Unveiling the Power of Burhâni Epistemology in Reshaping Islamic Economic Law for a Fair Financial Landscape

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Abstract

This study aims to explain the concept of burhâni epistemology and its implementation in the development of Islamic economic law formulation. The method used in the research is a thematic literature review with qualitative approach based on empirical normative data to ensure the consistency of the research data. The result of this research is that burhâni epistemology as a logical method or argumentative rationale can be applied to the reality or context analysis of interest-based finance. The practice of imposing interest in the conventional financial system indicates an addition (ziayadah) that can harm one of the parties to the contract (bathil). In addition, the implementation of the burhani method must include the bayani method in the formulation of Islamic economic law because the reasoning process of the concept of interest must be linked to the concept of usury in the text (nash), which must be read and understood textually and contextually. The application of these findings is to review the reality of interest practices in the banking system as a home base in the formulation of Islamic economic laws by eliminating aspects of usury and interest in the financial system. The Burhani method is used to explain banking interest and contractual agreements that incorporate falsehoods like gharar (uncertainty) and injustice (mistreatment) against the parties.

Keywords: Burhâni Epistemology, sharia economic law, financial system, Interest-Based Finance


Introduction

Thinking is a human mental activity that can generate knowledge. Method of thinking can be deductively and inductively as an expression of how the mind to have a rational and proven properties, so that the compiled knowledge is a reliable knowledge. Knowledge in the form of science can explain natural phenomena empirically so that making it possible to predict what will happen and control as well as control the symptoms even before it becomes a reality (Praja, 2002).

As time goes on, the development of thinking methods in science more rapidly. Starting from the exact sciences to the social sciences, also affected the scientific world such as law, economics, anthropology, history, and others. Meanwhile, the religion study as a transcendent region beyond the borders of human experience which is only rated as a belief, not a science. It caused by the view that basically the philosophy of science is a characteristic of the science that can be logical. The science in this case, do not learn about heaven nor hell for both of them is beyond the reach of man.

There are three kinds of studies in philosophical discourse related to science: ontological, epistemological and axiological (Mun‘im, 2022). Philosophy of science also cannot be separated from epistemology in charge of investigating the conditions and forms of human experience associated with logic and methodology. In ontological, epistemology in the Western world comes down on the two base that are rationalism and empiricism which is the main pillar of the scientific method, whereby epistemology can open up perspectives new to science that is multidimensional, including in the Muslim world seen a tendency of Islamic epistemology initiated by idealistic and rationalist thinkers Muslim. According to Saeed (2006), the aspects of ontological and axiological will significantly affected from expertise of determining the epistemological aspects of science.

Globally, the tradition of Islamic scientific can be mapped in three categories: Bayâni, irfânî, dan Burhâni. Regarding to this Islamic thinkers who is concerned about efforts to reform in the realm of epistemology of Burhani, Bayani and Irfani (Khatamunisa & Koniah, 2020). Although literally these three terms often appear in Islamic studies, as in Ulumul Koran, Arabic, Islamic philosophy and theology, but these three terms appear as a form of reasoning or scientific epistemology Islam has only recently when Mohammed Abed Al-Jabri did a deconstruction of Islamic scientific tradition in the project of Arab criticism (Widodo, 2007).

If the epistemology bayâni, the main base is the text (Nash), then in epistemology burhâni, reality (al-waqi‘) is the main source of knowledge, including social reality, nature, materials, and humanities. Therefore, burhâni epistemology model often called the science that is conceived, developed systematically through the premises and logic, not through the authority of the text (bayâni) and intuition (‘irfânî). The role of thought in burhâni epistemology more dominant compared to the bayâni epistemology. In burhâni epistemology, thought intended to
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discover the law of cause and effect (causality) of a phenomenon and reality. Law causality that became the principle of burhāni epistemology become basic principle of empirical approach where the curiosity (curiosity deeply) be the catalyst that the most fundamentals (Anshori, 2015).

In order to find a causal relationship, the research of Islamic studies often add that the role of religious texts should not be a basic assumption. To understand the socio-religious reality, it is more appropriate to use approaching such anthropology, sociology, culture, and history. Thought function only does the analysis and continually testing theories that will be forming research work culture that is explanatory, explorative or verification (Abdullah, 2003).

