

Epistemic Values of Islamic Law in Green Financing Contracts

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Abstract

This research aims to describe the epistemic values of Islamic Law in green financing contracts. The research design used in this research is descriptive qualitative research with a philosophical approach. Regarding the data collection, this study uses the library method with a systematic literature review analysis. The findings show that green financing contracts are business financing contracts that have special conditions, specifically a dedication to going green, conserving the environment, and safeguarding wildlife. The epistemic values of Islamic Law in green financing contracts are transcendence, *maslaha*, *al-islah* and humanist values. This study is the first to assess epistemic values in green financing, as far as the author knows. Therefore, this research might provide significant recommendations on green finance for financial institutions and its epistemological objectives

Keywords: Green financing, epistemic values, financing agreements, environment.

INTRODUCTION

The conceit and egocentric application of modern science has been greatly influenced by the technological and commercial facets of industry (Inayati & Mulyawisdawati, 2024). The concept that nature is under human control and may be exploited as humans see fit for human goals is conveyed by the modern scientific view of humans as the center of the universe, or anthropocentrism (Kuntowijoyo, 2006). Environmental ethics only considers horizontal human-to-human relationships when establishing moral standards and norms. As this is going on, people only view their relationship with nature and the environment as utilitarian, using nature as a means of achieving their goals (Arimbawa & Putra, 2021) The industrial economy's usage of energy is one example. The usage of high-carbon energy technologies – that is, contemporary technologies that predominantly rely on coal, oil, and other energy sources that release copious amounts of carbon dioxide and other associated compounds – is required to support the industrial economy's ongoing growth (Li & Ge, 2023).



The negative effects include garbage that contaminates the air, harms the ecosystem, and puts human health at jeopardy (Rafsanjani, 2021).

Environmental problems are not brand-new. Islam is designed to prevent harm to the natural world and its effects on humankind. *Fiqhu-l- bi'ah*, or fiqh of environment, which is based on *maqasid al-syari'ah* (i.e., *jalbu al-mashalih* and *dar'u al-mafasid*), seeking advantage and steer clear of harm (Utama et al., 2019). In an endeavor to achieve sustainable and ecologically compatible development, *fiqh al-bi'ah* to be implemented in numerous significant facets of human existence. Especially the economic and technological aspects of industry through business financing in the sharia financial sector (Yuliawati et al., 2017). The objective of this program is to alter the perspective of business players, enabling entrepreneurs to shift their focus from short-term profits to long-term profits as corporate goals. This type of corporate financing is referred to as "green financing" throughout the world, as it combines financial gain with environmental preservation (Cai & Jianluan, 2021).

Since green financing is a novel instrument, scholars must examine the contracts that are employed in it from the standpoint of Islamic legal epistemology. For instance, Sharia Financial Institutions must include epistemic values, the cornerstone of Islamic law, into green financing arrangements in order to fulfill the objectives for taking green financing into practice.

This research has particular advantages even if there are previous studies on epistemological issues pertaining to Islamic law and green financing. This is exemplified by the identification of prior research with issues comparable to this one, namely environmentally friendly finance and epistemic values, but with different focus, methods, and goals.

This research includes research by Azwar Iskandar and Khairul Aqbar in 2019 with the title "Kedudukan Ilmu Ekonomi Islam di antara Ilmu Ekonomi dan Fikih Muamalah: Analisis Problematika Epistemologis." The difference with this research lies in the type of research. Where Azwar uses a type of comparative research with the research objects of Islamic economics and the fiqh of muamalah (Iskandar & Aqbar, 2019). Moreover, research by Sabarudin Sinapoy with the title "Analisis Fiqh Lingkungan Terkait Penyalahgunaan Pengelolaan Pertambangan terhadap Kerusakan Lingkungan Hidup", which focuses on environmental fiqh criticism on the impact of mining land management which results in environmental damage (Sinapoy, 2019). Another research by R. Wahyu Agung Utama, Ridan Muhtadi, Nur Rachmat Arifin, and Imron Mawardi with the title "Tinjauan *Maqashid Syariah* dan *Fiqh Al-Bi'ah* dalam Green Economy", which use of *fiqh al-bi'ah* in a green economy program as discussed in this study (Utama et al., 2019). According to researchers, Islam has a perfect understanding of sustainable development, especially, in terms of research substance, methodology, and study aim, the three previously mentioned studies differ from the research on epistemic values of Islamic law in

the green financing contracts. Therefore, it can be said that this study is unique and valuable for its uniqueness.

