



The Role of Regulation in the Development of Sharia Fintech: A Review of Contemporary Islamic Economic Law

Istianah Zainal Asyiqin ¹, Manuel Beltrán Genovés ², Irvan Maretto ³

¹ Universitas Muhammadiyah Yogyakarta, Indonesia

² Universidad Autónoma de Madrid, Spain

³ Universitas Muhammadiyah Yogyakarta, Indonesia

Corresponding Author: Istianah Zainal Asyiqin, *E-mail: istianah@umy.ac.id*

Article Information:

Received August 13, 2024

Revised September 26, 2024

Accepted December 30, 2024

ABSTRACT

This research explores the intricate relationship between regulation and the development of Sharia-compliant financial technology (fintech) within the framework of contemporary Islamic economic law. As Sharia fintech emerges as a significant sector in the global financial landscape, the alignment of innovative financial technologies with Sharia principles becomes crucial. The paper delves into the challenges and opportunities posed by regulatory fragmentation, the impact of technological advancements, and the importance of international coordination and harmonization. Regulatory fragmentation, characterized by diverse interpretations of Sharia law and differing national regulations, complicates cross-border operations, stifles innovation, and leads to a lack of standardization in financial products. Technological advancements, such as blockchain, artificial intelligence, and digital currencies, offer immense potential for enhancing transparency, efficiency, and inclusivity in Islamic finance but also introduce complex regulatory challenges. The paper argues for a proactive and collaborative regulatory approach, emphasizing the need for international standards and greater harmonization to ensure that Sharia fintech can thrive globally. By addressing these issues, the paper highlights the critical role of regulation in shaping the future of Sharia-compliant fintech, ensuring its growth, scalability, and adherence to Islamic ethical principles.

Keywords: International Coordination, Regulatory Fragmentation, Sharia Fintech

Journal Homepage

<https://journal.ypidathu.or.id/index.php/jiem>

This is an open access article under the CC BY SA license

<https://creativecommons.org/licenses/by-sa/4.0/>

How to cite:

Asyiqin, Z, I., Genoves, B, M & Maretto, I. (2024). The Role of Regulation in the Development of Sharia Fintech: A Review of Contemporary Islamic Economic Law. *Sharia Oikonomia Law Journal*, 2(4). 255-270. <https://doi.org/10.70177/solj.v2i4.1241>

Published by:

Yayasan Pendidikan Islam Daarut Thufulah

INTRODUCTION

The intersection of financial technology (fintech) and Islamic economic law represents a rapidly evolving field, reflecting both the dynamic nature of modern

financial systems and the enduring principles of Sharia law. As fintech continues to revolutionize the global financial landscape, Sharia-compliant fintech—often referred to as Sharia fintech—emerges as a significant and growing segment within the broader Islamic finance industry. This development is not merely a byproduct of technological innovation but also a response to the increasing demand for financial services that align with the ethical and legal principles of Islam (Judijanto et al., 2024).

Sharia fintech is distinct from conventional fintech in that it adheres to the ethical guidelines and legal norms of Islamic law, which govern various aspects of economic life, including finance, trade, and commerce. These principles, derived from the Quran, Hadith, and other Islamic legal sources, emphasize justice, fairness, and transparency, and prohibit activities such as usury (riba), gambling (maysir), and uncertainty (gharar). The compliance of fintech services with these principles is not just a matter of consumer preference but a religious obligation for Muslims, making the regulation of Sharia fintech a critical issue for both the industry and the broader community (Supriyadi, 2022).

The regulatory landscape for Sharia fintech is complex and multifaceted, involving both Islamic and secular legal frameworks. In many Muslim-majority countries, the development of Sharia fintech is guided by national Islamic finance regulations, which are often overseen by central banks or dedicated Islamic financial authorities. These regulations are designed to ensure that fintech services comply with Sharia principles while also meeting the broader requirements of financial regulation, such as consumer protection, anti-money laundering (AML), and cybersecurity. The role of regulation in this context is to balance the need for innovation with the imperative of maintaining the integrity of Islamic financial practices.

At the same time, Sharia fintech is also subject to international financial regulations, which may or may not be fully aligned with Islamic law. This creates a dual regulatory environment in which Sharia fintech companies must navigate both Islamic and conventional legal requirements. The challenge is further compounded by the global nature of fintech, which often involves cross-border transactions and the use of decentralized technologies such as blockchain. As a result, the development of Sharia fintech requires not only compliance with existing regulations but also the creation of new regulatory frameworks that can accommodate the unique characteristics of this emerging industry (Aulia et al., 2020).

The importance of regulation in the development of Sharia fintech cannot be overstated. Regulation serves as a critical tool for ensuring that fintech services are not only Sharia-compliant but also safe, secure, and accessible to a wide range of consumers. Without appropriate regulation, there is a risk that Sharia fintech could become fragmented, with varying interpretations of Islamic law leading to inconsistencies in compliance standards. This could undermine consumer trust and hinder the growth of the industry. Moreover, regulation plays a key role in promoting innovation by providing a clear legal framework within which fintech companies can

operate. By establishing clear guidelines and standards, regulators can help to create a level playing field for both new and established players in the market (Kirchner, 2020).