Although the Qur’an has been talking about the potential use of thought, it does not mean the burhāni approach in the study of law, proofing generated automatically considered absolutely true. In the study of religion, religious understanding is often using bāyani as an entrance in understanding the texts, it is in line with the main sources of Islamic law that cannot be negotiated is based on divine revelation. Then as an episteme, clarity that trying to be described by methods bayani not only in the aesthetic-literary but within the scope of logic-deskursif (Arif, 2002).

Moreover, these epistemologies have different approaches and methodologies. Bayani is an Islamic epistemology based on religious texts with a conservative-textualism approach. While Burhani is an epistemology that relies on the power of reason possessed by every human being. In contrast above, Irfani is an epistemology that originates from intuitive experiences (Akrim, 2023). At the same time, Azhar et al., (2020) also explored the concept of thought (madhab) and the development of several life concepts and it’s relation to the Islamic religion uses the scientific epistemology approach of Bayani (textual approach), Burhani (rational and empirical approach) and Irfani (spiritual or intuitive approach).

The birth of this method also has historical roots in the culture and traditions of Arabic is quite long. It is well known that Arabic language as a God revelation language. So that synergies bayani method (language) and religion become determinant in the development of Islamic civilization. With that freeze, the use of text that is too dominant causes stagnation in religious life because they cannot respond to the times. Therefore, we need a formula using empirical logic or burhāni approach that can respond to the dynamics of Islamic law, which is developed.

Overall, Abbas (2012) explored the structure of approach Bayani is the philosophical study of knowledge development system that positions revelation as an absolute truth; Burhani is structured starting from process abstraction to a reality; Irfani is an understanding based on spiritual experience intuition. Three of these epistemologies proceed on their own as a parallel system, the benefit achieved will be minimal. Thus, if the interrelationship with each other is linear, one of them will arise as superior among the others.
Implementation of burhâni epistemology as rational-empirical methods in the aspect of law muamalah, can be applied to the fundamental law values that are adapted to the plurality context of Indonesian society, in order to answer social problem which is developed in the community. Examples of actual cases seen in the application of justice and economic values that are more intense now in the Islamic economic system already gained more acceptance in the community as an alternative to conventional economics (Azhar, 2016).

In this context, thinker or activist of Islamic law learner should always have the ability to accommodate the aspirations and appreciation and a positive and constructive contribution to the dynamics of the financial law in Indonesia, for the glory of the people and nation in the future. Burhâni method could eventually be a model implementation formulation of Islamic law which is important in the context of a modern and democratic Indonesia. Based on these descriptions, using qualitative descriptive analysis based on normative data then this article aims to describe the concept of epistemology Burhâni and its application in the formulation of Islamic economic law which is developed in Indonesia.

**Literature Review**

In language, Burhan means something that detailed and clear. As found in the original Arabic word "Burhânun." While Latin was a "demonstration" that meaningful gesture, and a clear picture. According to the terms of logic, burhân in the narrow sense means thinking in deciding something using the method of deduction (istintâj). Meanwhile, in a general sense, burhan means deciding something (Faisol, 2010), Burhan can also be interpreted as the knowledge gained from the senses, experiments and the laws of logic. Burhani or argumentative rational approach is an approach that bases itself on the strength ratio through the instrument of logic (induction, deduction, abduction, symbolic, processes) and the method of discursive (bathiniyyah).

This approach makes the reality as well as the text and the relationship between them as a source of study. Reality encompasses the reality of nature (kauniyyah), historical reality (tarikhiyyah), social reality (ijtimaiyyah) and cultural reality (tsaqafiyyah). In Burhani approach, text and reality/context are in the area of mutual influence. The text does not stand alone, it is always tied to the context surrounding it and establishes it at a time where the text is read and interpreted (Jauhari, 2015).

Epistemology of burhâni makes reality and texts as a source of study, then in this approach there are two important sciences, the al-Lisan science and al-Mantîq science. The first discusses lafz-lafz, kaifiyyah, arrangement, and the sequence is in analogous that can be used to convey meaning, and how to put them together in man. While the last one discusses mufradat issue and wording which with it we can deliver everything that has sense characteristic and stable relationship between these things, or the possible things to bring out illustration and laws.
The goal is to establish rules that are used to determine how thought working, or how to reach the truth.

