

Green Economy Financing According to Fiqh Al-Biah as Part of Maqashid Sharia¹

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Abstract

Economic development in the 20th century had a huge impact on the sustainable development of mankind. On the other hand, however, it has a negative impact on living ecosystems. In many aspects such as the orientation of the interests of sustainable development, the economy and the environment are considered as two opposing aspects. Sustainable Development Based on this, a relatively new concept emerged, namely the green economy. The green economy is a concept that supports human well-being and cares about environmental and ecosystem sustainability in economic development. But on the negative side, economic development can also have an impact on the reduction of natural resources through over-exploitation, industrial pollution, oil, water, and air pollution due to flooding, and the impact on climate change. Islam has an ideal concept of sustainable development. At least there are fundamental rules for supporting sustainable development, namely the implementation of fiqh al-bi'ah based on maqashid sharia for the management of Islamic resources in the economy. Islam has an ideal concept of sustainable development. At least there are basic rules to support sustainable development, namely the application of fiqh al-bi'ah based on maqashid Sharia law to manage Islamic resources in the economy.

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I. Introduction

Environmental problems are global problems that are increasingly being recognized as complex and serious that are being faced by mankind throughout the world. The increasingly dense population, limited natural resources, the use of modern technology to exploit nature arbitrarily results in a further decline in the quality of the environment. Erosion, depletion of the ozone layer, ecological imbalance which in turn will endanger survival.

It cannot be assumed that the various environmental cases that are happening at this time, both at the global and national scopes, are mostly sourced from human behavior. Cases of pollution and damage such as damage to the sea, forest, atmosphere, water, land and so on stem from human behavior that is irresponsible, has no concern and is only selfish. Humans are the main cause of environmental damage and pollution.²

Islam as a comprehensive and complete religion pays close attention to all the needs of human life and has rules for all issues related to the needs of human life, both individually and socially. Among the problems of life that receive serious attention in Islamic teachings is environmental problems. Many verses of the Qur'an and the hadith of the Prophet explain the problem of how the relationship between humans and the natural environment around them.

As a religion that is rahmatan Lil Alamin, Islam emphasizes its adherents to preserve the environment and act wisely towards nature. In the Qur'an surah al-Anbiya' verses 35-39 Allah tells the story of the Prophet Adam. Adam had been warned by Allah not to uproot and eat the khuldi fruit. However, he violated the prohibition. Finally, Adam was expelled from paradise. He was sent down to the world. Here, heaven is like a prosperous life, while the world is like a miserable life. Because Adam had damaged the ecology of heaven, he was thrown into a desert that was barren, dry, hot and arid. This doctrine reminds people to be aware of environmental issues and strive to maintain natural ecosystems.

Rahmatan lil alamin is not just an Islamic motto, but is the goal of Islam itself. To these objectives, it is only natural that Islam becomes a pioneer in the management of nature and the environment as a manifestation of compassion for nature. Apart from prohibiting causing damage to the earth, Islam also must protect the environment and respect the universe which includes the universe

² Keraf, A. Sony. *Etika Lingkungan Hidup*. Jakarta:PT Kompas Media Nusantara, 2010

which includes humans, plants, animals, other living things and even non-living creatures. As members of an equal ecological community, humans are inspired to love, cherish and preserve the universe and all of its contents without discrimination and domination.

The emergence of the Fiqh al-bi'ah discourse among scholars is a breakthrough in a new paradigm for managing the environment through religious teaching and as an alternative solution in environmental management so that the right to the environment does not only belong to Westerners but is a right for every community in the world. Indonesia, which incidentally has a Muslim community, is aware of environmental sustainability and is determined by the role of the ulema and kiyai who participate in environmental preservation. Therefore, the issuance of a fatwa on global warming in mid-2007 and two fatwas the previous year against burning and deforestation show how much the Indonesian ulemas have leaped forward compared to the ulema in other Islamic countries.

Fiqh or Islamic law, when dealing with current realities, seems very stagnant. Elements of fiqh (al-tsawabit) and changing (al-mutaghayyirat). The existence of a dialectic between text and reality can be shown by the extent to which fiqh has so far responded to the development of issues faced by the ummah based on benefit.

