



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

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Abstract

This study aims to explain the concept of burhānī 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 burhānī 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 (ziyādah) that can harm one of the parties to the contract (baṭīl). In addition, the implementation of the burhānī method must include the bayānī 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 (naṣ), 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 gharār (uncertainty) and injustice (mistreatment) against the parties.

Keywords: *burhānī 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 has 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 (Prajā, 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, religion is studied as a transcendent region beyond the borders of human experience which is only rated as a belief, not a science. It is caused by the view that basically the philosophy of science is a characteristic of science that can be logical. The science in this case, does 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 multi-dimensional, 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 be significantly affected by the expertise of determining the epistemological aspects of science.

Globally, the tradition of Islamic science can be mapped in three categories: *bayānī*, *'irfānī*, and *burhānī*. Regarding these Islamic thinkers who are concerned about efforts to reform in the realm of epistemology of *bayānī*, *'irfānī*, and *burhānī* (Khatamunisa & Koniah, 2020). Although literally these three terms often appear in Islamic studies, as in *'Ulūmul Qurān*, 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).

In epistemology *bayānī*, the main base is the text (*naṣ*), then in epistemology *burhānī*, reality (*al-waqf*) is the main source of knowledge, including social reality, nature, materials, and humanities. Therefore, *burhānī* epistemology model, often called the science that is conceived, developed systematically through the premises and logic, not through the authority of the text

(*bayānī*) and intuition (*'irfānī*). The role of thought in *burhānī* epistemology is more dominant compared to the *bayānī* epistemology. In *burhānī* epistemology, thought intended to discover the law of cause and effect (causality) of a phenomenon and reality. Law causality that became the principle of *burhānī* epistemology became the basic principle of empirical approach where curiosity (curiosity deeply) be the catalyst that has the most fundamentals (Anshori, 2015).

In order to find a causal relationship, the research of Islamic studies often adds that the role of religious texts should not be a basic assumption. To understand the socio-religious reality, it is more appropriate to use approaches such as 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 *burhānī* approach in the study of law, proofing generated automatically is considered absolutely true. In the study of religion, religious understanding is often using *bayānī* as an entrance in understanding the texts; it is in line with the main sources of Islamic law that cannot be negotiated and is based on divine revelation. Then as an *episteme*, clarity that tries to be described by methods *bayānī* not only in the aesthetic-literary but within the scope of logic-discursive (Arif, 2002).

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

The origin of this method also has historical roots in the culture and traditions of Arabic is quite long. It is well known that Arabic language is a God revelation language. So that synergies between *bayānī* 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 *burhānī* approach that can respond to the dynamics of Islamic law, which is developed.

Overall, Abbas (2012) explored the structure of approach *bayānī* is the philosophical study of the knowledge development system that positions revelation as an absolute truth; *Burhani* is structured starting from process abstraction to a reality; *'irfānī* is an understanding based on spiritual experience and 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 *burhānī* epistemology as rational-empirical methods in the aspect of law *mu'āmalah*, 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 have already gained more acceptance in the community as an alternative to conventional economics (Azhar, 2016).

In this context, thinkers or activists of Islamic law 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. *Burhānī* 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, this article aims to describe the concept of epistemology *burhānī* and its application in the formulation of Islamic economic law which is developed in Indonesia.

Literature Review

In language, *burhān* means something that is detailed and clear. As found in the original Arabic word "*burhānun*." While Latin was a "demonstration" of that meaningful gesture, and a clear picture. According to the terms of logic, *burhān* in the narrow sense means thinking in deciding something using the method of deduction (*istintāj*). Meanwhile, in a general sense, *burhān* means deciding something (Faisol, 2010), *burhān* can also be interpreted as the knowledge gained from the senses, experiments and the laws of logic. *Burhānī* 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 (*baṭīniyyah*).

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 (*kawniyyah*), historical reality (*tārīhiyyah*), social reality (*ijtimā'iyyah*) and cultural reality (*thaqafiyyah*). In *burhānī* 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 *burhānī* makes reality and texts as a source of study, then in this approach there are two important sciences, the *al-Lisān* science and *al-Mantīq* science. The first

discusses *lafz*, *kayfiyyah*, 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 the *mufradāt* issue and wording which with it we can deliver everything that has a 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 works, or how to reach the truth.