According to Mohammed Abed al-Jabri in M. Faishol, *burhâni* epistemology is a method of Arab society thinking that rests on the natural power of human beings, through empirical experience and assessment against something based on thought in obtaining knowledge. A knowledge rests on the relation of reason and result (causality). This thinking way cannot be separated from the influence of Aristotelian logic model. Burhâni reasoning as first Islamic civilization was brought by al-Kindi through al-Falsafa al-Ula a study of Aristotle's philosophy modeled. Al-Kindi asserted that philosophy is the science of human being that occupies the highest position and the most sublime, because the essence of the philosophy reason is the fundamental way to know everything. The similar effort is also made by al-Farabi. Through *al-Hurûf*, al-Farabi explains how the creation of a knowledge that is conducted by Aristotle in metaphysics books. Al-Farabi said that the rising of knowledge is preceded by awareness (*al-Ihsâs*), eksperimentasi (*at-Tajribah*), analysis and critical thinking (Faisol, 2010). On the other hand, outside of Bayani’s tradition of idealism which focuses only on the area of language used to acquire knowledge based always on the text, there are some Muslim thinkers who embrace realism as supporters of Burhani’s episteme, by developing the basic principles of logic that can produce definite conclusions born from these principles with rationalism thinking about the argument of causality that relates an effect to its cause as seen in the philosophical system (Supena, 2021).

With these views, *burhâni* epistemology applicative trying to encourage people to think critically, not thought communal. Critical thinking or reasoning is the awareness of the problems to a certain reality, then looking for solutions to problems that were examined. Muhammad Iqbal was quoted Harun Nasution said, critical thought individuals who have prophetic consciousness (prophetic), where the consciousness of the individual’s ability to read reality and active problem provides an alternative-solutive, but the concerned individual remains in existence as a creature of God (Anshori, 2015).

The spirit of al-Quran has been mentioned in several verses that thinking as an order in the Lord. If verses about thought I’d collected in *maudhu’i*, we can conclude how many verses that instruct people to use reason to think critically and independently of the empirical nature reality. Various editors like *ta’qilûn, tatafakkarûn, tadabbarûn* has proved how they thought role to gain knowledge and truth are used comprehensively. Thus, *burhâni* epistemology emphasis on the function and they thought role as an analytical-critical tool. It means *burhâni* epistemology minded that the source of knowledge is mind. Intellect has the ability to find a various of knowledge, even in the aspect of religion thew mind is able to know, such as good and bad problem (*tahsin* and *tawbih*) within the scope of *muamalah duniawiyah*. Burhâni
epistemology approach of history, sociology, anthropology, psychology, and language (hermeneutics) as a base and the object of study.

Methods

This research employs a structured research methodology, commencing with a thematic literature review approach. The thematic literature review approach is an analytical method that focuses on examining a specific theme or topic within relevant literature (Carr, 2002). In the research context, this approach involves the systematic identification, collection, and synthesis of literature related to the research theme or topic (Mania, 2023). The first step in this approach is to determine the theme or topic to be explored, followed by devising a strategy for literature search that is pertinent to that theme. Subsequently, the gathered literature is analyzed with a focus on key elements related to the researched theme. This approach allows researchers to elaborate on and deepen their understanding of specific aspects related to the research topic.

The choice of a qualitative approach in this study aims to gain a profound understanding of the concept of Burhâni epistemology and its application in formulating Islamic economic law. This process utilizes empirical normative data to ensure the consistency and accuracy of the research results. The initial step of the research involves a comprehensive literature review discussing the concept of Burhâni epistemology and exploring its implementation in the development of formulations for Islamic economic law. The data generated from this literature review serves as the primary foundation for advancing the research. The qualitative approach is chosen to provide a deep portrayal of the concept and application of Burhâni epistemology within the context of Islamic economic law. By integrating empirical normative data, this research is expected to make a significant contribution to the understanding of the importance of the Burhâni method in formulating policies and economic practices aligned with Islamic principles..