RESEARCH METHOD

This study employed a qualitative descriptive research design with a philosophical perspective. Utilizing the literature method as a means of data collection, researchers gather information from a variety of sources that are relevant to their study topic. This information is then processed to generate research-related data (Sugiono, 2014). The data is collected through a *systematic literature review method* (Petticrew & Roberts, 2008). In this case, the author gathers information from primary and secondary data sources. Regarding method of data analysis, this employed a descriptive style (Sarosa, 2021). The descriptive methods are used to systematically manage data on epistemological values and discourse on green financing contracts contained in primary and secondary data sources

RESULT AND DISCUSSION

Green Financing Agreement for Sustainable Business

Referred to as environment-based financing or green financing, it is essentially a branch of the idea of green banking, which is an endeavor to take into consideration the bank's corporate social responsibility (CSR) to the environment and the community surrounding the bank. When it comes to the success of environmental preservation initiatives, banks must be able to satisfy all stakeholders, including staff, clients, the communities surrounding the bank, and environmental organizations (Utari, 2022).

The foundation of green banking law is "Everyone is obliged to maintain the preservation of environmental functions and control pollution and/or damage to the environment," according to Article 67 of Law No. 32/2009 on environmental protection and management (UUPPLH). According to Article 68, everyone conducting business or engaging in other activities has an obligation to: (a) maintain the sustainability of environmental functions; (b) maintain correct, accurate, timely, and open communication of information pertaining to environmental protection and management; and (c) comply with provisions on environmental quality standards or standard criteria for environmental damage (Geo et al., 2023).

The regulation of green banking in Indonesia is outlined in the explanation of Article 8 of the Banking Law, which is based on Law No. 10 of 1998 concerning Amendments to Law No. 7 of 1992 concerning Banking. Bank lending policies that are based on the findings of environmental impact analyses are one of the products of green banking. The credit policy under consideration is primarily concerned with meeting application requirements. This is consistent with the UN-initiated SDGS project. The goal of sustainable development is to raise the standard of living for people everywhere, both now

and in the future, without going over the earth's carrying capacity when it comes to the use of natural resources. There are four sustainable development goal components that can be used to accomplish this aim. First, fairness and economic expansion; second, social progress; third, environmental preservation and natural resource conservation; and fourth, good governance (Hasanah & Hariyono, 2022).

One way to characterize the banking industry's efforts to reduce the possibility of environmental harm from human activity is through the adoption of green banking practices. According to the Qur'an, human activity interacting with the environment is the cause of all destruction that happens on Earth's surface (QS. Ar-Rum: 41). Stated differently, the onus of safeguarding the environment must fall on humans, i.e., *hifdzul bi'ah* (Fad, 2021). For example, one form of responsibility is by providing environmentally friendly business financing in Sharia Financial Institutions (LKS), both bank and non-bank. LKS's financing products are based on a variety of contract types, including *muzara'ah*, *mudharabah*, *ijarah*, *murabahah*, and *musyarakah* financing contracts (Soemitra, 2017). However, business financing can be declared environmentally friendly if the following conditions are met.

1. Contains the principles of environmental conservation.

The concepts of environmental conservation are founded on the behavior of safeguarding the environment from various sorts of harm. The behavior of harming the environment and causing harm to other people is contradictory to the laws of jurisprudence established by the *fugaha* (i.e., *al-Qawaid al-Fiqhiyyah*). In the context of environmental conservation, to conserve and care for nature, Yusuf Qaradawi urged the application of punishments in the form of imprisonment (i.e., *At-Ta'zir*) for perpetrators of environmental damage defined by the government i.e., *Waliyyul amr* (Zulaikha, 2014).

2. Maintaining the terms of environmental protection within Islam. Islam has implemented numerous forms of environmental conservation, including:
 - a. *Hima* is a sharia-compliant territory particularly safeguarded by the government (State Imam or Caliph) to conserve wildlife and forests. Aside from that, reforestation is another type of environmental protection that promotes the survival of air, animals, and plants. The subjective aspect of reforestation is a sort of good action that provides numerous benefits to humanity in the world as well as the afterlife. Plants and trees planted by Muslims have numerous advantages, including the ability to provide shade for humans and animals passing by, the fruit and leaves can be eaten, the stems can be used to make various tools, the roots can prevent erosion and flooding, the leaves can cool the view for those looking at it, and trees can also protect against wind disturbances, aid in environmental sanitation, and reduce air pollution (Athiyah, 2017).
 - b. Reviving a desolate landscape. Dead land is defined as land that is vacant, lacks water, is not built on, and is not in use. Land death occurs when the land is abandoned and not planted, with no structures or trees. Land is

classified as living if it contains trees, water, and communities where people can dwell (Athiyah, 2017).