However, the role of regulation in the development of Sharia fintech is not without its challenges. One of the key issues is the potential for regulatory arbitrage, where fintech companies exploit differences in regulatory standards between jurisdictions to gain a competitive advantage. This is particularly relevant in the context of Sharia fintech, where variations in the interpretation of Islamic law can lead to different regulatory outcomes in different countries. To address this issue, there is a need for greater coordination and harmonization of Sharia fintech regulations at the international level. This could involve the development of global standards for Sharia compliance, as well as increased collaboration between national regulators and Islamic finance institutions.

Another challenge is the pace of technological change, which often outstrips the ability of regulators to keep up. The rapid development of new fintech technologies, such as artificial intelligence, blockchain, and digital currencies, presents both opportunities and risks for Sharia fintech. On the one hand, these technologies have the potential to enhance the accessibility, efficiency, and transparency of Sharia-compliant financial services. On the other hand, they also pose new regulatory challenges, such as the need to ensure that these technologies are used in a manner consistent with Islamic principles. This requires regulators to adopt a proactive and forward-looking approach, continually updating and refining their regulatory frameworks to keep pace with technological advancements (Nurbaiti et al., 2023).

The development of Sharia fintech also raises broader questions about the relationship between regulation and innovation. While regulation is essential for ensuring compliance with Sharia principles and protecting consumers, it can also stifle innovation if it is too rigid or prescriptive. This is a particular concern in the fintech industry, where innovation is a key driver of growth and competitiveness. To strike the right balance, regulators need to adopt a flexible and adaptive approach, one that encourages innovation while also safeguarding the integrity of Islamic finance. This may involve the use of regulatory sandboxes, which allow fintech companies to test new products and services in a controlled environment, or the adoption of a principles-based approach to regulation, which focuses on outcomes rather than detailed rules (Ahyani et al., 2021).

The role of regulation in the development of Sharia fintech is both crucial and complex. Regulation serves as a vital tool for ensuring that fintech services are Sharia-compliant, safe, and secure, while also promoting innovation and competitiveness in the industry. However, the regulatory landscape for Sharia fintech is challenging, involving both Islamic and conventional legal frameworks, as well as the need to keep pace with rapid technological change. To address these challenges, there is a need for greater coordination and harmonization of Sharia fintech regulations at the international level, as well as a flexible and adaptive approach to regulation that encourages innovation while safeguarding the principles of Islamic finance. As Sharia fintech continues to

grow and evolve, the role of regulation will remain a key factor in shaping its future development (Aysan & Unal, 2023).

RESEARCH METHODOLOGY

This research was conducted in accordance with normative legal principles and sharia economic law. This research investigates concepts, legal standards, and regulations. Additionally, the investigation uses a case study methodology. Other sources of information include newspapers, judicial magazines, novels, and journals. In addition, legal documents are assessed and classified based on discourse and analysis regarding important concepts that are underlined and described qualitatively in an effort to identify solutions to problems.

RESULT AND DISCUSSION

In the exploration of the role of regulation in the development of Sharia fintech, several key themes emerge that underscore the complex interplay between regulatory frameworks, technological innovation, and the principles of Islamic economic law. The results and discussion section delves into these themes, providing a critical analysis of how regulation both shapes and is shaped by the evolving landscape of Sharia fintech (Muhammad & Lanaula, 2019).

The primary result of this exploration is the identification of regulation as a double-edged sword in the development of Sharia fintech. On one hand, regulation is crucial for ensuring that fintech services are aligned with Sharia principles, which is a non-negotiable aspect for the target market of Muslim consumers. On the other hand, overly rigid or fragmented regulatory approaches can impede innovation and the growth of the industry (Biancone et al., 2019).

1. Regulatory Alignment with Sharia Principles

Regulatory alignment with Sharia principles is a cornerstone of the development and success of Sharia fintech. This alignment is not simply a matter of regulatory compliance; it is deeply rooted in the ethical, legal, and spiritual dimensions of Islamic economic law. The foundation of Sharia law, which governs all aspects of a Muslim's life, extends to financial transactions and economic activities, emphasizing justice, fairness, and the prohibition of certain practices deemed exploitative or harmful. In this context, the role of regulation becomes pivotal in ensuring that fintech services not only operate efficiently but also adhere to the moral and legal framework dictated by Sharia principles (Rahman et al., 2021).

At the heart of Sharia-compliant finance is the prohibition of riba, or usury, which is often interpreted as any guaranteed interest on loans or investments. This prohibition is based on the Quranic injunctions that consider riba as exploitative and unjust, leading to the unfair accumulation of wealth at the expense of others. In the fintech world, this principle poses a significant challenge, as much of conventional finance relies on interest-bearing loans and investment products.