Finding and Discussion

Burhâni Thought Implication in Islamic Economy Law Formulation

Islamic Economic Law in Indonesia has been revitalised through legal unification and codification to improve national economic development. Therefore, there is a need for adjustment in the implementation of Islamic Economic Law from time to time to enable it responding the current development (Hariyanto et al., 2023).

The Republic of Indonesia constitution No. 03 of 2006 on the Amendment of law No. 07 of 1989 about Religious Courts is the rule that giving authorizing to the religious court to prosecute Islamic economic conflicts, especially in the first stage, for Muslims if it cannot be resolved through arbitration. In the explanation of that law, it is mentioned that the reference
to Islamic economics is the act or the business activities implemented under Shari’ah principles which include Islamic banking, Islamic microfinance institutions to sharia business implementation (Hasibuan, 2018).

In the actualization of Islamic principles, some of the problems faced by judges in determining the legal status of the case sometimes Menu deadlock. This is caused by the formation of the system of Islamic Economics Law Compilation concerning aspects fiqh (understanding/opinion among the scholars) are very diverse, especially muamalah issue is the issue which is more open to *ijtihad*, compared to the worship issue. Therefore, we need the legal certainty that is based on concrete reality where it would grow and develop. Religious court should demonstrate the importance in solving sharia economic disputes parallel with problems in family law issues (Hariyanto, 2022). Responding to these needs, in the context of the law rule in Indonesia jurists have set about Islamic Economic Law Compilation. In normative, articles that have been established such as Article 20 and 674 can be concluded that almost 80% discuss about contract (Anwar, 2016). Islamic Economics Law Compilation in the meaning as the formulation of Islamic law, can be interpreted as a form of collective *ijtihad* product (*jama’i*).

*Ijtihad* method rested on linguistic interpretation which point it stressed on the interpretation of Qur’an al-Hadith, causation that attempted to construct a law against cases that do not have the text, and alignment of law proposition that Zahir contradict each other (Fitriani, 2016). Essential to this mechanism, the existence of a Islamic economic law compilation in Indonesia in principle is a product of *fiqh* in this *fatwa* is the primary reference source. Thus, sometimes the resulting product is persuasive where its absolute implementation forth in state regulations through legislative decree as competent institutions (Manan, 2007), to be recognized as binding regulations.

Sharia principles in the economic legal system in Indonesia is a reference once the source of the national law formation in the aspect of Islamic economic. This challenging of their specific business activities, it’s need a model that could act as the main guideline for Islamic economic ecosystems with enough flexibility to meet different market and stakeholder’s requirements that need covered by particular laws to regulate this issues (Hanic & Smolo, 2023). It is reasonable to prevent the dualism of economic law system either conventional or shariah considering Indonesian society that has a lot of character of religious life, culture and beliefs. Although historically that the institutionalization of Islamic law in Indonesia is never apart from the conflict between the three legal systems were embraced by the Indonesia people, namely western law, custom law and Islamic law (Arifin, 1996), On the basis of the sharia principles, the Islamic financial system in implementing *muamalah* transaction requires maslahat principle.

Moreover, the proxy-embeddedness has led to a transformation beneficiaries on in the society from the perspective of Islamic economics under four categories: (1) The weakening of Muslim’s relations with their relatives and neighbors; (2) Equalization of worship for different

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purposes on a common denominator; (3) Lack of social awareness due to deprivation of the experience of performing worship personally; and (4) The prioritize of those capable of being productive over unproductive people in terms of being of several types of benefits (Şencal, 2021).

Islamic law requires freedom of contract as long as there are no false elements such as injustice, usury, hoarding (ihtikâr) and fraud or there are indications of transaction may give rise to discord or hostility between the parties, such as the presence of gharar or speculative. If you avoid these indications, it is very possible that the transaction is allowed. Such as the permissibility of the contract istishnâ’ in Islamic financial contract in the premises, which was originally a trading/ bai’ al-ma’dûm (object not existing contract), because of the need and benefits to be desired, not to cause discord and habitual society (Budiono, 2017).