- c. Caring for and Protecting animals (Yaqub, 2017). Islam instructs its followers to always care for and preserve its creatures, especially animals, by feeding and motorizing their dwellings. Humans, being Allah SWT's noblest creatures, are obligated to always do good and to avoid causing harm to the environment.

The explanation above shows that businesses that can access financing based on environmental jurisprudence, or what is generally referred to as green financing, are businesses that do not have an impact on environmental damage, always protect forests, carry out reforestation, aim at utilizing or revitalizing dead land, and protect animals. Green finance aims to take proactive action to safeguard the environment and address climate change concerns by making efficient use of renewable, non-renewable, and natural resources. From there, it is believed that self-awareness would evolve to preserve the universe (*hifdz al-bi'ah*) and is inextricably linked to the quality of one's faith. The stronger a person's faith, the more concerned they are about environmental issues, and vice versa. Because the environment is a method of worship that God provides to humans as a tool of *tadabbur* (Fad, 2021).

Implementation of green banking in bank management, for example, Bank Syariah Indonesia, deepens the idea of green banking by establishing a dedicated section to environmental monitoring (Utari, 2022). Meanwhile, banks typically create different financing schemes by allocating funds to development projects that prioritize renewable energy. For example, Bank Negara Indonesia (BNI) launched low-interest financing for electric car ownership and worked with PLN to provide infrastructure for public electric vehicle charging stations (SPKLU) across the country. In addition, funding is being directed toward environmental rehabilitation of Anyer Beach in Banten and the upper reaches of the Citarum River Basin in West Java. This includes nursery construction, tree planting, and care (Rumantir, 2022).

Contracts that have been mutually agreed upon by individuals, financial institutions, governments, and connected parties must serve as the foundation for the implementation of green financing. The objective is to initiate a green financing initiative through an eco-friendly banking scheme. In order to build a sustainable economy, it is envisaged that this will inspire an increasing number of micros, small, medium, and even large business operators to get involved in the green industrial sector (Ruzian & Hassan, 2014).

Epistemic Values of Islamic Law in Green Financing Contracts

Islam is a religion that discusses its connection to the environment. The Qur'an, which is the primary source of Islamic law, depicts the interaction between humanity and nature. Nomanul Haq claims that the Qur'an speaks on three levels at once: metaphysical, naturalistic, and human. The environmental jurisprudence approach is a preventive movement that aims to provide an

optimum foundation for environmental preservation. The benefit paradigm is emphasized in the legal contents. This paradigm leads a person to manage the living environment from numerous angles and across space, time, and material (Yaqub, 2017).

The response of the macrocosm (*al-'alam al-kabir*) is frequently linear and proportional to the behavior of the microcosm (*al-'alam al-shaghir*). If one variable is damaged, all of the other variables will be affected. Because Allah SWT created everything using the principles of balance. As a result, natural balance must be maintained so that humans' responsibilities as caliphs on this planet are not disrupted. Environmental preservation is a shared responsibility (*fardlu kifayah*). This indicates that all stakeholders, including individuals and groups, are accountable for environmental preservation and must be involved in addressing environmental damage. For this reason, the application of the law is mandatory to conserve the environment and is banned from harming natural ecosystems, apart from being founded on the Al-Qur'an and Sunnah, it can also be supported by legal *istinbath* procedures, notably *maslahah mursalah* and *sadd dzari'ah* (Hartini, 2013).

Business financing contracts based on environmental jurisprudence require business owners and financial institutions to commit to environmental protection. These contracts incorporate epistemological values of Islamic law, such as transcendence, *maslaha*, *al-islah*, and humanist values.

1. Transcendent Value.

Maqashid As-Syariah is made up of five main elements or principles: *hifdzul 'aql* (maintenance of reason), *hifdzunnafs* (maintaining the harmony of the soul), *hifzuddin* (maintaining the spirit of religion), *hifdzulmaal* (maintaining the existence of wealth/economy), and *hifdzunnasl wal irdh*. Then Yusuf Qordhawi added one key ingredient, *hifdzul bi'ah* (environmental conservation), transforming the *asy-syatibi* version of *maqasidu sharia* into six main aspects, which were perfected by the existence of laws regulating the environment, which is an essential concern in today's globalization (Inayati, 2021).

Viewed from a transcendence perspective, the human obligation to protect the *bi'ah* (living environment) is a necessity for humans themselves and proof of their obedience to Allah the Creator. Islam as a divine religion that has completely regulated all aspects of life without exception. This includes regulating issues related to the environment (human ecology). This is in line with the mission of creating humans as leaders or caliphs on earth as stated in the QS. Al Baqarah (2: 30). Allah created the earth to be cultivated responsibly (QS. Hud (11): 61) (Nurhayati, 2018).

