Wilayah Pesisir Lamongan."

<sup>44</sup> Muhtarom, "Analisis Kontribusi Hasil Perikanan Laut terhadap Kesejahteraan Para Nelayan dan Masyarakat di Kabupaten Lamongan."



fish famine. One traditional fishing group that rejects using dragnet trawls and seine nets is the North Sumatra Fishermen's Alliance (ANSU). In the KKP press release, it was stated that the traditional fishermen group took action to support the Minister of Maritime Affairs and Fisheries Regulation No. 2 of 2015 at that time regarding the Prohibition of the Use of Trawls and Seine Nets and Ministerial Regulation No. 71 of 2016 concerning Fishing Lines and Placement of Fishing Equipment in the Fisheries Management Area of the Republic of Indonesia.<sup>45</sup>

In this context, the role of the *kyai* occupies a significant position as an exemplary model for the Lamongan coastal community. NU *kyais'* green fatwa regarding the prohibition of destructive fishing gear is indeed considered by some to be a futile fatwa. However, the *kyai*, as a cultural broker, must make social changes by educating coastal communities about the importance of preserving marine ecosystems.<sup>46</sup> Therefore, the patron *kyai* is vital in formulating the power of jurisprudence both normatively and socially.<sup>47</sup> This formulation is then disseminated through efforts to partially improve the relationship between humans and ecology. This effort will be marked by instilling ethical values in the ecological *ijtihad* of NU scholars in environmental preservation by considering the universal principles of the Qur'an and Hadith as the main guideline for ecological conservation. The planting of these values is later believed to add to the importance of nature's subjectivity as a human life provider, especially in the communities around nature.<sup>48</sup>

At this point, the role of the NU *kyais* in Lamongan is expected to become the basis for social change from an anthropocentric paradigm to a theo-antro-ecocentric paradigm, which tries to balance *mua'amalah*

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<sup>45</sup> "Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia" (Jakarta: Ministry of Maritime Affairs and Fisheries, 2021).

<sup>46</sup> Meirina Fajarwati, "Green Constitution Sebagai Upaya Untuk Memperkuat Norma Lingkungan Hidup," *Jurnal RechtsVinding Online. Media Pembinaan Hukum Nasional* 1, no. 1 (January 2016): 1-12.

<sup>47</sup> Nilan Loliyana, "Kyai dalam Perubahan Sosial di Pare Tahun 1970-1990," *SEJARAH DAN BUDAYA* 16, no. 1 (2022): 15.

<sup>48</sup> Muhammad Afwan Romdloni and Muhammad Sukron Djazilan, "Kiai dan Lingkungan Hidup; Revitalisasi Krisis Ekologis Berbasis Nilai Keagamaan di Indonesia," *Journal of Islamic Civilization* 1, no. 2 (October 28, 2019): 119–29, <https://doi.org/10.33086/jic.v1i2.1322>.

between God, humans, and nature. The *kyai*, through his patronism, is expected to be able to provide information and education to the people of Lamongan about how to respect marine ecology without exploiting it overly. At the same time, several arguments in the Qur'an and Hadith emphasize the importance of theological foundations in carrying out ecological conservation as a form of manifestation of the mandate as a caliphate on earth.<sup>49</sup> Thus, the role of the NU *kyais* in Lamongan will later become the main mouthpiece in offering theo-anthro-ecocentric as a concept of Islamic ecological orientation in marine conservation based on Islamic principles and values.

### **Conclusion**

From the discussions above, several conclusions can be drawn, including the green fatwa of the NU *kyais* as cultural brokers who have played a significant role in encouraging social change and environmental preservation in the coastal communities of Lamongan. The seaside community of Lamongan considers the authoritative green fatwa of NU *kyais* in strengthening government regulations such as prohibiting destructive fishing gear, which has tended to be ignored by coastal communities. The mechanic awareness of the Paciran community is considered one of the factors of the green fatwas. NU *kyais*' fatwa regarding prohibition of destructive fishing is regarded as a pretty sacred norm. Thus, the formulations of the green fatwas can be used as the basis for the behavior of the Paciran people who still uphold the patronism of the *kyai*. Paciran Village is the only village in Paciran District that is sterile from using destructive fishing gear, so the preservation of its marine ecosystem is still effectively maintained. In contrast to the villages of Waru, Mantren, Keranji, and Blimbing, as well as Brondong, which use a lot of destructive fishing gear.

The marine ecology around them can no longer fulfill the welfare of the people. It is because the marine ecosystem suffered considerable damage. The social construction of the NU *kyais* regarding the urgency of banning destructive fishing gear is based on priority *fiqh* considerations. According to the NU *kyais*, the prohibition of dangerous fishing gear in Paciran is a public benefit, as well as the long term,

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<sup>49</sup> Andi Eka Putra, "Alam dan Lingkungan dalam Perspektif Tasawuf dan Al-Qur'an," *Jurnal Al-Dzikra* 8 (2014): 1-14.

which must be prioritized over ignoring the practice of destructive fishing with fishing gear, such as trawlers,

Hopefully, these green fatwas on the prohibition of destructive fishing gear can become jurisprudence and a rule model to be applied in coastal communities where it is common to use these dangerous fishing gear. At this point, the study in this article recommends that the minister of MMAF cooperate with the *kyais* in making various rules and regulations regarding preserving marine ecosystems.

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