

Business Competition Law in the Perspective of Islamic Business Ethics

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Abstract

In economic activities, the business has a critical role in meeting humans' needs. On the one hand, the company also serves to make a profit. This research will be carried out using a qualitative approach. The data used in this study came from various research results and previous studies relevant to the investigation. This study found that in the implementation of business competition, good ethics is that business actors need to guarantee a balance between producers and consumers. Then in Islamic business ethics, it is necessary to pay attention to Islamic laws in the form of contracts contained in the business. The contract implementation must be honest, open, fair, and without manipulation. Then in conducting competition, competitors must be considered partners in conducting business. In implementing business partners, it is also necessary to provide good service to customers and must not commit fraud and attempt to destroy other competitors.

Keywords: Islam, Business, Competition, Ethics.

A. INTRODUCTION

There have been many problems in the financial world because of the use of a business system whose sources come from capitalism and communism. An indication of the disastrous number of unemployed everywhere, the number of poor people is increasing daily. Third countries are increasingly trapped in debt to developed countries and fall into a prolonged economic crisis, as experienced by Indonesia. This situation has been felt since mid-1997 and continues today (Walton & Nayak, 2021).

In conducting business, the Islamic economy has advantages compared to the capitalist economy. The ethics applied by the Prophet was always sincere, helping to lighten the burden of others. Besides that, what was also important was being honest and trustworthy and avoiding unfair competition in business. The fair business competition will ensure a balance between the rights of producers and consumers (Hurst, 2020). Indicators of healthy competition are many producers' availability, and market prices determined based on the balance between supply and demand, and equal opportunities for every business in industry and trade. The existence of fair business competition will benefit all parties, including consumers, small entrepreneurs, and producers because it will avoid the concentration of power in one or several certain businesses (Popescu, 2020). So,

this paper will try to explain the ethics of fair business competition according to the Islamic perspective.

B. LITERATURE REVIEW

1. Business

The definition of business is a shift in the word from the word "busy", both in the context of an individual or society in general. Busy doing activities and jobs that bring profit. The definition of business is an activity carried out by humans (individuals, communities, and society) to earn income or income to meet the needs and desires of life by managing economic resources, both goods and services, effectively and efficiently (Gouvea et al., 2021).

One of the economists, Skinner, defines business as exchanging services, money, or goods with mutually beneficial properties. According to Anoraga and Soegiastuti, a business primarily means "the buying and selling goods and services" (Leviakangas & Oorni, 2020). In Starub and Artner's view, business is nothing but an organization that produces and sells goods and services desired by consumers to earn a profit. So business is defined as busyness or activity and work that brings profit or added value. In economics, a business is an organization that sells goods or services to consumers or other businesses for a profit (Suoniemi et al., 2020). Business conducted according to rules, norms

and ethics will benefit the company and the broader community because an excellent corporate image, such as being accountable and having good governance, is an essential corporate image both now and in the future (Lin et al., 2021).

Business people have an end goal in the form of business goals when they carry out their business. This reflects the different results expected to be carried out by parts of the company (production, marketing, personnel, etc.), which will determine the company's performance in the long term (Shankar & Shepherd, 2019). Economic resources that are managed effectively and efficiently with various business activities aimed at:

- a. Creating and procuring goods or services needed by humans, both individuals, communities, and society.
- b. Getting the desired income is greater than the costs or fees incurred by the business manager.
- c. Creating added value for business managers and the community.
- d. Creating job opportunities for the community
- e. Improving the welfare of all parties involved (owners, workers, etc.) (Smith et al., 2021).

The purpose of business, in general, is to meet the various needs of consumers by providing products and services and benefiting from these activities. In the long term, the goals to be achieved are not only to meet consumer needs but there are many things that companies want to succeed in their business, including:

- a. Market Standing, namely market control, will guarantee the company to obtain sales revenue and profit in the long term.
- b. Innovation, namely innovation in products (goods or services) and innovation expertise. The business goal to be achieved through innovation is to create added value in a product, for example, 2-in-1 shampoos.
- c. Physical and Financial Resources namely, the company has the aim of mastering physical and financial resources to develop the company to become bigger and more profitable.
- d. The performance and development manager is a person who is operationally responsible for the company well. Managers need to have

various abilities and expertise following their profession. Therefore, it is necessary to improve the performance and develop managers' ability through attractive compensation activities and ongoing training and development programs.