Economics, in fact, emphasizes the aspects of flexibility and convenience. Islamic economic law is unresponsive and tends to be legal-formal in supervising Sharia finance and economic development (Mubarok & Maulana, 2023). According to Nordin et al., (2022), the Islamic economic systems comprises four components, namely production, business transactions, marketing and the government’s role which based on Islamic creed (Aqidah), Islamic Law (shariah) and Islamic morality and manners (akhlaq). Based on the above exposures, that the formulation of Islamic economic laws in Indonesia can be considered as jurisprudence Indonesian. Despite the differences fiqh terminology among the scholars, in the formulation of Islamic economic laws has fulfilled fiqh Islamic characters. Fundamental characteristic is situated on the revelations of the syariah principle (nash), collective methods, and receive development appropriate to the circumstances. The base of revelation (nash) as the basis of Islamic principles would not stop anywhere, there is a comprehensive epistemology thought in the interpretation of these texts. Religious and cultural practices have major implications for a Country’s economic performance, if the formal institution of these social norms within a country’s legal system cause material economic effects. The formal institution of Islamic Law resulted in different settings, ultimately resulting in worsened economic outcomes (Lattanzio, 2022).

To release the knowledge of the text, bayani method is the entrance offered Islamic thinkers. Methodologically can be reached by two way (Makiah, 2015). Firstly, adhering to the editor (pronunciation) text to understand the structure of the Arabic language, as nahwu and sharf as an analytical tool and secondly, adhering to the meaning of the text with logic, reasoning or ratios as a means of analysis. The last method, comprehensively based on the empirical reality then called by burhâni in the methods of formulation and interpretation of Islamic law. Islamic economic law formulation of the normative level in the form of al-Quran texts until inception of various Islamic economic regulations indicate a massive progression. Each phase of paradigmatic appears indicating the intensity of the concept and culture between the Islamic economic laws with conventional economics (Yasin, 2014).
In the study of Islamic law, the principal source of law which cannot be compromised is the al-Qur’an and Hadith. Analysis of the sources, can be conducted with the linguistic and methodological approaches. Although the bayâni reasoning is identical to the logic, in the process of formulating Islamic law, logic is considered only as a way to obtain truth or knowledge based on the text analysis (nash), because correct or not a legal problem in Islam is based on the text or revelation. In this case, logic only as a method or way of thinking is not as standard. The concept of Islamic economic law is able to balance the real and monetary sectors issues, emphasized the strength of society’s characters without contradicting the national economic laws (Latif et al., 2019).

According to Al-Jabri, Burhani reasoning is oriented to maqâsid asy-Syarî’ah which is oriented to al-Mashlahat adh-Dharuriyat (keep religion, soul, hereditary, wealth and intellect), and its representation can be adaptive to changing circumstances and conditions (Romhanu, 2014), in practical terms, the analysis process using burhâni method in the formulation of the law consists of three things. Firstly, the process of experimentation, which is the observation against reality. Secondly, the abstraction process, which is the illustration of this reality in mind. Thirdly, the expression which reveals the reality of the word (Al-Jabiri, 1993).

In the formulation of Islamic economic laws, since its inception has annulled the contract (agreement) which affiliated with interest. In the conventional banking system, the term used as the naming of interest is interest, not usury. Contemporary Arabic term use there are two terms that can also be found in the context same with interest. One is usury and the other is faidah. However, the term usury is more directed at their religious terms, while faidah more to the economic terms that appear in modern times that same as interest term (Gul, 2008), According to Joseph Persky (Persky, 2007), Interest is defined as the rental price of money (the rental price of money).