One of the important issues faced by humans from the beginning of their life to become a global issue is the issue of the environment (bi`ah; environment). The fiqh that has existed for a long time based on its reasoning through useful al-fiqh seems to remain stagnant when dealing with environmental issues which have been discoursed for a long time. Evidence of the stagnation of fiqh thinking in this context, among other things, is that until now there has not been a format for environmental fiqh (fiqh al-bi`ah) that has been compiled in a specific and systematic way. As a result, the environmental crisis in the Muslim community is often only addressed theologically. The mindset of "disaster theology" assumes that natural phenomena of natural disasters are always seen as a form of the "hand" of God's absolute power and elevates ordinary (profane) natural phenomena to a sacred level, even though there are indications of negligence by human hands. This mindset ensnares Muslims in the shackles of fatalism (jabariyyah) when responding to various disasters in the country, such as floods and landslides, which are caused by their own hands.

As a new scientific discipline, Islamic fiqh al-bi'ah does not yet have a basic framework such as foundations, sources, the scope of discussion, and detailed results of halal and haram in several case examples which also do not appear to have clear and comprehensive formulations. To formulate fiqh al-bi'ah, the study of maqasid al-shari'ah is a must because it relates to the core of maqasid al-shari'ah itself, namely "jalb mashalih and dar'ul mafasid/seeking benefit and avoiding damage".

On the other hand, the term green economy has been known to the public before fiqh al-bi'ah, even though long ago the Al-Qur'an had often discussed the relationship between Islam and the environment. The ideas of the green economy are to support environmental development (pro-environment), which influences the development of an economic system towards an environmentally friendly economy. There is also a growing green company that carries the 3 P jargon, namely: people (related to social affairs), profit (economic development), and planet (protection of the environment).

Like fiqh al-bi'ah, the root of the problem behind the emergence of a green economy is the environmental crisis caused by shifts in human lifestyles that want everything to be easy and fast. The large number of disposable packaging products that are immediately wasted is one of the consequences of changing human lifestyles. This product packaging waste is known to be not environmentally friendly and takes tens or even hundreds of years to decompose by the earth. The problem of disposing of the factory and household waste that pollutes rivers and oceans also affects human health. Many marines catches contain heavy metals, so that marine catches affect the level of consumer health. Many forests are deforested because of the high demand for industrial raw materials made from wood, without any effort to reforest. The air quality is very bad due to pollution and the spread of greenhouses which contribute to carbon dioxide emissions. As a result, natural disasters are currently evenly distributed in various regions, as well as damage to ecosystems, forests, and global climate change.

The essence of the green economy is low carbon growth, resource efficiency, and social inclusivity, which has implications for sustainable development, energy management, green economy in cities, and green business. This is by values in Islamic economics, especially examined from the perspective of maqashid al-shariah.

Previous research which is used as a reference in this study is the Urgency of Green Economy Implementation from the Perspective of the Dharuriyah Approach in Maqashid Al-Sharia by Ika Yunia Fauzia as a permanent lecturer in the Masters of Management at STIE Perbanas, Surabaya. This study, it discusses more the green economy which is associated with maqashid al-shariah. Then the second previous research which is used as a reference in this research is Environmental Pollution in the Perspective of Fiqh by Syarifudin a Lecturer at the Faculty of Science and Technology, UIN Suska Riau. From these two studies, the researchers thought of combining the concepts of green economy and fiqh al-bi'ah into a complementary unit into a new concept that hopefully can be implemented in real life for ecosystem preservation.

It is from here that the author is interested in discussing the issue of fiqh al-bi'ah and green economy about maqasid al-shari'ah which will be used later as a basis for formulating fiqh al-bi'ah and green economy to be more systematic. This study aims to find out about the Green Economy Concept according to Fiqh Al-Bi'ah as part of Maqashid Syariah which is used as an effort to preserve the environment.

2. Research Method

This type of research is a type of descriptive research and qualitative research, namely research procedures that produce descriptive data from people and observed behavior in written form and are informed through library research or library research based on in-depth support.³

This study seeks to understand the green economy concept of Maqashid Syariah Fiqh al-Bi'ah which is used as an effort to protect the environment. This research is qualitative research and the data collection method used was carried out using library research, namely by researching, exploring, and citing a theory or concept in the extensive literature. And the analysis of the data used is content analysis to get the right understanding and meaning.

³ Lexy J Moleong, M. A.. Metode Penelitian Kualitatif. Bandung: Remaja Rosdakarya. 1998

3. Results and Discussion

A. Green Economy Financing (*Green Economy*)

United Nation Environment Programme (UNEP) Green Economy Financing defines as the process of reconfiguring business and infrastructure to deliver better results for nature, people and economic capital investment; where greenhouse emissions, extraction and use of natural resources are less with minimal waste and minimum social inequality.⁴

In simple terms, the notion green economy is defined as economic activities that do not harm or damage the environment. Meanwhile, the United Nations Environment Program (UNEP) links the notion of a green economy to the meaning of an economy capable of improving welfare and social justice. Thus, a green economy is an economic activity that in addition to increasing people's welfare as the ultimate goal of economic activity, is also expected to have an impact on achieving justice. Both justice for society and the environment and natural resources themselves. The green economy philosophy is a balance between people's economic welfare and social justice. By continuing to reduce the risks of environmental and ecological damage. in this case the essence of the green economy is a model of economic development based on sustainable development.

A green economy, according to Cato, has the following characteristics:⁵

- a. A green economy is an economy that is locally based;
- b. In a green economy, people will relate to each other first and trade only then. The market was seen as a pleasant place of socializing and friendship where news and political views were exchanged as were goods and money;

⁴ <http://www.unep.org/wed/greeneconomy/>

⁵ Cato, M.S., *Green Economics: An Introduction to Theory, Policy and Practice*, earthscan, London, 2009, dalam Sudarsono Soedomo, *Ekonomi Hijau: Pendekatan Sosial, Kultural dan Teknologi*, makalah pada Diskusi "Konsep Ekonomi Hijau/Pembangunan Ekonomi yang Berkelanjutan untuk Indonesia, Jakarta 14 Juli 2010

- c. A green economy is likely to involve the distribution of assets using enhanced inheritance and capital gains taxes;
- d. In a green economy, taxes may also be used strategically to influence business power and behavior. The neoliberal dominance of decision-making results in a shift from corporate taxes to private citizen income;
- e. The green economy will be guided by the value of sustainability rather than by the value of money;
- f. A green economy will leave addiction to economic growth and lead to a steady-state economy (an economic state where all aggregates are constant);
- g. A green economy will be a welcoming economy in which relationships and community substitute for consumption and technology;
- h. The green economy gives a broader role to the informal economy and mutually supportive cooperative and community-based systems;
- i. In a green economy, health systems will focus on developing good health and providing primary care, on a local basis rather than high-tech drugs and sprawling pharmaceutical companies;
- j. A green economy will replace fossil fuel and intensive farming systems with organic farming and systems such as community-supported agriculture, where people are more closely connected to their food sources.

B. Fiqh Al-Bi'ah

The concept of the title of caliph on earth given to humans by Allah SWT is the main foundation for explaining the position of environmental fiqh. As far

as we understand, fiqh is the dominant scientific order in regulating human life on earth, in outline the discussion in fiqh related to the arrangement of human life, namely: 1) Rub'u al-ibadat, namely the part that organizes between humans as creatures and Allah SWT is the creator, 2) Rub'u al-Mu'amalat, which is the part that organizes human relations with each other, 3) Rub'u al-munakahat, which is the part that organizes human relations in the family environment, 4) Rub'u al - Jinayat, namely the part that regulates order in human activities that guarantees safety and peace in life. These four outlines need to organize the main areas of human life to create a clean, healthy, prosperous, safe and happy living environment both in this world and in the hereafter.⁶

Normatively, as the heirs of the prophet in the task of guiding the people, the clergy in the social structure function as the religious elite and play a strategic role in determining the direction of the life of their people. Fiqh al-biah (environmental fiqh) discusses Islamic environmental norms that can affect the background of human thinking. Kalimantan Ulama has views on the response of Islamic teachings to the environmental crisis. Their views are embodied in three conceptual elements.⁷ Environmentalists divide the environment into 3 groups, namely:⁸

1. Physical Environment, namely everything around us in the form of inanimate objects.
2. Biological environment, namely everything around us that belongs to living organisms.
3. Social Environment, is human (the people around him).

Over the past years, there have been several catastrophic natural disasters in various parts of the world, in large and small countries, technologically advanced countries or industrial or agricultural countries, technologically

⁶ Yafie, Alie. *Merintis Fiqh Lingkungan Hidup*, Jakarta: Tama Printing 2006

⁷ Sukarni, *Fiqh Lingkungan Hidup Perspektif Ulama Kalimantan Selatan*, Kementerian Agama RI, 2011

⁸ Subagyo, Joko. *Hukum Lingkungan "Masalah dan Penanggulangannya"*, Jakarta: Rineka Cipta, 2002

sophisticated countries and countries with a traditional focus.⁹ Floods to tsunamis have occurred. From an Islamic point of view, this happens because of punishment or a test from Allah SWT. This can be seen clearly when fiqh teaches us about the pattern of stages starting from cleanliness and ending with orderly implementation. Supported by freedom from fear of worries and based on the principles of benefit, justice, mercy, and wisdom from human life. Seeing this, the issue of environmental jurisprudence does not only examine the problem of waste and the destruction of the universe, but tends to be a critique where we see that there is a deep difference in interpreting between needs and preserving. The tendency of humans to worship science and technology causes them to forget their duties on earth as caliphs which not only utilize existing natural resources, but also must preserve them so that they can be used continuously. In general, we understand that human needs will never end. Massive exploration is indicated using technology that helps humans destroy nature.

Starting from the revolution of the western world which has been able to find technology that can be used as a tool for processing nature, humans put aside useful technology to preserve nature. The reason for fulfilling needs is the main measure in the development of technology for processing natural resource products.

Departing from this, fiqh which has norms that describe the values of the Al-Qur'an and Sunnah must be able to make a real contribution to shaping the human mindset that can regulate the order of human life in terms of development. environmentally sound. This will elevate the order of human life towards a better direction and not only prioritize the human ego in exploring nature, but rather the utilization accompanied by the preservation of natural resources.

From this point of view, environmental jurisprudence tends to be an order that regulates human life and the universe, both in terms of utilization and preservation. This will show the existence of humans as caliphs on earth based on the Al-Qur'an and Sunnah. Because Islam talks about nature starting from its

⁹ Affeltranger, Bastian dkk. *Hidup Akrab Dengan Bencana (Sebuah Tinjauan Global tentang Inisiatif - inisiatif Pengurangan Bencana)*, Jakarta : MPBI, 2007

formation which does not have any deficiencies in its utilization until the end of the day as a form of damage to mankind.

The study of Environmental Fiqh is based on an understanding of how humans can maintain and preserve existing natural resources as a manifestation of humans managing the universe. There are several things related to environmental jurisprudence where humans as caliphs on earth need to carry out their mandate to protect the environment as a form of maintenance, including:¹⁰

1. Body and soul protection (hifdh al nafs). In the view of environmental jurisprudence, every living creature's soul and body is a noble things. Therefore, it is necessary to maintain and protect every living creature (human, animal, plant) regardless of their degree status.
2. Aligning the goals of life in the afterlife. Fiqh it is explained the arrangement of human life in which fiqh has regulated the order of human interaction both with Allah SWT. With fellow human beings, and human relations with nature. Aligning the goals of the world and the hereafter is how humans relate to nature. Aligning between the goals of the world and the hereafter is how humans can fulfill their needs in running the wheel of life but not forgetting the goal of the afterlife, namely to get the pleasure of Allah SWT.
3. The need for production and consumption must be balanced. Environmental Fiqh regulates the order of human needs in terms of producing or consuming something that must be by the level of human ability to meet these needs. This is based on the prohibition of humans exaggerating in everything.
4. The balance of the ecosystem must be maintained. The human task of processing and preserving nature cannot be separated from human participation in maintaining the balance of the

¹⁰ Yafie, Alie. *Merintis Fiqih Lingkungan Hidup*, Jakarta: Tama Printing 2006

ecosystem. If the ecosystem is maintained, it will be easier for humans to meet their needs.

5. All beings are noble (muhtaram). In harmony with maintaining the balance of the ecosystem, humans must also protect every living thing in the world, because living things other than humans can also be used in a balanced way and not hunted for their extinction.
6. Humans carry out their caliphate duties in terms of cultivating and managing the universe.

Of all the explanations about the basic principles of environmental fiqh, all of them are related to human duties as caliphs on earth. Because humans have a mind that can be used to process and manage the universe. The Islamic view in the context of environmental preservation is very dominant for humans. As caliphs on earth, humans are required to carry out the mandate that they bear to carry out overall obligations for the management of the universe, several things that humans must pay attention to in carrying out their duties to preserve the environment.

The substance of the green economy itself is contained in the concept of Maqashid Syariah which emphasizes benefits, namely:

1. Maintenance of religion (Hifzhu ad-din). All Muslim scholars agree that it is a religion that must take precedence when setting laws. The religion in question is of course Islam itself. The religion of Islam must be maintained because the religion that is the greenest or the most concerned about the environment on this earth is Islam. Rasulullah once said "Ju'ilatal-ardhu kulluha masjidun," the whole earth is made into a mosque. In Ibrahim Abdul Matin's view, this hadith not only explains that we may pray in any clean and holy place, but there is an implicit message to protect nature. In other words, maintaining the Islamic religion reflects maintaining the environment itself.
2. Maintenance of the soul (Hifzu an-nafs). That is maintaining the right to live in an honorable manner and protecting the soul so

that it is protected from acts of persecution, in the form of killing, cutting off limbs or injuring.¹¹ Islam certainly highly respects the human soul. so that in any activity including economics, safety of the soul needs to be prioritized. From UNEP's definition, a green economy is not only related to the environment but also to the social welfare of society. There is a reciprocity between the human soul and the environment itself. For example, environmental pollution caused by several industries often endangers human life. Companies that apply maqashid Syariah do not only rely on greenwashing, as an eraser of sins or bad image in society. However, He will take preventive action because he feels responsible for the souls of every human being.

3. Maintenance of reason (Hifz al-aql). A healthy environment often helps humans to think clearly and positively. This is where industries that go green play a role in creating an atmosphere that does not disturb people's minds. Maintaining this mind is also often applied in various ways such as providing scholarships for outstanding students, holding competitions in developing potential or also receiving company visits conducted by students to factories for research.
4. Maintenance of offspring (Hifdzul an-nasl). The efficient use of resources in the concept of green economy has been discussed in maqashid sharia. The efficient use of resources is closely related to the maintenance of offspring. Where the efficient use of resources provides land for future generations to be able to utilize resources. A hadith means, "If you hear that the Dajjal has come out, even though you are still planting date palm seeds, then don't rush to fix it, because there will still be human life after that" (Narrated by Abu Dawud Al-Ansari). From this hadith, we can see that Islamic Economics does not only aim to think about the benefit of the current generation, but also of future generations.

¹¹ Abdullah ibn Umar ibn Muhammad Suhaybany, *Al-Ahkam al-Bi'ah fi al-Fiqh al- Islamy* Damman, Saudi Arabia: Dar ibn al-Jauzi, 2008

Industrial companies and other economic actors should always consider their actions' long-term impact.

5. Maintenance of property (Hifdzul-maal). A healthy economy always generates profits in the right way. As well as preventing economic activities that can tarnish personal assets and other people's assets such as Tadlis, Gharar, Riba and others. In the order of khamsah kulliyah (five maintenances). Most scholars agreed to place wealth last. This is different from the triple bottom line concept which places profit first. This is where the concept of green economy that is driven by conventional economics differs from the maqashid sharia concept of Islamic economics. If conventional economics is profit-oriented, then Islamic economics is Falah oriented.

From the explanation of the five maintenances above, it can be concluded that low carbon is basically in line with the maintenance of the soul and mind. The principle of resource efficiency is also in line with the maintenance of offspring and wealth. Principle of Socially inclusive found in all five maintenances in the maqashid sharia concept. So, green economy activities are economic activities that prioritize the maintenance of religion, soul, mind, property, lineage, and property. Even protecting the environment is the same as maintaining the five basic goals of Islam (maqashid al-shariah). This is because these five basic goals can be accomplished if the environment and the universe support them. Therefore, maintaining the environment is the same as maqasid al-shari'ah. And the only economic concept that has maqasid sharia values is Islamic economics. So it is clear that the real green economy is reflected in Islamic economics.

4. Conclusion

Fiqh al-bi'ah is the regulation of Islamic legal norms that regulate human behavior and actions related to environmental conservation. Likewise with the green economy, it is an order of economic behavior that must be ecologically based. Economic development and environmental preservation must continue to go hand in hand, even though there are pluses and minuses between the two, but humans as the main actors of these two things where humans as implementers of economic development and also those in charge of environmental preservation

must make these two things run in balance. As is well known, most ecological crises are motivated by human actions. It is in this context that the significance of reconstructing the Fiqh al-bi'ah paradigm in the Maslahah-based green economy concept is to regulate good-bad or halal-haram principles which will become a benchmark for evaluating human actions towards the environment in the economy, so that in this way, Muslims will be able to present a religious approach that is based on the Qur'an, Hadith and ijtihad in looking at environmental issues.

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