

**THE REGULATION OF GREEN BANKING
AS MAIN INDICATOR OF PRODUCTIVE FINANCING
IN ISLAMIC BANKING**

THESIS

By:

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**SHARIA BUSINESS LAW DEPARTMENT
SHARIA FACULTY
MAULANA MALIK IBRAHIM
STATE ISLAMIC UNIVERSITY OF MALANG**

2015

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THESIS

Presented to
Sharia Faculty State Islamic University of Maulana Malik Ibrahim Malang
To Fill One of Requirements Used to Get Degree of
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2015**

STATEMENT OF THE AUNTENTICITY

In the name of Allah (swt),

With consciousness and responsibility towards the development of science, the author declares that the thesis entitled:

THE REGULATION OF GREEN BANKING AS MAIN INDICATOR OF PRODUCTIVE FINANCING IN ISLAMIC BANKING

is truly the author's original work. It does not incorporate any material previously written or published by another person. If it is proven to be another person's work, duplication, plagiarism, this thesis and my degree as the result of this action will be deemed legally invalid.

Malang, 29th of January 2015
Author,

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LEGITIMATION SHEET

The Thesis Board of Examiners states that Walida Lathifatuz Zahro, NIM 11220072, student from Sharia Business Law Department of the Sharia Faculty of State Islamic University, Maulana Malik Ibrahim Malang, her thesis entitled:

THE REGULATION OF GREEN BANKING AS MAIN INDICATOR OF PRODUCTIVE FINANCING IN ISLAMIC BANKING

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MOTTO



وَلَقَدْ مَكَّنَّاكُمْ فِي الْأَرْضِ وَجَعَلْنَا لَكُمْ فِيهَا مَعَايِشَ ۗ قَلِيلًا مَّا تَشْكُرُونَ (الاعرف : ١٠)

“Sesungguhnya Kami telah menempatkan kamu sekalian di muka bumi dan Kami adakan bagimu di muka bumi (sumber) penghidupan. Amat sedikitlah kamu bersyukur.”¹

¹ QS. Al-A'raf : 10

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Malang, 29th of January 2015

Author,

Walida Lathifatuz Zahro'

TRANSLITERATION GUIDANCE

Process of writing Arabic transliteration in this thesis used transliteration guidance based on decision of minister of religion and minister of education and culture Republic of Indonesia number 158 year 1987 and number 0543 b/U/1987 which can be explained like this:

A. Letter

ا	=	a	ز	=	z	ق	=	q
ب	=	b	س	=	s	ك	=	k
ت	=	t	ش	=	sy	ل	=	l
ث	=	ts	ص	=	sh	م	=	m
ج	=	j	ض	=	dl	ن	=	n
ح	=	h	ط	=	th	و	=	w
خ	=	kh	ظ	=	zh	ء	=	'
د	=	d	ع	=	'	ي	=	y
ذ	=	dz	غ	=	gh			
ر	=	r	ف	=	f			

B. Long Vowel

Vowel (a) long	=	â
Vowel (i) long	=	Î
Vowel (u) long	=	Û

C. Diftong Vowel

أُو	=	aw
أَي	=	ay
أُو	=	û
إَي	=	Î

TABLE OF CONTENTS

FRONT COVER	i
TITLE SHEET	ii
STATEMENT OF THE AUNTENTICITY	iii
LEGITIMATION SHEET	iv
MOTTO	v
AKNOWLEDGEMENT	vi
TRANSLITERATION GUIDANCE	viii
TABLE OF CONTENTS	ix
LIST OF TABLE	xii
LIST OF IMAGE	xiii
ABSTRACT	xiv

CHAPTER I : INTRODUCTION

A. Background of the Research	1
B. Problem of the Research	7
C. Objective of the Research	7
D. Significance of the Research	7
E. Conceptual Definitions	8
F. Research Method	8
G. Previous Research	13
H. Discussion Structure	15

CHAPTER II : Review of Related Literature

A. The Legislation Theory	17
B. <i>Green Constitution</i>	19
C. <i>Green Economy</i>	27
D. <i>Green Banking</i>	33
E. Productive Financing	41
F. Sharia Principles in Environment Conservation	48

CHAPTER III: The Regulation of Green Banking As Main Indicator of Productive Financing in Ilamic Banking

A. Urgency of Green Banking of Productive Financing in Islamic Banking	55
1. Islamic Banking As Actor of Ecological Development.....	56
2. Productive Financing As Instrument Control of Ecological Development.....	58
3. Islamic Banking Baed on Sharia Principles Relevant to Green Banking Principles	61
B. The Regulation of Green Banking of Productive Financing In Islamic Banking	75
1. Philosophical Aspect of Regulation of Green Banking	75
2. Sociological Aspect of Regulation of Green Banking.....	80

3. Juridical Aspect of Regulation of Green Banking ...	81
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BAB IV : CLOSING

A. Conclusion	87
B. Suggestion.....	88

BIBLIOGRAPHY

APPENDIX

LIST OF TABLE

Table 1.1 The similarities and differences of previous research	14
Table 3.1 The similarities of sharia principles and green banking principles of productive financing in Islamic banking	71

LIST OF IMAGE

Image 2.1 The Dimensional Model	26
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ABSTRAK

Walida Lathifatuz Zahro¹. 11220072, *Pengaturan Green Banking Sebagai Indikator Utama Pembiayaan Produktif di Perbankan Syariah*. Skripsi, jurusan Hukum Bisnis Syariah, Fakultas Syariah, Universitas Islam Negeri (UIN) Maulana Malik Ibrahim Malang, Pembimbing: Dr. M. Nur. Yasin, M.Ag.

Kata Kunci : *Green Banking*, Pembiayaan Produktif, Perbankan Syariah

Kerusakan lingkungan yang sering terjadi tidak lepas dari campur tangan manusia, dimana kerusakan ini banyak ditimbulkan dari kegiatan usaha manusia dalam rangka memperoleh keuntungan. Bank syariah sebagai lembaga yang ikut serta memberikan pembiayaan kepada pelaku usaha seyogyanya juga ikut serta memperhatikan kelestarian lingkungan, hal ini sesuai dengan prinsip pembangunan berkelanjutan dan berwawasan lingkungan sebagaimana termaktub dalam UUD NRI 1945. Penerapan prinsip tersebut dalam perbankan dikenal dengan istilah *green banking* yang penerapannya secara implisit tertuang dalam PBI No.8/21/PBI/2006 dan Surat Edaran Bank Indonesia No. 8/22/DPbS. Namun pengaturan ini masih menimbulkan kekurangjelasan karena belum ada peraturan perundang-undangan yang secara khusus mengatur tentang *green banking*.

Mengacu pada latar belakang di atas, ada beberapa masalah yang memerlukan pembahasan yang intensif. Pertama, mengapa prinsip-prinsip *green banking* penting diterapkan dalam pembiayaan produktif di perbankan syariah? Kedua, bagaimana pengaturan *green banking* sebagai indikator utama dalam pembiayaan produktif di perbankan syariah?

Untuk menjawab rumusan masalah di atas, maka dipilih metode kajian yang tepat dan akurat. Penelitian ini merupakan penelitian hukum normatif atau penelitian kepustakaan yang mengkaji bahan-bahan hukum baik dalam peraturan perundang-undangan maupun buku dan jurnal. Pendekatan yang digunakan adalah pendekatan undang-undang dan pendekatan konseptual. Studi dokumen sangat dominan dilakukan dalam penggalian data. Analisis dilakukan dengan cara melakukan berbagai penafsiran sebagaimana terdapat dalam ilmu hukum.

Berdasarkan metode penelitian yang digunakan di atas, diperoleh dua temuan penelitian ini. Pertama, prinsip-prinsip *green banking* penting diterapkan dalam pembiayaan produktif di perbankan syariah karena beberapa alasan, yakni perbankan syariah merupakan aktor pembangunan berkelanjutan berwawasan lingkungan, perbankan syariah berlandaskan prinsip-prinsip syariah yang relevan dengan prinsip-prinsip *green banking*, dan pembiayaan produktif menjadi alat kontrol pembangunan berkelanjutan dan berwawasan lingkungan. Kedua, pengaturan *green banking* sebagai indikator utama dalam pembiayaan produktif di perbankan syariah relevan dengan landasan perundang-undangan baik secara filosofis, sosiologis, dan yuridis. Selain itu juga sesuai dengan prinsip-prinsip pemberlakuan perundang-undangan yakni umum, komprehensif, dan universal.

ABSTRACT

Walida Lathifatuz Zahro'. 11220072, *The Regulation of Green Banking As The Main Indicator of Productive Financing In Islamic Banking*. Thesis, Department of Sharia Business Law, Sharia Faculty, Maulana Malik Ibrahim State Islamic University of Malang, Supervisor: Dr. M. Nur. Yasin, M.Ag.