Usury Paradigm Shift: A Reverse Proposition

Conservative outlook saw the term of interest as usury or interest as usury because there are rewards determined in advance on a loan as a form of remuneration (return) for delayed payment on the loan because of nasiah usury and Fadl usury. Nasiah usury associated with additional fees charged in the loan transaction, while Fadl usury as an extra fee that is charged in the sales transaction (Umam, 2018), Excess charged on the loan principal is a matter to be maintained by the conventional banks. Even the modern banking system try to legitimize interest to argue that it differs with usury, but until now difficult to prove the legitimacy of that (Siddiqi, 2004). From the perspective of Islam have viewed the interest as a unit of value lent to customers with the return exceeds the amount of the loan. In fact, sometimes the interest income received in advance. Thus, interest in anything is wrong committed against one of the two parties to the loan or exchange of currency. That is why he was condemned by all religions and is criticized by most philosophers (Ozsoy, 2016).
In principle, the Islamic economic system is free from interest (usury) and does not only interact between production factors and economic behavior but balance of norms, ethics, morals, society and also on distribution of justice for the society welfare. Furthermore, Gunawan (2023) emphasized that the objectives of Islamic economic law to advocate the increasing of public interest (maslahat) and preventing harm (mafsadat) based on laws, rules and interpretations that must consider social justice, equality, propriety and practically in commercial transactions, especially the problem of economic substance.

In contrast with these views, in the eyes of the banking system is difficult to avoid the practice of compound interest. Logical basic bank gives reasons why the bank is well worth taking interest banks do not just want to just live, but also thrive. In operation, the bank also had to spend on the cost of funds (cost of funds), which consists of the interest cost paid to savers and overhead costs, which relate to the management of the bank that includes: salaries, depreciation, and maintenance of buildings, and regular administration bank. In this case, the specific spirit of Islamic economic law perspectives to face current development and advancement has several characteristics, such as responsive, adaptive and dynamic considerably to economic circulation with current demand (Anwar & Hidayati, 2023).

In addition, there is a risk factor does not return credit, the amount depends on the economic sector financed and the credibility of the prospective borrower. In addition the system of interest for banks in an effort to back up inflation (Zuhri, 1996). Moreover, in some countries that embrace non-syariah system, interest rates and inflation have a significant positive impact (Mushtaq & Siddiqui, 2016), particularly for the deployment of new interest rates between loans and deposits that can affect the interest rate channel of monetary policy (Sääskilahti, 2018).

Based on empirical facts above, *burhâni* approach as an empirical approach in determining the ratio of Islamic economic law that free usury based should be returned to the initial philosophy of bank interest. Interest can be understood as a business bank financial institutions that provide credit and services in payment traffic and money circulation. In operation, the bank "buy money" from the public owners of the funds in a certain price called "mortgage interest" and would "sell the money" in a way to lend it to another party for a certain price anyway (debit interest). So, with this fact, it can be understood the way of thinking that in other words the interest is the "price of money," both of which are paid by the bank to the society of funds owner nor the users of funds (Jamaa, 2017).

Surat al-Baqarah verse 279 is one of the verses that discuss usury. This verse reveals reality against interest and usury. Usury as something very vital in the Islamic finance becomes quite clear differentiator in the Islamic finance contract at this time. But in understanding the fact of usury, the necessary reasoning and critical analysis against the meaning of the "usury" word in the al-Qur’an then linked to the histories social reality concerning economic realities of the present and the past. Although the concept of *burhâni* epistemology can be used as a
method of Islamic finance legal formulation that does not annul the practice of usury, but the reality of the text and the context must still be combined in order to easily understand the concept of usury in the al-Qur'an and in the interest of conventional banks. By leaning on the letter al-Baqarah [2]: 279 "... and if you repent (from taking usury), then you staple your treasure, you do not oppress nor oppressed ...". On the basis of this verse, it means that usury is any extra, whatever amount (large or small) that is imposed on the main capital. On this basis, bāyani approach also need to be added to help understand the usury word. Using of the bāyani method here emphasized to analyze the meaning of the text (linguistic) on nash qath‘i against interpretation of usury word. Interpretation proficiency level can be read and understand verses about usury - in maudhu‘i (thematic) - to obtain an inclusive interpretation (Ibrahim, 2014).

Textually, meaning pronunciation "usury" can be divided into two, namely within the meaning of nouns and verbs. The first means an additional or excess obtained by one of the parties, and the second means the act of doing usury. The fundamental interpretation for articles that indicate usury divided into two meanings. The word usury under Imran verse 130 which reads: "You shall not eat usury" means that the definition of usury within the meaning of the noun, that is in addition to the amount paid in debts, and excess in the exchange of usurious objects in the sale and purchase agreement. While understanding of usury that show as verb like in verse: "And God justifies the purchase and forbids usury" (S. Anwar, 2007).