According to Mohammed Abed al-Jabri in M. Faishol, *burhānī* 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 way of thinking cannot be separated from the influence of the Aristotelian logic model. *Burhānī* reasoning as the first Islamic civilization was brought by al-Kindi through *al-falsafat al-ūlā*, a study of Aristotle's philosophy. Al-Kindi asserted that philosophy is the science of human beings 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-ḥurūf*, al-Farabi explains 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-ihās*), eksperimentasi (*at-tajrībah*), analysis and critical thinking (Faisol, 2010). On the other hand, outside of *bayānī*'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 *burhānī*'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, *burhānī* epistemology is 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 solution, 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 *mawḍū'ī*, 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'qilūn*, *tatafakkarūn*, *tadabbarūn* have proved how they thought role to gain knowledge and truth are used comprehensively. Thus, *burhānī* epistemology

emphasized the function and they thought of the role as an analytical-critical tool. It means *burhānī* epistemology means that the source of knowledge is the mind. Intellect has the ability to find a variety of knowledge, even in the aspect of religion the mind is able to know, such as good and bad problems (*tahsīn* and *taqbīh*) within the scope of *mu'āmalah duniyawiyyah*. *Burhānī* epistemology approaches 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 analysed 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 *burhānī* 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 *burhānī* 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 *burhānī* 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 *burhānī* method in formulating policies and economic practices aligned with Islamic principles.

Finding and Discussion

Burhānī 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 to respond to 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 authorizes 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 sharia 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 are 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 the *mu'āmalah* issue is the issue which is more open to *ijtihād*, compared to the worship issue. Therefore, we need the legal certainty that is based on concrete reality where it would grow and develop. Religious courts 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 contracts (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 (*jamā'ī*).

Ijtihād method rested on linguistic interpretation which point it stressed on the interpretation of Qur'an and *hadīth*, causation that attempted to construct a law against cases that do not have the text, and alignment of law proposition that *Zhahir* 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, to be recognized as binding regulations (Manan, 2007).

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 economics. This challenging of their specific business activities, needs 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 to be covered by particular laws to regulate these issues (Hanic & Smolo, 2023). It is reasonable to prevent the dualism of the economic law system either conventional or sharia 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 *mu'āmalah* transaction requires *maṣlaḥah* 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 neighbours; (2) Equalization of worship for different 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 (*ihtikār*) and fraud or there are indications of transaction that may give rise to discord or hostility between the parties, such as the presence of *gharār* or speculative. If you avoid these indications, it is very possible that the transaction is allowed. Such as the permissibility of the contract *istiṣnā'* in Islamic financial contract in the premises, which was originally a trading/ *bay' al-ma'dūm* (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 (*aḥlāq*). Based on the above exposures, the formulation of Islamic economic laws in Indonesia can be considered as jurisprudence Indonesian. Despite the differences *fiqh* terminology among the scholars, the formulation of Islamic economic laws has fulfilled *fiqh* Islamic characters. Fundamental characteristics are situated on the revelations of the syariah principle (*naṣ*), collective methods, and receive development appropriate to the circumstances. The base of revelation (*naṣ*) 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 causes 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, *the bayānī* 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 *ṣarf* 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 *burhānī* 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 *bayānī* 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 (*naṣ*), because whether 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, emphasizing the strength of society's characters without contradicting the national economic laws (Latif et al., 2019).

According to Al-Jabri, *burhānī* reasoning is oriented to *maqāṣid asy-syarī'ah* which is oriented to *al-maṣlahah aḍ-ḍarūriyyah* (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 *burhānī* 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 words (Al-Jabirî, 1993).

In the formulation of Islamic economic laws, since its inception has annulled the contract (agreement) which is 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 *fāidah*. However, the term *usury* is more directed at their religious terms, while *fāidah* 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 *nasīah* usury and *faḍl* usury. *Nasīah* usury associated with additional fees charged in the loan transaction, while *faḍl* 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 tries 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 exceeding 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's welfare. Furthermore, Gunawan (2023) emphasized that the objectives of Islamic economic law to advocate the increasing of public interest (*maṣlahah*) and preventing harm (*mafsadah*) 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 it 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 of the 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 that 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-sharia system, interest rates and inflation have a significant positive impact (Mushtaq & Siddiqi, 2016), particularly for the deployment of new interest rates between loans and deposits that can affect the interest rate channel of monetary policy (Sääskilähti, 2018).