Keywords : *Green Banking*, Productive Financing, Sharia Banking

The environment damage that often occurs, is not separated from human intervention, where this damage was caused from human business activity in order to get benefits. Islamic bank as a institution that takes a part in giving financing to the business doer, properly also contributes to note the environment conservation, it is in accordance with ecological development as mandated in Constitution 1945. The implementation of its principle is called by green banking that its implementation implicitly explained in PBI No.8/21/PBI/2006 and Circular Letter of Bank Indonesia No. 8/22/DPbS. But this legislation still makes inarticulate because there is no legislation specifically regulated on green banking.

According to the explanation above, there are two problems which are needed intensively explanation. First, Why are the principles of green banking important applied in productive financing in islamic banking? Second, How is the regulation of green banking as main indicator of productive financing in islamic banking?

To answer the problems of statement above, the researcher choosed the exact and accurate research method. This research used juridical normative research or library reaserch that examined the law materials both in regulation and book or journal. The approach which used was statue and conceptual approach. The document of study was mostly done in data excavation. Analysis was done by doing any interpretations as consist in law science.

Based on the research method above, the researcher obtained two research findings. First, Green banking principles are important applied in productive financing in Islamic banking, because Islamic banking is an actor of ecological development, productive financing be an instrument of control of ecological environment, and Islamic banking based on sharia principles are relevant with green banking principles. Second, The regulation of green banking as the main indicator of productive financing in Islamic banking is relevant with the legislation such as philosophy, sociology, and juridical. It is also in accordance with principeles of regulation forcing, they are general, comprehensive, and universal.

ملخص البحث

وليدة لطيفة الزهراء, ١١٢٢٠٠٧٢, وضع الصيرفة الخضراء (green banking) كالمؤشرات الرئيسية تمويل الإنتاجية في الخدمات المصرفية الإسلامية, بحث جامعي, بقسم الحكم الإقتصادي الإسلامي في كلية الشريعة بجامعة مولانا مالك إبراهيم الإسلامية الحكومية بالنج, امشرف: نور ياسن الدكتور الماجستير.

الكلمة الرئيسية: الصيرفة الخضراء, تمويل الإنتاجية, المصرفية الإسلامية

فسد البيئة في العالم هو بعض من الناس الذي يسبب من أنشطة الناس في تحصيل النتائج. المصرفية الإسلامية والمؤسسات المشاركة في توفير التمويل للشركات ينبغي أن تشارك أيضا في البيئة، هذا وفقا لمبادئ التنمية المستدامة بيئيا على النحو المبين في الدستور ١٩٤٥. تطبيق هذه المبادئ في الأعمال المصرفية المعروفة باسم المصرفية الخضراء. وكلهم التطبيق في PBI 8/21/PBI/2006 المصارف رسالة وبنك اندونيسيا (Surat Edaran Bank Indonesia) ومع ذلك، هذا الترتيب لا يزال يسبب عدم وضوح أنه لا توجد التشريعات تنظم تحديدا المصرفية الخضراء.

و في هذا البحث هناك المشكلة و هي لماذا المبادئ المصرفية الخضراء مهمة المطبقة في تمويل إنتاجية في العمل المصرفي الإسلامي؟ كيف المصرفية الخضراء كالمؤشر الرئيسي للتمويل الإنتاجي في الأعمال المصرفية الإسلامي؟

هذا البحث هو البحث الحكم المعاري و أما نوع البحثي هو من نوع البحث الدراسي. تستخدم الباحثة في هذا البحث بحثا معاريا فحست عن أساس الحكم. وأما تقريب البحث يستخدم هو تقريب تشريع و المفاهم. ويتم تحليل طريق إجراء متنوعة التفسيرات كما ورد في علم الحكم.

ونتيجة البحث تشير إلى مبادئ المصرفية الخضراء المطبقة في تمويل إنتاجية مهمة في العمل المصرفي الإسلامي لأن المصرفية الإسلامية هو الفاعلين التنمية المستدامة والبيئية، وتمويل منتجة تصبح أداة السيطرة والتنمية المستدامة للبيئة، ويستند المصرفية الإسلامية على مبادئ الشريعة ذات الصلة لمبادئ المصرفية الخضراء. ثم الترتيبات المصرفية الخضراء باعتباره المؤشر الرئيسي للتمويل الإنتاجي في الأعمال المصرفية الإسلامي ذات الصلة بالأساس للتشريع كلا الفلسفي، علم الاجتماع، والاعتباريين.