Environmentally friendly business financing agreements enable individuals to uphold transcendent principles in their economic actions. The pledge in the business finance agreement ensures supervision and business continuity in terms of environmental considerations. In this sense, a business actor has implicitly fulfilled his obligations as Allah's caliph on Earth,

managing and maintaining the universe's equilibrium for the purpose of long-term survival (Inayati & Pratama, 2022).

2. Value of *Maslaha*

Maslaha is a notion that is employed as the primary factor in resolving Islamic legal disputes because it contains the principle of maintaining the objective intent of the law (*maqasid al-syari'ah*), which is the preservation of religion, soul, reason, lineage, and property. To recognize the presence of *Maqasid al-Sharia* for persons of sound mind/*baligh*, they must always have a legal basis as a reference source with Sharia values, meaning the Qur'an and *al-Hadith*, to get beneficial and far-reaching values. From the value of the hurt that causes damage (Jidi, 2022).

The financing agreement for environmentally responsible firms aims to raise collective human consciousness, better and modify the way humans view the environment, and shift attitudes and behavior toward environmental protection. The primary impact of this shift in mentality is the inclusion of ecological issues and the value of the advantages acquired for humans, the environment, and nature in all business decisions, allowing the current environmental crisis to be fundamentally resolved. The obligations of business actors, as well as the supervision provided by financial institutions, in relation to environmental protection commitments mutually agreed upon in contractual agreements in the form of financing agreements, inevitably encourage business actors to continue to prioritize the value of benefits towards ecological sustainability (D'amato & Korhonen, 2021).

3. Value of *al-Islah*.

Islāh means that peace is one of the terms or pronunciations found in the Qur'an. The word *aṣliḥū* is taken from the word *aṣlahā*, whose origin is *ṣaluḥa* as an antonym of the word facade (damaged). Thus the word *ṣaluḥa* means the absence or cessation of damage or the attainment of benefits. The word *Iṣlāh* from the phrase above is related with the word fair, implying that every person who mediates groups or people in conflict must be familiar with this term. There appears to be a dimension of peace (*iṣlāh*) that creates peace. *Iṣlāh* is an endeavor to prevent damage or increase the quality of something to reap more advantages. Often, there are multiple variables that must be met to maximize advantages or improve performance (Saidah, 2012).

The value of *al-islāh* in business financing contracts is a form of effort to support and encourage business actors to make improvements to the environment, especially around their business. Green financing agreements entail reforestation, environmental conservation, and animal care in the company area (Hermawan & Khoirunisa, 2024).

4. Humanist Values

In terms of humanist principles, Islamic law is primarily the concept of laws developed by Islam to help humanity become fully human, to control utilization that is geared toward environmental sustainability in line with the

instructions of the Koran and Hadith. Human ties with their environment as caliphs on Earth must be founded on the principles of proper usage and damage prevention. Awareness of environmental governance as outlined by Islamic law must be instilled in every Muslim individual, and it is a shared responsibility, particularly for the government as the holder of regulations, to protect and preserve the environment and anticipate the impact of environmental damage.

Humanist values in Islam emphasize humanity's dual roles as Allah's servants and earthly caliphs. In their relationship with God, humans are creatures, and God is the Creator. This position is based on humans' commitment to obey and obey their Creator. The Koran states that Allah created people for a specific purpose: to glorify Him. And as caliphs, Allah SWT appointed all of humanity as rulers, and they were given the authority to oversee it and apply the law within the confines He had established. Humans, as caliphs, have the ability to deploy natural resources, which Allah SWT has given them (Amirudin, 2019).

Participating in the process of environmental protection, running environmentally friendly firms, and finally committing to green finance transforms a corporate actor into a humanist, a whole human being. Because, as previously stated, humans as caliphs have a responsibility to conserve, control, and utilize nature. Business financing agreements based on environmental jurisprudence assist and support each individual business actor in carrying out God's commandments to himself as His representative on earth in managing, using, and conserving the cosmos

CONCLUSION

Any financial agreement that incorporates the idea of environmental preservation qualifies as green financing. Enterprises that aim to preserve the environment, reforest, never harm forests, use or revitalize abandoned land, and save wildlife are eligible for green funding. One of the requirements listed in POJK Technical Guidelines No. 51/ 2017's Sustainable Business Activity Category must be satisfied by the company. Furthermore, transcendentalism, *maslaha*, *al-Islah*, and humanist values are among the epistemological principles included in the green financing contracts. Future studies should focus on how Sharia Financial Institutions use green finance to achieve the Sustainable Development Goals and actualize the vision of a green economy.

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AUTHOR CONTRIBUTION STATEMENT

All names written as researchers contributed to the writing process of this article.

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