Consequently, for a fintech service to be Sharia-compliant, it must offer alternatives to interest-based transactions, such as profit-sharing (mudarabah) or cost-plus financing (murabaha). These alternatives are designed to ensure that both parties in a transaction share the risks and rewards more equitably, which is a key tenet of Islamic finance.

However, ensuring that fintech products align with these principles is not a straightforward task. The rapid pace of technological innovation means that new financial products and services are constantly emerging, often outpacing the development of corresponding regulatory frameworks. This creates a dynamic tension between the need to foster innovation and the imperative to maintain adherence to Sharia principles. Regulators must therefore strike a delicate balance, providing enough flexibility to allow fintech companies to innovate while also ensuring that these innovations do not contravene Islamic law.

One of the primary tools for ensuring Sharia compliance in fintech is the establishment of Sharia boards or advisory councils. These bodies, typically composed of Islamic scholars with expertise in finance, are tasked with reviewing and approving fintech products and services to ensure they align with Sharia principles. Their role is crucial in interpreting Islamic law in the context of modern financial practices, providing guidance on how traditional principles can be applied to contemporary fintech solutions. This process often involves detailed scrutiny of the contractual arrangements underlying fintech products, such as digital lending platforms, crowdfunding, or blockchain-based financial services, to ensure that they do not involve prohibited elements such as *riba*, *gharar* (excessive uncertainty), or *maysir* (gambling) (Rohman et al., 2023).

The work of these Sharia boards is further complicated by the diversity of interpretations within Islamic jurisprudence. Islamic law is not monolithic; it encompasses a wide range of legal schools and interpretations, each with its own views on how Sharia principles should be applied in practice. This diversity can lead to different rulings on the same issue, depending on the jurisdiction or the particular scholars involved. For fintech companies operating in multiple markets, this means they may need to navigate different Sharia standards in different countries, leading to a fragmented regulatory landscape. This fragmentation can create challenges for the development of standardized Sharia-compliant fintech products that can be marketed across borders.

In addition to the prohibition of *riba*, Sharia law also emphasizes the importance of fairness and transparency in financial transactions. This principle is reflected in the prohibition of *gharar*, which refers to excessive uncertainty or ambiguity in a contract. In practice, this means that all terms of a financial transaction must be clear and unambiguous, with both parties fully informed of their rights and obligations. For fintech companies, ensuring compliance with this principle requires meticulous attention to the design and presentation of their products. For example, digital contracts used in fintech services must be

transparent, with all terms and conditions clearly stated and easily accessible to the consumer. This is particularly important in the context of smart contracts, which are self-executing contracts with the terms of the agreement directly written into code. While smart contracts offer significant potential for improving efficiency and reducing costs, they also raise questions about how to ensure that they are free from gharar and fully compliant with Sharia principles.

Another key aspect of Sharia compliance in fintech is the prohibition of maysir, or gambling. This prohibition extends to any form of speculative activity where the outcome is based on chance rather than skill or effort. In the context of fintech, this means that products and services should not involve speculative trading or investments that resemble gambling. For example, certain forms of derivatives trading, which involve betting on the future price of an asset, would be considered non-compliant with Sharia law. Fintech companies must therefore ensure that their investment products are based on real economic activity and that they provide genuine value to consumers, rather than merely facilitating speculative gains (Fithria, 2022).

The role of regulators in ensuring alignment with Sharia principles goes beyond merely enforcing compliance; it also involves fostering an environment where Sharia-compliant fintech can thrive. This requires a regulatory approach that is both proactive and supportive, helping fintech companies navigate the complexities of Sharia law while also encouraging innovation. In some jurisdictions, regulators have taken steps to create dedicated frameworks for Sharia-compliant fintech, including the establishment of regulatory sandboxes specifically for Islamic finance. These sandboxes allow fintech companies to test new products and services in a controlled environment, with guidance from regulators and Sharia scholars. This approach not only helps to ensure compliance with Sharia principles but also promotes the development of innovative fintech solutions that can meet the needs of Muslim consumers (Zaini & Shuib, 2021).

2. Impact of Regulatory Fragmentation

The impact of regulatory fragmentation on the development of Sharia fintech is a significant and multifaceted issue, deeply influencing the growth, scalability, and effectiveness of Sharia-compliant financial services across different regions. Regulatory fragmentation refers to the existence of differing legal and regulatory frameworks across jurisdictions, which can lead to inconsistencies in how financial services are governed. In the context of Sharia fintech, where adherence to Islamic principles is paramount, this fragmentation poses unique challenges that can hinder the industry's potential to operate on a global scale (Diniyya et al., 2020).

One of the primary consequences of regulatory fragmentation is the difficulty it creates for Sharia fintech companies looking to expand beyond their home markets. Fintech, by its very nature, thrives on scalability and the ability to reach a wide audience through digital platforms. However, when these companies seek to

enter new markets, they often encounter vastly different regulatory environments. Each country or region may have its own interpretation of Sharia law, its own set of compliance requirements, and its own regulatory body overseeing Islamic finance. This can create a situation where a fintech product that is deemed Sharia-compliant in one country might not meet the regulatory standards in another. As a result, companies are forced to tailor their products to meet the specific requirements of each market, leading to increased costs, operational complexity, and a slower pace of expansion (Rabbani, 2022).