- e. Worker Performance and Attitude, for the long-term interest, the attitudes of employees towards the company and work need to be considered to work well.
- f. Businesses must have social responsibilities such as promoting community welfare, preventing pollution, creating jobs, etc. (Sjodin et al., 2020).

2. Business Competition

In order to survive, it is only natural for a human to carry out a daily business in his life. Business is defined as an activity or activity that allocates its resources into a production activity that produces goods and services that can be marketed to consumers so that they can get profits or return results (Brunoro et al., 2020).

In carrying out a business, of course, business actors will experience various competitions from other business actors. According to Porter, competition is the essence of success. To win every competition, every company must have a competitive strategy. One is building trust in a long-term relationship between traders and their customers. Thus, business competition is a rivalry between business actors to obtain consumers by offering goods of good quality and reasonable prices (Zivojinovic et al., 2020).

A business competition law is created to create a business competition that has a healthy nature and efficiency for business actors to compete with other business actors. This is stated in Law no. 5 of 1999, Article 3 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition (Bocken et al., 2019). The objectives of this law include:

- a. Maintaining the public interest and increasing the efficiency of the national economy as one the efforts to improve people's welfare;
- b. Creating a conducive business climate through the regulation of fair business competition to ensure the certainty of equal business opportunities for

- significant business actors, medium business actors, and small business actors;
- c. Prevent monopolistic practices and or unfair business competition caused by business actors;
 - d. Creating effectiveness and efficiency in business activities (Surya et al., 2021).

This perfect business competition is a market or industry structure with many sellers and buyers, and each seller or buyer cannot influence the market situation. This kind of business competition is widespread in Indonesia today. Meanwhile, unfair business competition is competition in producing and marketing goods and services carried out dishonestly or against the law or hinders business competition (Itani et al., 2020).

3. Ethics

Ethos is the origin of the word ethics with the understanding of a habit, the heart's tendency to act, inner feelings, character, attitudes, and ways of thinking. The plural form is ta etha, which means custom. Ethics reflects what is called "self control" because everything is made and applied from within for the benefit of the group itself. In other words, ethics is more theoretical. Ethics only talks about the value of good and bad human actions with the benchmark of reason (Ning & Palmer, 2020).

Ethics is the science or knowledge of what is good and what is not to uphold and to do (Ethics is the science of good and bad). According to ethics, what is good is primarily:

- a. Honesty: saying and doing the right thing, upholding the truth.
- b. Reliability: the promise is always correct: according to the contents of the contract (pledge), time, place, and conditions.
- c. Loyalty: Loyal to his promises, faithful to anyone whose commitment is promised, loyal to the organization, including its leaders, colleagues, subordinates, relations, clients, articles of association, and by-laws.
- d. Discipline: without being asked or forced by anyone to obey the system, rules, procedures, and technology that have been set (Hagendorff, 2020).

Ethical theories are divided into two kinds, namely:

- a. The theory of Deontology comes from the Greek "Deon," which means an obligation. Deontological ethics emphasizes the responsibility to act well. An action is good, not judged by being justified based on its consequences or the excellent purpose of the action, but based on the act as suitable for oneself. In other words, the action has moral value because the activity is carried out regardless of the purpose or consequence of the action (Bella, 2022).
- b. Theological ethics, namely ethics that measure the goodness or badness of an action based on the goals to be achieved by the action, based on the consequences caused by the actions taken. An action is considered good if it aims to achieve something suitable or if the results that cause it are excellent and beneficial (Levine et al., 2018).

In other words, the ethical theory is a general rational description of the nature and basis of right actions and decisions and the principles that determine the claim that these actions and decisions are morally commanded and prohibited. Therefore, ethical research always emphasizes the definition of ethical concepts, justification, and research on moral choices, as well as distinguishing between good and bad actions or decisions (Sison, 2018).