In conventional financing, generally use the principle of usury in the application of its products, this additional conditions for loans form the issuer are illegal, if it is viewed from Islamic laws. Usury is prohibited because there is an additional loan amount due to deferred payments, it is included to usury nasiah or riba jahiliyah (Huda, 2019).

Based on the explanation of the verses on usury, the usury concept in the Qur'an is the prohibition of the agreement transaction could damage the moral economy that order in the implementation detrimental to either party. With the similarity of this result, usury and interest in a contract (agreement) is seen as something that can cause problems. The referred problem is not considered to have occurred contract depend on syara‘ indeed as lahiriyah have been established contract. One of reason which cause that contract revealed never happened depend on syara‘ because in that contract included vanity element, which is usury or interest (Riva‘i et al., 2012). Existence of usury or interest is able to abort one of terms that exist in agreement of Islam transaction namely syurūth al-Sihah (the terms of contract validity). Terms of the contract which has been marred legitimate by usury or interest is on the side of the object of the contract, in terms of a contract is tradeable object, so the object must have the qualifications improvers, which should be free from imperfect and for contract terms on the load must be free from riba (S. Anwar, 2016).

To avoid not valid of a contract or not the transfer of ownership and injustice in the economy, the way out is to leave usury or interest (Tatiana et al., 2015), as has been called for
by al-Qur’an Surat al-Baqarah [2]: 278 which means: "O ye who believe, fear Allah and give up usury (which is not collected) if ye who believe! . " Must leave usury, means require anyway to switch to the agreement or contract which is actually legalized according to sharia. The legality of the contract by Personality would not be separated from the need to fulfill the pillars or the terms of the contract. In closing, the economic law of Islam then provides an alternative contract model in accordance with Islamic principles.

There are a number of contract that is free from riba or interest and fairer because it adheres to the sharing system such as mudaraba, musharaka and murabaha (Ozsoy, 2016), where profits and losses are divided proportionally. Some of the principles of distribution in Islamic economics are: the fulfillment of needs for all beings that have a positive effect on the giver. Islam emphasizes fairness, distribution and equality (Hadi, 2016).

In other words, when it is clear the Qur’an and hadith stating the prohibition of usury which contextualized with interest and empirical reality, it is no longer allowed to seek legal loophole, either by reason of multiplied or less. Even in emergencies even if they found another way to avoid dealing with a model of usury or interest, then the state of emergency to be lost. Moreover, the emergence of Islamic economics law development will reach the benefit for the society and the nation as well, as a part of Islamization agenda in the financial sector that compliant with sharia’s legal aspects also as a medium to realize Islamic socioeconomic development (Soemitra, 2016).

Overall, legal literacy among all stakeholders in the field of Islamic economic to develop and enforce the public trust into Islamic economic law through process litigation in the religious court rather than nonlitigation path in resolving Islamic economic problems as a particular judicial institution for Muslim in the civil field (Hariyanto et al., 2023).

Conclusion

Based on some of the exposure above, Burhani epistemology in the formulation of Islamic law provides a very important role in the process of extracting the efforts of Islamic law based on the facts or the reality in the field. Model reasoning in formulating Islamic economic law can be a way to interpret, explain, supplement or create laws based on facts and reality. Fact or reality in modern financial systems that use interest, need to be understood and analyzes whether the intended rate system similar to the concept of usury in the Qur’an, where the origin of law is haram. In this case, the Burhani epistemology as formulation methods of Islamic law cannot present itself as an interpretation of the text and the context of Islamic law. Therefore, needed combination of bayâni method.

Burhani epistemology implementation of Islamic economics law formulation should be based on the implementation of interest system in conventional banking. Interest system
practiced in the conventional financial system imposing additions on transactions that indicates usury system which is in the beginning disallowed by Islam financial. Implementation of this Burhani method at the same time strengthening the existence of Islamic financial system which is based on fair economic system with a system of revenue sharing between the parties. Formulation of Islamic economic law-contract offer Islamic financial contract that is built on the spirit of mutual help and voluntary (qard al-hasan) as the basic of economic legal system which is free from of usury elements.

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