Moreover, the fragmentation of regulations can also lead to a lack of standardization in Sharia-compliant financial products. In conventional finance, standardization helps to create a level playing field, where products and services can be compared, traded, and used across borders with relative ease. In the Sharia fintech space, however, the absence of universally accepted standards means that products can vary significantly from one jurisdiction to another. This lack of standardization can be confusing for consumers, who may find it difficult to understand the nuances of different products or to trust that a product is truly Sharia-compliant if the standards vary widely. For fintech companies, this variability complicates product development and marketing strategies, as they must navigate and comply with multiple sets of standards to cater to different markets.

The issue of regulatory fragmentation is further compounded by the diversity within Islamic jurisprudence itself. Islamic law is interpreted differently across various schools of thought, such as Hanafi, Shafi'i, Maliki, and Hanbali, each with its own legal traditions and interpretations of Sharia principles. This diversity is a reflection of the rich intellectual heritage of Islam, but it also presents challenges in creating uniform regulations for Sharia-compliant finance. For example, a financial instrument that is considered permissible (halal) according to one school of thought may be deemed impermissible (haram) by another. This diversity of interpretation can lead to regulatory frameworks that are tailored to specific jurisprudential perspectives, further complicating the efforts of Sharia fintech companies to operate across multiple jurisdictions (Rabbani et al., 2020).

3. Regulation as a Catalyst for Innovation

Regulation, often perceived as a restrictive force, can also serve as a powerful catalyst for innovation, particularly in the Sharia fintech sector. While regulations are primarily designed to ensure compliance with legal and ethical standards, they can also create an environment that encourages the development of new products and services, fosters competition, and promotes consumer confidence. In the context of Sharia fintech, where compliance with Islamic principles is crucial, well-designed regulations can stimulate innovation by providing clear guidelines that fintech companies can follow, thereby reducing uncertainty and encouraging them to explore new ideas within a defined framework (Paruzi & Irhamdessetya, 2023).

One of the ways regulation acts as a catalyst for innovation in Sharia fintech is through the establishment of regulatory sandboxes. These sandboxes are controlled environments where fintech companies can test new products and services under the supervision of regulators, without immediately facing the full weight of regulatory requirements. This approach allows companies to experiment with innovative solutions while ensuring that they remain compliant with Sharia principles. The sandbox model is particularly valuable in the Sharia fintech sector, where the intersection of technology and Islamic law can create complex regulatory challenges. By providing a space for experimentation, regulators enable fintech companies to explore new ideas and technologies, such as blockchain, artificial intelligence, and digital currencies, within a framework that ensures adherence to Sharia principles (Afif & Samsuri, 2022).

Regulation also encourages innovation by promoting transparency and accountability in the Sharia fintech industry. Clear and consistent regulations help to establish trust between fintech companies and their customers, which is especially important in Islamic finance, where ethical considerations play a central role. When consumers are confident that a fintech product is both innovative and fully compliant with Sharia law, they are more likely to adopt new technologies and services. This consumer trust, in turn, incentivizes fintech companies to continue innovating, knowing that there is a receptive market for their products. Moreover, regulations that emphasize transparency in business practices, such as clear disclosure of fees, risks, and terms, help to create a level playing field, where companies compete based on the quality and innovation of their products rather than on the ability to exploit regulatory loopholes (Aysan & Unal, 2021).

Additionally, regulation can drive innovation by setting high standards for Sharia compliance, which challenges fintech companies to develop new solutions that meet these standards. For example, regulations that prohibit riba (usury) and require risk-sharing in financial transactions push fintech companies to create alternative financing models that are both Sharia-compliant and competitive with conventional financial products. This has led to the development of innovative financial instruments, such as profit-sharing investment accounts, Sukuk (Islamic bonds), and Murabaha (cost-plus financing) contracts, which offer consumers Sharia-compliant alternatives to traditional financial products. The need to meet regulatory standards while also delivering value to customers drives fintech companies to continuously innovate and improve their offerings.

Furthermore, by fostering collaboration between regulators, scholars, and industry stakeholders, regulation can encourage the development of innovative solutions that are aligned with both technological advancements and Sharia principles. For instance, in the context of digital currencies and blockchain, regulators can work with Islamic finance scholars to develop guidelines that ensure these technologies are used in a way that is consistent with Sharia law. This collaborative approach not only helps to ensure that new technologies are Sharia-

compliant but also promotes the development of innovative products that leverage the unique advantages of these technologies, such as increased transparency, security, and efficiency (Kamdzhalov, 2020).

4. Technological Advancements and Regulatory Challenges

Technological advancements have significantly reshaped the financial industry, and Sharia fintech is no exception. As technologies like blockchain, artificial intelligence (AI), and digital currencies evolve, they offer immense opportunities for innovation within the realm of Islamic finance. However, these advancements also bring unique regulatory challenges, particularly when trying to align cutting-edge technology with the ethical and legal frameworks of Sharia law (Musjtari et al., 2022).