4. Islamic Business Ethics

According to Djakfar, Islamic business ethics are ethical norms based on the Qur'an and Hadith that must be used as a reference by anyone in business activities. Islamic Business Ethics is a process and effort to find out what is right and what is wrong and then do the right thing with regard to the company's products and services, with parties interested in the company's demands (Sholihah, 2020). Islamic business ethics is related to "Business Firm" and "Business Person", which have various meanings. Doing business means a profitable business. So Islamic business ethics is the study of a person or organization doing business or business contacts that are mutually beneficial following the values of Islamic teachings (Zafar & Sulaiman, 2020).

Ethics to do business somewhat and adequately by upholding law and justice consistently and consequently faithful to the principles of truth, civility, and dignity.

- a. Because business is not only aimed at a profit but needs to consider human values, it will sacrifice many people's lives. Hence, the community has an interest in doing business ethically.
- b. Business is carried out between one human and another, so it requires ethics as a guide and orientation for decision-making, activities, and human behavior in dealing (business) with one another.
- c. Business is currently being conducted in a very tight competition, so in this business competition, people who compete while still paying attention to ethical norms in an increasingly professional climate will win (Macedo, 2019).

Thus, it can be said that the definition of Islamic business ethics is then used as a practical framework that will functionally form a religious awareness in carrying out every economic activity (religiousness economy practical guidance) (Bin-Nashwan et al., 2020).

Islam prohibits free competition, which justifies all means because it is contrary to the principles of Islamic muamalah. Islam commands its people to compete in goodness, which means that competition is no longer meaningful as an attempt to kill other competitors but is carried out to provide the best for their business (Ishak & Asni, 2020). Rasulullah SAW gave an example of how to compete well by providing the best and honest service with the condition of the merchandise and prohibiting collusion in business competition because it is a sin that must be avoided.

C. METHOD

This research will be carried out using a qualitative approach as the research method. The data used in this research comes from various research results and previous studies still relevant to this research. Research data that researchers have successfully collected will be processed through data reduction and analysis. The research data that has been analyzed will then produce research conclusions that follow the wishes of the researcher.

D. RESULT AND DISCUSSION

1. Fair Business Competition Ethics

A moral principle that can distinguish between what is bad and what is good is part of

ethics. Ethics is a normative field of science because it plays a role in determining what an individual should or should not do. And ethics in business can be interpreted as a set of values about good, bad, right, and wrong in the business world based on the principles of morality. In another sense, business ethics means a set of principles and norms in which business people must be committed to transacting, behaving, and relating to safely reach their land or business goals. And in the business world, there will be very tight competition, sometimes causing business people to justify any means to win it, so unhealthy competition often occurs in business. This unfair competition can harm many people and, in the long run, harm the business people themselves.

a. Business Competition in Islamic Teachings

Trust is a necessary basis of all relationships that occur between people around the world. Trust is created from honesty. Honesty is one of the most challenging qualities of character to achieve in business, family, or anywhere else in the arena where people are interested in competing with others (Franklin & Marshall, 2019). While we are young, we are taught, in each case, the best virtue or wisdom. Most of us in business have a mission related to plans. We direct our energies and resources toward the goals of our mission success that we develop throughout the covenants. Employers depend on employees, customers rely on suppliers, banks depend on borrowers, and each actor or party now depending on the former parties will continue. We find that successful businesses, in the long run, will tend to build all relationships on quality and honesty and interact with honest people in executing business strategies.

Trust also certainly has an essential meaning in the business world. Without being based on mutual trust, business transactions cannot be carried out. However, in the business world, we are prohibited from trusting others too quickly because this is prone to fraud. So, we are encouraged to look at the track record of our previous business opponents. In Islamic

teachings, every Muslim who wants to do business is recommended to always: conduct a healthy competition, be honest, behave well, and be sympathetic and fair.