Based on empirical facts above, *burhānī* 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 institution that provides credit and services in payment traffic and money circulation. In operation, the bank "buys money" from the public owners of the funds at 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 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 a 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 history's social reality concerning economic realities of the present and the past. Although the concept of *burhānī* 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, *the bayānī* approach also needs to be added to help understand the usury word. Using of the *bayānī* method here emphasized to analyze the meaning of the text (linguistic) on *naṣ qaṭ'ī* against interpretation of usury word. Interpretation proficiency level can be read and understand verses about usury - in *mawḍū'ī* (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 usury that shows as a 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 in usury *nasīah* or *riba jāhiliyyah* (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 *shara'* indeed as *zāhiriyyah* have been established contract. One of the reasons that contract revealed never happened depends on *syara'* because in that contract included a 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 *shurūth al-ṣiḥah* (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 improves, which should be free from imperfect and for contract terms on the load must be free from *ribā* (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 requiring 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 fulfil 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 *ribā* or interest and fairer because it adheres to the sharing system such as *muḍārabah*, *mushārahah* and *murābahah*, where profits and losses are divided proportionally (Ozsoy, 2016). Some of the principles of distribution in Islamic economics are: the fulfilment 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 are contextualized with interest and empirical reality, it is no longer allowed to seek legal loopholes, 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 would 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 the Islamization agenda in the financial sector that

is compliant with sharia's legal aspects and 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 non litigation 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, *burhānī* 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 analyzed whether the intended rate system is similar to the concept of usury in the Qur'an, where the origin of law is *harām*. 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, it needed a combination of the *bayānī* method.

Burhānī 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 a usury system which is in the beginning disallowed by Islam financially. Implementation of this *Burhānī* method at the same time strengthening the existence of Islamic financial system which is based on a 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- ḥasan*) as the basic of economic legal system which is free from of usury elements.

References

- Abbas, A. F. (2012). Integration Approach of Bayānī, Burhānī, and 'Irfānī in Muhammadiyah Ijtihād. *Ahkam: Jurnal Ilmu Syariah*, 12(1), 51–58. <https://doi.org/10.15408/ajis.v12i1.979>
- Abdullah, M. A. (2003). *Rekonstruksi Metodologi Ilmu-ilmu Keislaman*. Suka Press dan LPKM Introspektif.
- Akrim. (2023). The Irfani's Epistemology-Based Islamic Education at University of Muhammadiyah: A Critical Study in Building an Epistemological Framework of Integrative-Holistic Islamic Education. *Kurdish Studies*, 11(3), 178–192. <https://doi.org/10.58262/ks.v11i3.013>

Unveiling the Power of *Burhānī* Epistemology in Reshaping Islamic Economic Law ...

- Al-Jabirî, M. 'Abîd. (1993). *Bunyah al-'Aql al-'Arabî* (VI). al-Markaz al-Tsaqâfî al-'Arabî.
- Anshori, I. (2015). Kritik Epistemologi Islam Dalam Islamisasi Terapan. *Teosofi*, 5(1), 108–138. <https://doi.org/10.1145/3132847.3132886>
- Anwar, M. Z., & Hidayati, O. N. (2023). Transformation of Economic Theology for Community Empowerment: A Case Study on Pesantren-Based Bank Wakaf Mikro. *Journal of Indonesian Islam*, 17(1), 76–99. <https://doi.org/10.15642/JIIS.2023.17.1.76-99>
- Anwar, S. (2007). *Studi Hukum Islam Kontemporer*. RM Books.
- Anwar, S. (2016). *Hukum Perjanjian Syariah: Studi Tentang Teori Akad Dalm Fikih Muamalat*. Raja Grafindo Persada.
- Arif, M. (2002). Pertautan Epistemologi Bayani dan Pendidikan Islam Masa Keemasan. *Dalam Al-Jamiah*, 40(1), 126–154.
- Arifin, B. (1996). *Pelebagaan hukum Islam di Indonesia: Akar sejarah, hambatan, dan prospeknya*. Gema Insani.
- Azhar, M. (2016). The Epistemology of Islamic Political Thought in Indonesia. *International Journal of Applied Sociology*, 6(3), 38–46. <https://doi.org/10.5923/j.ijas.20160603.02>
- Azhar, M., Sahide, A., Hidayati, M., & Hasse, J. (2020). A new perspective on relations between Islam and Democracy in Indonesia. *International Journal of Innovation, Creativity and Change*, 13(5), 645–664.
- Budiono, A. (2017). Penerapan prinsip syariah pada lembaga keuangan syariah. *Law and Justice*, 2(1), 54–65.
- Carr, A. B. (2002). Systematic reviews of the literature: The overview and meta-analysis. *Dental Clinics of North America*, 46(1), 79–86. [https://doi.org/10.1016/S0011-8532\(03\)00051-X](https://doi.org/10.1016/S0011-8532(03)00051-X)
- Faisol, M. (2010). Struktur Nalar Arab-Islam Menurut Abid al-Jabiri. *Jurnal Tsaqafah*, 6(2), 336–359.
- Fitriani, I. L. (2016). Kompilasi Hukum Ekonomi Syariah dalam Pemaknaan Hukum Islam dan Sistem Hukum Positif Di Indonesia. *Jurnal Supremasi Hukum*, 5(1), 54–75.
- Gul, A. R. (2008). Ribā (Usury) Prohibition in the Qur'ān in Terms of its Historical Context. *Journal of Religious Culture*, 116(116), 26–27.
- Gunawan, A. (2023). Sharia Financial Knowledge And Financial Behavior As A Basis For Measuring Financial Literacy. *Quality - Access to Success*, 24(193), 92–99. <https://doi.org/10.47750/QAS/24.193.11>
- Hadi, A. C. (2016). Corporate Social Responsibility and Zakat of Company in the Perspective of Islamic Economic Law. *Ahkam: Jurnal Ilmu Syariah*, 16(2), 229–240. <https://doi.org/10.15408/ajis.v16i2.4453>

- Hanic, A., & Smolo, E. (2023). Islamic approach to corporate social responsibility: An international model for Islamic banks. *International Journal of Islamic and Middle Eastern Finance and Management*, 16(1), 175–191. <https://doi.org/10.1108/IMEFM-07-2021-0284>
- Hariyanto, E. (2022). Public Trust in the Religious Court to Handle Dispute of Sharia Economy. *Ahkam: Jurnal Ilmu Syariah*, 22(1), 185–208. <https://doi.org/10.15408/ajis.v22i1.26216>
- Hariyanto, E., Hamzah, M., Mujib, F., & Marheni, C. L. (2023). In Search of Ummah Welfare Model: The Revitalisation of Sharia Economic Law in Indonesia. *Sriwijaya Law Review*, 7(2), 244–261. <https://doi.org/10.28946/slrev.Vol7.Iss2.1080.pp244-261>
- Hasibuan, M. L. (2018). Penyelesaian Sengketa Perbankan Syariah di Pengadilan Agama. *Al-Risalah*, 13(01), 111–132.
- Huda, R. (2019). Akad Construction on Credit Card Products (Analysis of Sharia Economic Laws). *Syariah: Jurnal Hukum Dan Pemikiran*, 19(1), 119–131. <https://doi.org/10.18592/sjhp.v19i1.2041>
- Ibrahim, D. (2014). Metodologi Penelitian dalam Kajian Islam (Suatu Upaya Iktisyaf Metode-Metode Muslim Klasik). *Intizar*, 20(2), 247–266. <https://doi.org/10.19109/intizar.v20i2.432>
- Jamaa, L. (2017). Kontribusi Muhammadiyah terhadap Dinamika Pemikiran Hukum Islam Kontemporer di Indonesia. *Al-Ihkam: Jurnal Hukum & Pranata Sosial*, 12(1), 127. <https://doi.org/10.19105/al-ihkam.v12i1.1215>
- Jauhari, Q. A. (2015). *Studi Islam Interdisipliner: Memotret Ilmu Pengetahuan dan Sains Inklusif dalam Islam*. CV. Bintang Serjahtera Press.
- Khatamunisa, R., & Koniah, I. (2020). Kritik metodologi (Bayani, Irfani' Dan Burhani) muhammad abed al-jabiri. *El-Mashlahah*, 10(2), 43–51. <https://doi.org/10.23971/maslahah.v10i2.1984>
- Latif, B., Noor, S. M., & Sumardi, J. (2019). The impact of the development of trade practices on enforcement of international environmental law. *Sriwijaya Law Review*, 3(2), 137–151. <https://doi.org/10.28946/slrev.Vol3.Iss2.252.pp137-151>
- Lattanzio, G. (2022). Beyond religion and culture: The economic consequences of the institutionalization of sharia law. *Emerging Markets Review*, 52. <https://doi.org/10.1016/j.ememar.2022.100918>
- Makiah, Z. (2015). Epistemologi Bayani, Burhani dan Irfani dalam Memperoleh Pengetahuan Tentang Mashlahah. *Syariah: Jurnal Hukum Dan Pemikiran*, 14(2).
- Manan, A. (2007). Reformasi Hukum Islam di Indonesia, Tinjauan dari Aspek Metodologis, Legalisasi, dan Yurisprudensi. *Jakarta: Rajawali Pres*.
- Mania, K. (2023). Legal Technology: Assessment of the Legal Tech Industry's Potential. *Journal of the Knowledge Economy*, 14(2), 595–619. <https://doi.org/10.1007/s13132-022-00924-z>

Unveiling the Power of *Burhānī* Epistemology in Reshaping Islamic Economic Law ...

- Mubarok, J., & Maulana, M. A.-F. (2023). Progressiveness of Islamic Economic Law in Indonesia: The Murā'at Al-'Ilal wa Al-Masālih Approach. *Samarah*, 7(2), 1267–1292. <https://doi.org/10.22373/sjhc.v7i2.17601>
- Mun'im, Z. (2022). The Epistemology of MUI's Fatwas on Covid-19: Bayani and Burhani Eclecticism. *Al-Istinbath: Jurnal Hukum Islam*, 7(1), 1–20. <https://doi.org/10.29240/jhi.v7i1.3216>
- Mushtaq, S., & Siddiqui, D. A. (2016). Effect of interest rate on economic performance: Evidence from Islamic and non-Islamic economies. *Financial Innovation*, 2(1). <https://doi.org/10.1186/s40854-016-0028-7>
- Nordin, N., Samsuddin, N. A. A., Embong, R., Ahmad, A. A., Usop, R., Ismail, S. K., & Ismail, S. (2022). Developing Business Model Based on Islamic Classical Economic Thoughts. *Academic Journal of Interdisciplinary Studies*, 11(4), 150–161. <https://doi.org/10.36941/ajis-2022-0105>
- Ozsoy, I. (2016). An Islamic Suggestion of Solution to the Financial Crises. *Procedia Economics and Finance*, 38(October 2015), 174–184. [https://doi.org/10.1016/s2212-5671\(16\)30188-5](https://doi.org/10.1016/s2212-5671(16)30188-5)
- Persky, J. (2007). From Usury To Interest. *The Journal of Economic Perspectives*, 21(1), 227–236.
- Praja, J. S. (2002). *Filsafat dan Metodologi Ilmu dalam Islam* (Z. Am, Ed.; I). Penerbit Teraju.
- Riva'i, V., Nuruddin, A., & Arfa, F. A. (2012). *Islamic Business and Economic Ethics*. Bumi Aksara.
- Romhanu, A. (2014). *Kritik Nalar Qiyasi al-Jabiri: Dari Nalar Qiyasi Bayani ke Nalar Qiyāsī Burhani*. Stain Press.
- Sääskilähti, J. (2018). Retail Bank Interest Margins in Low Interest Rate Environments. *Journal of Financial Services Research*, 53(1), 37–68. <https://doi.org/10.1007/s10693-016-0262-1>
- Saeed, A. (2006). Islamic thought: An introduction. In *Islam. Thought: An Introd.* (p. 204). Routledge Taylor & Francis Group; <https://doi.org/10.4324/9780203015247>
- Şencal, H. (2021). An Analysis of Institutionalization of Societal Relationships from the Perspective of Islamic Economics. *Cumhuriyet İlahiyat Dergisi*, 25(2), 661–677. <https://doi.org/10.18505/cuid.973750>
- Siddiqi, M. N. (2004). *Riba, bank interest and the rationale of its prohibition*. Islamic Research and Training Institute Jeddah.
- Soemitra, A. (2016). Higher objectives of Islamic investment products: Islamizing Indonesian capital market. *Studia Islamika*, 23(2), 237–269. <https://doi.org/10.15408/sdi.v23i2.2408>
- Supena, I. (2021). Konstruksi epistemologi fikih pandemik: Analisis fatwa-fatwa mui. *Al-Manahij: Jurnal Kajian Hukum Islam*, 15(1), 121–136. <https://doi.org/10.24090/mnh.v15i1.4203>

- Tatiana, N., Igor, K., & Liliya, S. (2015). Principles and Instruments of Islamic Financial Institutions. *Procedia Economics and Finance*, 24(July), 479–484. [https://doi.org/10.1016/s2212-5671\(15\)00613-9](https://doi.org/10.1016/s2212-5671(15)00613-9)
- Umam, K. (2018). Pelarangan Riba dan Penerapan Prinsip Syariah dalam Sistem Hukum Perbankan di Indonesia. *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*, 29(3), 391. <https://doi.org/10.22146/jmh.28436>
- Yasin, M. N. (2014). Progresifitas Formulasi Hukum Ekonomi Syariah di Indonesia. *Journal de Jure*, 6(2). <https://doi.org/10.18860/j-fsh.v6i2.3204>
- Zuhri, H. M. (1996). *Riba dalam al-Qur'an dan masalah perbankan: Sebuah tilikan antisipatif*. RajaGrafindo Persada.