Blockchain technology, for instance, holds great potential for enhancing transparency, security, and efficiency in financial transactions. In the context of Sharia fintech, blockchain can be particularly valuable in ensuring the integrity of contracts and transactions, which is crucial given the Islamic emphasis on fairness and clarity in financial dealings. Smart contracts—self-executing contracts with the terms directly written into code—can help automate and enforce Sharia-compliant agreements, reducing the possibility of human error or dishonesty. However, the use of blockchain and smart contracts raises complex regulatory questions. For example, how can regulators ensure that smart contracts comply with Sharia principles such as the prohibition of gharar (excessive uncertainty) and maysir (gambling)? The immutable nature of blockchain transactions, while a strength in terms of security, also poses challenges when it comes to correcting errors or addressing disputes, which are important considerations under Islamic law (Nurhayati et al., 2022).

Artificial intelligence (AI) is another technology with significant implications for Sharia fintech. AI can be used to analyze vast amounts of data, automate decision-making processes, and enhance customer experiences through personalized services. For instance, AI algorithms can be employed to ensure that investment portfolios are aligned with Sharia principles, screening out companies or sectors that engage in prohibited activities such as alcohol, gambling, or interest-based financing. However, the use of AI in financial decision-making introduces new regulatory challenges. AI systems are often complex and opaque, making it difficult to ensure that they are operating in a way that is fully compliant with Sharia law. Issues of bias and fairness also arise, as AI algorithms can inadvertently perpetuate discrimination or make decisions that are not in line with Islamic ethical values. Regulators must grapple with how to oversee and audit AI-driven systems to ensure they uphold the principles of Islamic finance (Nurlaela et al., 2020).

Digital currencies, including cryptocurrencies, represent another frontier in Sharia fintech. Cryptocurrencies offer the potential for fast, low-cost, and borderless transactions, which can be particularly beneficial in facilitating cross-

border trade and financial inclusion in the Muslim world. However, the volatile nature of cryptocurrencies, along with their association with speculative trading, presents significant challenges from a Sharia perspective. Islamic finance emphasizes stability and the avoidance of excessive risk (gharar), which can be difficult to reconcile with the inherent volatility of many digital currencies. Additionally, the decentralized and often anonymous nature of cryptocurrency transactions raises concerns about ensuring transparency and preventing illicit activities, which are critical considerations under both Sharia law and conventional regulatory frameworks (Saad et al., 2020).

The regulatory challenges posed by these technological advancements are compounded by the global nature of Sharia fintech. As fintech companies operate across multiple jurisdictions, they must navigate a complex web of regulatory requirements, which can vary widely in how they interpret and enforce Sharia compliance. This is particularly challenging when dealing with emerging technologies that are still in the process of being fully understood and regulated by authorities. To address these challenges, regulators need to adopt a proactive and collaborative approach, engaging with fintech companies, Islamic scholars, and other stakeholders to develop guidelines that ensure both innovation and compliance.

Moreover, the rapid pace of technological change means that regulators must be agile and forward-thinking, constantly updating their frameworks to keep pace with new developments. This may involve creating specialized regulatory sandboxes that allow fintech companies to experiment with new technologies under close supervision, ensuring that any potential risks are identified and addressed early on. It may also require the development of new regulatory tools and methodologies, such as the use of AI and machine learning to monitor compliance or the creation of blockchain-based systems for tracking and verifying Sharia compliance in real-time (Kadi, 2023).

5. International Coordination and Harmonization

International coordination and harmonization are critical components in the growth and stability of Sharia fintech. As Sharia-compliant financial services continue to expand globally, the lack of consistency in regulations across different jurisdictions has become a significant barrier. To overcome these challenges, there is a growing need for more cohesive international standards and greater collaboration among regulators, scholars, and industry participants (Mujiatun et al., 2022).

Sharia fintech operates at the intersection of technology, finance, and Islamic law, each of which is subject to its own set of rules and regulations. The complexity of this intersection is amplified when fintech companies seek to operate across borders. Different countries may have varying interpretations of Sharia law, and their regulatory frameworks for Islamic finance can differ significantly. This

fragmentation can create a confusing landscape for fintech companies, which must navigate multiple sets of rules that might not always be compatible. For instance, a product that is considered Sharia-compliant in one country might not meet the standards in another, leading to difficulties in expanding or offering uniform services across different regions (Barata, 2019).

One of the primary benefits of international coordination is the potential for creating a standardized framework for Sharia compliance. Organizations like the Islamic Financial Services Board (IFSB) and the Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI) have made strides in this area by developing guidelines and standards that aim to harmonize the practices of Islamic finance globally. However, while these standards are influential, they are not universally adopted, and significant discrepancies still exist in how different countries implement and enforce Sharia-compliant regulations. Greater adoption of these standards could help to reduce these discrepancies, making it easier for fintech companies to ensure their products are compliant across multiple markets (Azizah, 2023).