- b. **Conducting fair competition**
Healthy competition can be done by not being allowed to bid on goods offered by other people and not being allowed to buy goods from traders from villages who do not know the market price. It is not allowed to pretend to bid for goods at high prices to trick other buyers (White et al., 2019).
Another difference is also with the system of capitalism and communism, which prohibits monopoly. In Islam, anyone can do business regardless of whether he is the only seller or buyer, as long as he does not do *ikhtikar*, namely taking profits above-normal profits by selling fewer goods for a higher price or, in economic terms, monopoly's rent.
- c. **Honesty**
In carrying out buying and selling, entrepreneurs' honesty in the form of openness certainly needs to be transparent. And by being honest, the business grows because honesty is a powerful impetus for business actors to achieve success and profit. Many people are successful in the business world because of their honest nature (Ingrassia et al., 2022).
According to the Shari'a, even religion's teachings always advocate honesty and prohibit lying. So being honest also means that we are obedient to the faith we believe in. Honesty will bring great pleasure and profit to the business that is held.
- d. **Be Kind and Sympathetic**
In doing business, this is very important to be needed, even when dealing with less fortunate people. Muslims are required to behave sweetly and generously if they are not able to at least treat them with kind words and polite in the association. His relationship with philanthropists cannot be separated from a drop of the heart (Izharuddin, 2021). Sometimes, after getting a customer record, it tends to be used to get a more significant

profit. If we look at the practice of the Prophet, he always protects himself from lying and exploiting consumers. Besides, he is also concerned with improving long-term relationships with his customers, not profit-oriented. So the profile is more.

- e. **Openness**
Various existing businesses need to be open so that trust can emerge in this era, especially something related to finance when working together. It is open because it has clear financial reports on the business owned where the financial statements can be audited by related parties (Burer et al., 2019). And this open nature is one of the keys to the Prophet's success in selling Khadijah's merchandise.
- f. **Justice**
In implementing buying and selling, not adding or reducing the weight of the scales in doing business is part of justice. Fairtrade is obligatory, which is also included among the values Islam has set in all aspects of Islamic economics and vice versa. A sharia marketer is not justified in making buying and selling transactions or buying cheap goods someone who is forced to sell them. This includes unauthorized business transactions (Alghababsheh et al., 2020).
The "slashing price" technique raises as many consumers as possible, but the more prioritized thing is that producers/service providers also seek consumer satisfaction. That's what we call "the customer is king". In addition, it is also responsible for providing safe products for consumers.

2. Putting Competitors in to Business Partners

People who inspire their business partners, both consumers, and employees, are good business people. Their warmth will bring positive interactions and encourage every employee and business partner to establish profitable cooperation. Honoring business partners, including giving sympathy and empathy, will help improve relationships in running any business. And the business person will succeed if there is complete attention from all parties in the business process by giving

enthusiasm and warmth. That is the essential meaning of the role played by business people who like to glorify their partners. Every business person craves profit and business continuity from an extensive network. Such business actors will develop strong and stable. Developing in the sense of growing in all directions, even multiplying his business. Strong in the mind that it is not weak, not sluggish, and can be on par with existing rivals. Stable in the sense of not swaying, not going up and down, and not getting lost. The question is in what ways the business person can achieve this position.

The main principles that business people need to apply so that competitors can become business partners are as follows:

a. Honoring Customers or Business Partners as Brothers

The customer is like a king, that's the motto of the motto that has many followers. Therefore, it must be honored because it should not be disappointed, it should not be harmed, and its interests must be known and considered. Isn't giving the same as receiving, "To give is to receive". Giving means receiving more (La Cour, 2022).

b. Offering What People Need

There are many business branches, some of which offer basic needs, secondary needs, and even tertiary needs (luxury goods). It also provides physical needs and spiritual needs. It is best to show what the customer needs. So instead of offering cigarettes, liquor, or the like, everyone knows they are dangerous for health and life (Willemse et al., 2020). Nor does it offer goods or services to boast about and act arrogantly. How many goods and services are provided by the market that damage the mental and soul of its consumers. Not even a few goods and services mislead or damage the consumer's faith. Because it is a must for a business person to offer goods and services that are beneficial to consumers in the true sense. Isn't the best person among us the one who benefits the most people? This is where

the business person's unique role in bridging consumers' real needs.

c. Offering Quality Goods and Services

One of the big dreams of consumers is to buy quality goods at affordable prices. But this dream is not always relevant and even against the interests of the business person. Isn't quality goods produced at a higher cost?

In Islamic teachings, quality can mean the size or measure is sufficient. So the business person should always pay attention to the adequacy of the size or dosage. If the dose is intentionally reduced in any product, the business person does not offer quality goods from the size aspect, and then the threat can be layered (Adongo et al., 2021). On the other hand, there are also physical aspects that show the quality of the goods, namely, the goods offered are not damaged, not defective, and do not bring harm. What should be the business actor must be honest and open if there is a defective or damaged item. It must be said as it is to the consumer so as not to harm the consumer.

3. Violations in Business Competition

A company's ethics need to be checked for truth and goodness by business people. A good business must have ethics and social responsibility according to its function. In a free-market economic system, companies are directed to achieve the goal of getting the maximum profit possible. However, in achieving this goal, companies that run a business often justify any means so that they do not care whether their actions violate business ethics or not, regardless of whether the impact is negative or positive on the surrounding environment.

To increase its market share, businessmen have committed many violations, thus making it even more burdensome for lower-class entrepreneurs who cannot compete with big companies. There need to be strict sanctions regarding breaches of business ethics that occur, to reduce the occurrence of business ethics violations in the business world.

Law No. 5 of 1999 explains the prohibition of monopolistic practices and unfair business competition, and it is stated that: Monopoly is control over the production and or marketing of goods and or the use of specific

services by one business actor or a group of business actors (Article 1 point 1).

Unfair business competition is competition between business actors in carrying out production and or marketing activities of goods or services that are carried out dishonestly or against the law or hinder business competition (Article 1 point 6).

The following are some of the violations of business ethics in the business world:

a. Monopoly

The definition of monopoly is a condition in which a product has only one producer, or when it stops the product from going down to the market so that the price of the product then rises. There are no substitutes for the products produced by the monopolist (Li et al., 2022). With a monopoly, it can cause no competition in business. Market conditions are determined by one company (monopolist) with very high market power. This type of monopoly market is rarely found in market structure, especially in developed countries that adhere to a market economy and have anti-rust regulations.

b. Oligopoly

The definition of oligopoly is a situation in which almost all output from production is controlled entirely by some small companies so that their decisions will affect each other. There are imperfections and obstacles in obtaining information about the product (Rosado-Cubero & Martinez-Soto, 2020). The ability to control prices but little. Some products are differentiated but little so that there is little product difference between manufacturers. In the practice of oligopoly, a handful of entrepreneurs controls the market, not because of collusion with the government but because of collusion among a few entrepreneurs to control and dictate the market.

c. Unfair Business Competition

When the production and marketing activities of goods or services are carried out dishonestly or unlawfully or hinder business competition, the competition actors become unfair

(Manning & Kowalska, 2021). And before the enactment of laws and regulations related to the prohibition of monopolies and unfair competition, sharia has established several fundamental principles of the ban of transactions which in the future must be used as a frame of reference in the formulation of this law. The scope of the prohibition is either caused by the banning of the substance (haram li dzatihi) or the ban other than the substance (haram li ghairihi), which is directly related to business behavior.

Further description of some basic principles of prohibition of unhealthy business are as follows:

1) Usury

Riba is an act by adding to something that was previously owed. And usury can also be defined as an addition, development, increase, and enlargement of the principal loan received by the borrower in return for suspending or separating from his capital for a certain period (Hartley & Kallis, 2021).

2) Tadlis (hiding defective goods)

Kindness is one of the most critical basics in doing business. To avoid damaging the pleasure, both parties must have the same information about the object of the contract. Ignorance of one party to the ojek agreement due to a disgrace that is intentionally hidden is called tadlis (Barnes et al., 2020). In other words, tadlis is hiding the object of the contract from the actual situation, thereby harming one of the parties. Such fraud can occur in business transactions regarding indefinite-quantity, quality, price, and delivery time.

3) Gharar (Betting)

A trade involving sellers of commodities that do not belong to the seller, sellers of unborn animals, sellers of agricultural products that have not been harvested, and others are prohibited. In Islam, gaharar is haraam because there is a bet that

creates hostility for those who are harmed (Ebata, 2022). The hostility occurs because, in gharar, there is an element of deception. As in the taddis, the types of gharar are also divided into unclear quality, quantity, price, and delivery time.

- 4) **Ihtikar (Hoarding)**
Deliberately hoarding a product to increase its price when the item is scarce is part of ihtikar. In sharia business law, hoarding is prohibited because it prevents people from getting necessities. In the current context, ihtikar includes monopolistic practices in the world of trade
- 5) **Talaqqi Rukban**
Talaqqi rukban is an act of merchants in the city who welcome caravans on their way before arriving at the market to buy them at low prices to get double profits.
- 6) **Riswah (Bribery)**
Bribery causes the market to be unfair because what is right can become wrong, and what is wrong can become right, so eventually, it becomes unlawful. Unfair competition, a significant business problem, cannot be avoided if bribery becomes more fertile or rampant among business people. And in sharia, bribing is unlawful, and bribery is included in the category of consuming other people's property utilizing vanity. Giving a certain amount of money to win a tender for a business. It is included in the category of bribery which Islam forbids. Bribery here, in any form, is prohibited in Islam. The injustice and damage will become more widespread because of this bribery. For example, when setting the law incorrectly, the truth is not guaranteed by law, prioritizing people who should be terminated and terminating people who should take precedence.

4. Healthy Competition as a Problem for Consumers and the Progress of the Nation

Because it still has a relationship with muamalah activities, carrying out business will be bound by the laws in muamalah. In doing business, everyone will deal with other parties, such as business partners and business competitors. In an interpersonal relationship, a Muslim businessman must still strive to provide the best service to his business partners. And in doing business, the business person must know how to do a healthy competition in his company. Of course, the business person must know how Islamic business ethics are so they do not violate the rules of competitive ethics according to Islam and government law.

The balance between producers and consumers can be guaranteed when there is relatively healthy business competition. Indicators of healthy competition are the availability of many producers, market prices formed between market supply and demand, and equal opportunities for every business in industry and trade. The existence of fair competition will benefit all parties, including consumers, small entrepreneurs, and the producers themselves because it will avoid the concentration of power in one or several particular businesses.

Business actors should not be late compared to other business actors when acting so as not to be left behind. However, even though they are in a world full of competition, business actors must also not commit fraud. The point is that the various tips or strategies developed in the business will never harm or kill other business people. The big shelters the small, the strong lifts the weak. This means mutual support and mutual benefit between business people in the free market. And the best thing is to offer a "win-win solution" with business people willing to work together. This proper attitude is called economic brotherhood. This means running the economy with full brotherhood. Maybe in the era of globalization with the main characteristic of free competitors, "free fight liberalism", many business people are squinting. Still, in history, there is enough evidence that the true victory is a victory against greed. This is where the meaning of jihad is most remarkable: to win against lust.

Islamic laws regarding contracts in business need to be considered by every business partner who is still a Muslim. In the

agreement, it must be the following reality without manipulation, for example, providing samples of very good-quality products, even though the products are of poor quality.

Then conditions conducive to conducting competition also need to be facilitated by the state. The government is not allowed to provide special facilities to a person or group of businesses, such as technology, market information, supply of book materials, monopoly rights, or tax abolition. So, creating healthy competition in running a business will benefit all parties, especially consumers, and honesty or fair competition will help progress in our nation's economy.

E. CONCLUSION

The ethics of fair business competition is where the business actor will ensure a balance between the rights of producers and consumers and not harm each other between producers and consumers or with other business competitors. When dealing with business partners, every Muslim businessman must pay attention to Islamic laws relating to business contracts. The contract must follow reality and be honest, fair, open, and without any element of deception. Then placing competitors as business partners is very important in the business world, how business people provide good customer service. And offer quality products and services so as not to harm consumers or customers, and never cheat on other competitors or destroy their trading competitors, but must be used as business partners. And the business person will succeed if there is total attention from all parties in the business process by giving enthusiasm and warmth.

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