Harmonization also plays a crucial role in facilitating cross-border transactions and financial inclusion. For Sharia fintech to truly thrive on a global scale, it must be able to operate seamlessly across borders. This requires a regulatory environment where Sharia-compliant products and services can be recognized and accepted in multiple jurisdictions without the need for significant modifications. Greater international harmonization would allow fintech companies to scale their operations more efficiently, offering standardized products that meet the needs of Muslim consumers around the world. It would also reduce the costs and complexities associated with compliance, enabling companies to focus more on innovation and less on navigating regulatory hurdles (Jamaruddin & Markom, 2020).

Another important aspect of international coordination is the need for collaborative efforts among regulators. In an increasingly interconnected world, the challenges faced by Sharia fintech are not confined to individual countries. Issues such as cybersecurity, money laundering, and the ethical use of artificial intelligence are global in nature and require a coordinated response. Regulators from different countries must work together to develop common approaches to these challenges, sharing knowledge, best practices, and resources. This collaboration can also extend to joint initiatives, such as cross-border regulatory sandboxes, where fintech companies can test their products in multiple jurisdictions under a unified regulatory framework. Such initiatives can help to foster innovation while ensuring that new technologies and business models are subject to rigorous oversight.

International coordination also involves engaging with a broad range of stakeholders, including Islamic scholars, financial institutions, and industry experts. The diverse interpretations of Sharia law across different regions mean that

reaching a consensus on what constitutes Sharia compliance can be challenging. By bringing together scholars and experts from different schools of thought, international forums and organizations can help to bridge these differences and develop more universally accepted guidelines. This collaborative approach not only enhances the legitimacy of Sharia-compliant products but also builds trust among consumers, who can be confident that the products they use meet widely recognized standards (Kılıç & Türkan, 2023).

Furthermore, harmonization can enhance the global competitiveness of Sharia fintech. As Islamic finance continues to grow, there is an increasing demand for Sharia-compliant products and services, not just in Muslim-majority countries but also in regions with significant Muslim populations, such as Europe and North America. A more harmonized regulatory framework would make it easier for fintech companies to tap into these markets, offering products that are consistent with Islamic principles while also meeting the regulatory requirements of different countries. This could lead to increased investment in the Sharia fintech sector, driving further innovation and growth.

The discussion of these results centers on the delicate balance that must be struck between regulation and innovation in the Sharia fintech sector. Regulation is essential for ensuring that fintech services are Sharia-compliant and trustworthy, but it must also be sufficiently flexible to allow for the rapid innovation that characterizes the fintech industry. This balance is particularly challenging given the dual nature of the regulatory environment for Sharia fintech, which involves both Islamic and conventional legal frameworks (Zuhroh, 2021).

The varying interpretations of Sharia law across different jurisdictions add a layer of complexity to the regulatory landscape. While this diversity reflects the richness of Islamic jurisprudence, it also creates challenges for the standardization of Sharia fintech services. Regulators and industry stakeholders must navigate these differences carefully to avoid fragmentation and to ensure that Sharia fintech can operate effectively on a global scale (Vidiati & Putria, 2024).

Technological advancements offer significant opportunities for the growth of Sharia fintech, but they also require regulators to be agile and forward-thinking. The rapid development of new technologies necessitates a regulatory approach that is both proactive and adaptive. Regulators need to strike a balance between fostering innovation and maintaining the integrity of Islamic finance principles. This may involve the use of regulatory sandboxes and other innovative regulatory tools that allow for the controlled experimentation of new technologies (Samad & Bukido, 2022).

The need for international coordination and harmonization of Sharia fintech regulations is another key theme that emerges from this discussion. As Sharia fintech continues to grow and become more globalized, the lack of consistency in regulatory standards across different countries could hinder its development. Greater collaboration between national regulators, as well as the development of international standards for

Sharia compliance, could help to address these challenges and promote the growth of the industry (Syarifuddin et al., 2021).

CONCLUSION

The development of Sharia fintech presents both significant opportunities and formidable challenges. As this sector continues to expand, the alignment of financial technologies with Sharia principles remains a fundamental requirement for its success. Regulatory fragmentation poses a major obstacle, creating inconsistencies and complexities that hinder cross-border operations, stifle innovation, and lead to a lack of standardization in Sharia-compliant financial products. The rapid pace of technological advancement further complicates the regulatory landscape, introducing new challenges in ensuring that emerging technologies like blockchain, AI, and digital currencies comply with Sharia law.

To address these challenges, international coordination and harmonization are essential. A more unified regulatory framework, supported by international standards and collaboration among regulators, scholars, and industry participants, can reduce the barriers to cross-border operations, foster innovation, and enhance the global competitiveness of Sharia fintech. By leveraging technology and adopting a proactive regulatory approach, the industry can create a more consistent and ethical financial environment that aligns with the principles of Islamic finance. Ultimately, the success of Sharia fintech will depend on its ability to balance innovation with compliance, ensuring that it remains true to the ethical and legal foundations of Sharia law while meeting the needs of a rapidly evolving global market.

REFERENCES

Afif, M., & Samsuri, A. (2022). Integration of Fintech and Islamic Banking in Indonesia: Opportunities and Challenges. *Cakrawala: Jurnal Studi Islam*, 17(1), Article 1. <https://doi.org/10.31603/cakrawala.7051>

Ahyani, H., Slamet, M., & Tobroni. (2021). Building the Values of Rahmatan Lil 'Alamin for Indonesian Economic Development at 4.0 Era from the Perspective of Philosophy and Islamic Economic Law. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 16(1), Article 1. <https://doi.org/10.19105/al-lhkam.v16i1.4550>

Aulia, M., Yustiardhi, A. F., & Permatasari, R. O. (2020). An overview of Indonesian regulatory framework on Islamic financial technology (fintech). *Jurnal Ekonomi & Keuangan Islam*, 64–75. <https://doi.org/10.20885/JEKI.vol6.iss1.art7>

Aysan, A. F., & Unal, I. M. (2021). Is Islamic Finance Evolving Into Fintech and Blockchain: A Bibliometric Analysis. *Efil Journal of Economic Research*. <https://hal.science/hal-03351153>

Aysan, A. F., & Unal, I. M. (2023). Challenges in Islamic Fintech and Digitalization: An Extensive Literature Review. *World Scientific Annual Review of Islamic Finance*, 01, 41–52. <https://doi.org/10.1142/S2811023423500028>

Azizah, S. N. (2023). The adoption of FinTech and the legal protection of the digital assets in Islamic/Sharia banking linked with economic development: A case of

Indonesia. *The Journal of World Intellectual Property*, 26(1), 30–40. <https://doi.org/10.1111/jwip.12257>

Barata, A. (2019). STRENGTHENING NATIONAL ECONOMIC GROWTH AND EQUITABLE INCOME THROUGH SHARIA DIGITAL ECONOMY IN INDONESIA. *Journal of Islamic Monetary Economics and Finance*, 5(1), Article 1. <https://doi.org/10.21098/jimf.v5i1.1053>

Biancone, P. P., Secinaro, S., & Kamal, M. (2019). *Crowdfunding and Fintech: Business model sharia compliant*. <https://iris.unito.it/handle/2318/1703389>

Diniyya, A. A., Aulia, M., & Wahyudi, R. (2020). Financial Technology Regulation in Malaysia and Indonesia: A Comparative Study. *Ihtifaz: Journal of Islamic Economics, Finance, and Banking*, 3(2), Article 2. <https://doi.org/10.12928/ijiefb.v3i2.2703>

Fithria, A. (2022). Exploring the Application of Sharia Contracts on Islamic Fintech Peer-to-Peer Lending in Indonesia. *AL-HIKMAH: INTERNATIONAL JOURNAL OF ISLAMIC STUDIES AND HUMAN SCIENCES*, 5(6), Article 6. <https://doi.org/10.46722/hikmah.v5i6.327>

Jamaruddin, W. N., & Markom, R. (2020). The Application of Fintech in The Operation of Islamic Banking Focussing on Islamic Documentation: Post-COVID-19. *INSLA E-Proceedings*, 3(1), Article 1.

Judijanto, L., Muhtadi, M. A., & Priyana, Y. (2024). A Bibliometric Analysis of the Challenges and Opportunities of Fintech in Promoting Access to Sharia Finance. *West Science Interdisciplinary Studies*, 2(03), Article 03. <https://doi.org/10.58812/wsisi.v2i03.744>

Kadi, S. (2023). SHAPING THE FUTURE OF ISLAMIC BANKING AND FINANCE: A LEGAL PERSPECTIVE. *International Journal of Islamic Banking and Finance Research*, 11(2), 1–19. <https://doi.org/10.46281/ijibfr.v11i2.2017>

Kamdzhalov, M. (2020). Islamic Finance and the New Technology Challenges. *European Journal of Islamic Finance*. <https://doi.org/10.13135/2421-2172/3813>

Kirchner, I. K. F. (2020). Are Cryptocurrencies *ḥalāl*? *On the Sharia-Compliance of Blockchain-Based Fintech*. <https://doi.org/10.1163/15685195-BJA10005>

Kılıç, G., & Türkcan, Y. (2023). The Emergence of Islamic Fintech and Its Applications. *International Journal of Islamic Economics and Finance Studies*, 9(2), Article 2. <https://doi.org/10.54427/ijisef.1328087>

Muhammad, R., & Lanaula, R. (2019). Challenges of Islamic Supervisory in The Islamic Financial Technology Industry. *Economica: Jurnal Ekonomi Islam*, 10(2), Article 2. <https://doi.org/10.21580/economica.2019.10.2.3400>

Mujiatun, S., Julita, Effendi, I., Rahmayati, & Badawi, A. (2022). Sharia Financial Technology (Fintech) Management Model in Indonesia. *Cuadernos de Economía*, 45(128), 145–156.

Musjtari, D. N., Roro, F. S. R., & Setyowati, R. (2022). ISLAMIC P2P LENDING AS AN ALTERNATIVE SOLUTION FOR THE UNFAIR CONVENTIONAL PLATFORM IN INDONESIA. *UUM Journal of Legal Studies*, 13(1), Article 1. <https://doi.org/10.32890/uumjls2022.13.1.2>

Nurbaiti, N., Asmuni, A., Soemitra, A., Imsar, I., & Aisyah, S. (2023). Behavior analysis of MSMEs in Indonesia using fintech lending comparative study between sharia fintech lending and conventional fintech lending. *JPPI (Jurnal Penelitian Pendidikan Indonesia)*, 9(4), Article 4. <https://doi.org/10.29210/020232273>

Nurhayati, S., Nurjamil, N., & Fadhillah, M. H. (2022). Measuring Opportunities and Challenges in Dispute Resolution of Fintech Sharia Business Through LAPS. *Batulis Civil Law Review*, 3(1), 1–7. <https://doi.org/10.47268/ballrev.v3i1.929>

Nurlaela, N., Luthfiyana, M., Sulastri, A., & Wahyunita, E. S. (2020). REVIEWING THE FATWAS RELATED TO FINTECH APPLICATIONS IN ISLAMIC FINANCIAL INSTITUTIONS IN INDONESIA. *Share: Jurnal Ekonomi Dan Keuangan Islam*, 9(2), Article 2. <https://doi.org/10.22373/share.v9i2.7989>

Paruzi, A., & Irhamdessetya, H. (2023). Innovation of The Sharia Banking Industry in Indonesia in The Digital Era. *The Virtual International Conference on Economics, Law and Humanities*, 2(1), Article 1.

Rabbani, M. R. (2022). Fintech innovations, scope, challenges, and implications in Islamic Finance: A systematic analysis. *International Journal of Computing and Digital Systems*, 11(1), 1–28. <https://doi.org/10.12785/ijcds/130147>

Rabbani, M. R., Khan, S., & Thalassinos, E. I. (2020). *FinTech, blockchain and Islamic finance: An extensive literature review*. <https://www.um.edu.mt/library/oar/handle/123456789/54860>

Rahman, Y. M., Bachro, R. S., Djukardi, E. H., & Sudjana, U. (2021). Digital Asset/Property Legal protection in Sharia Banking Financing and its Role in Indonesian Economic Development. *International Journal of Criminal Justice Sciences*, 16(2). <https://ijcjs.com/menu-script/index.php/ijcjs/article/view/57>

Rohman, A. N., Sugeng, Fitriana, D., & Aidy, W. R. (2023). Economic Security and Sharia Fintech Regulation in Indonesia: A Portrait of Strengthening the Sharia Business Ecosystem. *Fiat Justitia: Jurnal Ilmu Hukum*, 17(3), Article 3. <https://doi.org/10.25041/fiatjustitia.v17no3.2919>

Saad, A. A., Alhabshi, S. M., Noor, A. B. M., & Hassan, R. (2020). ROBO-ADVISORY FOR ISLAMIC FINANCIAL INSTITUTIONS: SHARI'AH AND REGULATORY ISSUES. *European Journal of Islamic Finance*. <https://doi.org/10.13135/2421-2172/3992>

Samad, T. F. D., & Bukido, R. (2022). The Peer-to-Peer Lending Phenomenon: A Review from Islamic Economic Perspective. *Khazanah Sosial*, 4(1), Article 1. <https://doi.org/10.15575/ks.v4i1.16747>

Supriyadi, A. P. (2022). An Islamic spirit for business ethics and legal framework of fintech peer to peer lending: Why does Indonesia need it? *Jurisdictie: Jurnal Hukum Dan Syariah*, 13(2), Article 2.

Syarifuddin, S., Muin, R., & Akramunnas, A. (2021). The Potential of Sharia Fintech in Increasing Micro Small and Medium Enterprises (MSMEs) in The Digital Era in Indonesia. *JURNAL HUKUM EKONOMI SYARIAH*, 4(1), 23. <https://doi.org/10.30595/jhes.v4i1.9768>

Vidiati, C., & Putria, A. C. (2024). *The Influence of Fintech on The Efficinecy and Stability of The Sharia Financial System | Journal of Islamic Economic Development*. <https://jied.staiku.ac.id/index.php/st/article/view/2>

Zaini, F., & Shuib, M. S. B. (2021). Fatwa on Sharia Products and Its Role in The Development of Islamic Finance Industry. *Islamadina : Jurnal Pemikiran Islam*, 22(2), 189. <https://doi.org/10.30595/islamadina.v22i2.11859>

Zuhroh, I. (2021). The impact of Fintech on Islamic banking and the collaboration model: A systematic review studies in Indonesia. *Jurnal Perspektif Pembiayaan Dan Pembangunan Daerah*, 9(4), Article 4. <https://doi.org/10.22437/ppd.v9i4.12054>

Copyright Holder :
© Istianah Zainal Asyiqin et al. (2024).

First Publication Right :
© Sharia Oikonomia Law Journal

This article is under:

