



Epistemological Transformation of 'Urf in the DSN-MUI Fatwa on E-Commerce: A *Maqāṣid al-Shari‘ah* Based Analysis

Sanuri^{1*}, Nafi' Mubarok², Suqiyah Musafa'ah³, Yoga Irama⁴

^{1,2,3}Universitas Islam Negeri Sunan Ampel Surabaya

Jl. Ahmad Yani No.117, Jemur Wonosari, Kec. Wonocolo, Surabaya, Jawa Timur 60237

⁴Universitas Islam Negeri Syekh Wasil Kediri

Jl. Sunan Ampel No.7, Ngronggo, Kec. Kota, Kota Kediri, Jawa Timur 64127

Email: sanuri@uinsa.ac.id¹, nafi.mubarok@uinsa.ac.id², suqiyah@uinsa.ac.id³, yogairama.kanor@gmail.com⁴

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Abstract: The rapid growth of digital platforms in global commerce has reshaped conventional transactional norms, including among Indonesian Muslims, raising normative debates on the legitimacy of e-commerce within Islamic jurisprudence. While prior studies have addressed e-commerce in Islamic legal discourse, few have examined the transformation of 'urf (customary practice) as a legitimate legal source in the digital age. This study introduces the Digital 'Urf Alignment Model (DUAM), an integrative legal-epistemological framework that systematizes the adaptation of classical 'urf to digital contexts through *maqāṣid al-shari‘ah* based validation. Employing a qualitative-normative approach, the research analyzes Fatwa No. 146/2021, issued by the National Sharia Council of the Indonesian Ulema Council (DSN-MUI), classical and contemporary *fiqh* sources, and emerging digital transaction models. It integrates concepts from *uṣūl al-fiqh*, *maqāṣid al-shari‘ah*, and socio-philosophical reasoning to reconceptualize 'urf as a dynamic category of legal interpretation. The findings affirm that digital 'urf, structured through DUAM, enables its institutionalization as a normative legal source for fatwa and provides a scalable method for integrating classical jurisprudence with digital finance regulations.

Keywords: Digital 'Urf, *Maqāṣid al-Shari‘ah*, DSN-MUI Fatwa, Contemporary Islamic Law, E-Commerce

Abstrak: Pertumbuhan pesat platform digital dalam perdagangan global telah mengubah norma-norma transaksi konvensional, termasuk di kalangan Muslim Indonesia, dan memicu perdebatan normatif mengenai legitimasi e-commerce dalam kerangka hukum Islam. Meskipun sejumlah studi sebelumnya telah membahas e-commerce dalam wacana hukum Islam, sedikit yang mengkaji transformasi 'urf (praktik kebiasaan) sebagai sumber hukum yang sah pada era digital. Studi ini memperkenalkan *Digital 'Urf Alignment Model* (DUAM), sebuah kerangka kerja legal-epistemologis integratif yang mensistematisasi adaptasi 'urf klasik ke dalam konteks digital melalui validasi berbasis *maqāṣid al-shari‘ah*. Dengan pendekatan kualitatif-normatif, penelitian ini menganalisis Fatwa No. 146/2021 yang dikeluarkan oleh Dewan Syariah Nasional Majelis Ulama Indonesia (DSN-MUI), disertai kajian terhadap literatur *fiqh* klasik dan kontemporer, serta model transaksi digital yang berkembang. Studi ini mengintegrasikan konsep dari *uṣūl al-fiqh*, *maqāṣid al-shari‘ah*, dan penalaran sosio-filosofis untuk

merekonseptualisasi ‘urf sebagai kategori interpretatif hukum yang dinamis. Temuan menegaskan bahwa ‘urf digital yang terstruktur melalui DUAM memungkinkan institusionalisasinya sebagai sumber hukum normatif dalam fatwa, serta menyediakan metode skalabel untuk integrasi antara fiqh klasik dan regulasi keuangan digital.

Kata Kunci: ‘Urf Digital, *Maqāṣid al-Shari‘ah*, Fatwa DSN-MUI, Hukum Islam Kontemporer, *E-Commerce*

Introduction

The rapid acceleration of digital transformation in the global commercial sector has brought about a fundamental shift in economic transaction systems, including in Indonesia.¹ This shift became particularly evident during the COVID-19 pandemic, which compelled the Indonesian government to implement restrictive policies such as the Enforcement of Community Activity Restrictions (PPKM). These measures significantly hastened the adoption of online transactions as the dominant mode of economic exchange.² The impact of these policies was further amplified by changing consumer preferences, particularly for time efficiency, ease of access, and competitive pricing. This convergence of governmental policy and evolving public behavior has acted as a powerful catalyst in fostering new patterns of digital transactions across the national economy. Reflecting this structural shift, the Governor of Bank Indonesia projected that the total value of digital transactions in Indonesia would reach approximately IDR 87,000 trillion by 2024. This projection highlights the depth of the country’s digital integration and signals a profound transformation in the architecture of its economic system, one increasingly shaped and sustained by digital technologies.³

Behind this remarkable progress, however, lies a set of normative concerns, particularly regarding the legal legitimacy of digital transactions within the framework of Islamic jurisprudence.⁴ For Indonesian Muslims, the validity of digital commerce is paramount, as it directly relates to adherence to *shari‘ah* principles.⁵ The Qur'an in *al-Nisā’*: 29 and various hadith emphasize the foundational role of justice ('adl), mutual consent (*tarādi*), and transparency (*bayān*) as essential conditions for a valid contract ('aqd). In this context, religious fatwa assumes a highly significant normative role. Through its DSN, the MUI is responsible for responding to contemporary legal developments by issuing fatwas.⁶ As emphasized by K.H. Ma'ruf Amin, the formulation of the MUI fatwa must be grounded in three core principles: *ḥimāyah* (protection of religion and society), *taqwiyyah* (empowerment of the Muslim community), and *tawhīdiyyah* (unity of the Islamic ummah). These principles serve as the

¹ Ferdi Yufriadi, Fadilla Syahriani, and Abdullah A Afifi, “Trade Transformation In The Digital Era: Agency Role, Opportunities And Challenges,” *AL-IMĀM: Journal on Islamic Studies, Civilization and Learning Societies* 5, no. 1 (June 2024): 13–23, <https://doi.org/10.58764/j.im.2024.5.55>.

² Fandy Tjiptono et al., “Consumer Behavior During and Post-COVID-19 in Indonesia and Malaysia,” in *COVID-19 and the Evolving Business Environment in Asia: The Hidden Impact on the Economy, Business and Society*, ed. Andrei O J Kwok, Motoki Watabe, and Sharon G M Koh (Singapore: Springer Nature, 2022), 205–33.

³ Rahayu Subekti, “Central Bank of Indonesia Projects 2024 Digital Transactions to Rise 9.11 Percent,” *Republika.Co.Id*, June 2024.

⁴ Syaugi Mubarak, Faqih El Wafa, and Yusuf Asyahri, “Legal Harmonization of International Trade Contracts in the Framework of Islamic Transaction Law,” *Syariat: Jurnal Hukum Dan Pemikiran* 24, no. 2 (2024): 376–92, <https://doi.org/10.18592/sjhp.v24i2.13977>.

⁵ Tri Hidayati et al., “Digitalization of Islamic Finance: Epistemological Study of the National Sharia Board-Indonesian Council of Ulama’s Fatwa,” *Al-Ahkam* 33, no. 2 (October 31, 2023): 255–78, <https://doi.org/10.21580/ahkam.2023.33.2.17324>; Mohamad Anton Athoillah et al., “The Historicity of the Economic Verses on Fatwa of DSN-MUI about Sharia Electronic Money,” *Jurnal Ilmiah Peuradeun* 9, no. 1 (January 30, 2021): 1, <https://doi.org/10.26811/peuradeun.v9i1.545>.

⁶ Muhammad Shuhufi et al., “Islamic Law and Social Media: Analyzing the Fatwa of Indonesian Ulama Council Regarding Interaction on Digital Platforms,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (June 2022): 823–43, <https://doi.org/10.22373/sjhk.v6i2.15011>.

epistemological and ethical foundation for integrating Islamic legal reasoning with the realities of digital economic transformation.⁷

Responding to these jurisprudential imperatives, the DSN-MUI issued Fatwa No. 146/DSN-MUI/XII/2021 as a normative response to the growing prevalence of digital commerce in Indonesia, particularly concerning transactions conducted through *shari'ah*-compliant online platforms.

⁸ This fatwa represents a pivotal development in articulating Islamic legal responses to economic digitalization, offering a substantive framework through which the principles of *fiqh* engage with technological realities. Notably, it incorporates the concept of 'urf as a foundational element in legal reasoning, an approach firmly rooted in the traditions of the primary Sunni legal schools, including the Hanafi, Maliki, Shafi'i, and Hanbali schools.⁹ The deployment of 'urf within this context underscores the enduring relevance of customary practice as a source of law. Nevertheless, the ontological and epistemological divergence between classical and digital forms of 'urf necessitates critically reassessing its legitimacy as a legal source in contemporary *ijtihād*. Such reassessment is essential to ensure that Islamic jurisprudence maintains its normative integrity and contextual responsiveness in navigating the complexities of the digital economy.¹⁰

Although studies on e-commerce from the perspective of Islamic jurisprudence have grown significantly, most research remains focused on the legality of transactions, contract structures, and general compliance with *shari'ah* principles. However, relatively little attention has been given to the more fundamental epistemological dimension, particularly the transformation of 'urf as a legitimate source of law within the context of digital society.¹¹ Historically, 'urf has played a vital role in Islamic legal development, wherein widely accepted practices that do not contradict *shari'ah* principles can serve as the basis for legal rulings through the mechanism of *ijtihād*. The advancement of digital technology has generated new forms of social practice that are ontologically and epistemologically distinct from traditional 'urf, thereby necessitating a reexamination of the validity and authority of digital 'urf as a legitimate legal reference. This gap in the literature highlights the need for a more comprehensive conceptual approach to understanding the paradigmatic shift of 'urf in the digital era as an integral aspect of contemporary Islamic legal dynamics.

The limited application of conceptual approaches that employ the framework of *maqāṣid al-shari'ah* to assess the normative validity of digital 'urf underscores a significant gap in contemporary Islamic legal scholarship and reinforces the urgency of this study. Although DSN-MUI Fatwa No. 146/2021 offers a crucial normative response to the expansion of digital commerce, few scholarly efforts have systematically investigated the extent to which this fatwa reflects a substantive epistemological shift from classical to digital 'urf. Such a reevaluation becomes imperative in a profound and ongoing digital transformation reshaping social behavior and economic interactions. The transition from

⁷ Ahmad Musadad, Umi Indasyah Zahro, and Mustaniroh, "Indigenousization of Sharia Economics in Indonesia: Thought Study of KH. Ma'ruf Amin," *Proceeding International Conference on Law, Economy, Social and Sharia (ICLESS) 2*, no. 1 (June 2024): 643–62; Amelia Rahmaniah, Fuad Luthfi, and Muhammad Haris, "The Role of Digitalization in Enhancing Legal Competencies of Sharia Economic Law Graduates: A Case Study of Graduate Users in South Kalimantan," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 1 (July 21, 2023): 61–77, <https://doi.org/10.18592/sjhp.v23i1.10077>.

⁸ National Sharia Council – Indonesian Ulema Council, "Fatwa DSN MUI No.146 Online Shop" (MUI, February 2021).

⁹ Nispul Khoiri et al., "Fiqh Nusantara: Exploring the Discourse and Complexity of Indonesian Islamic Jurisprudence," *Multidisciplinary Science Journal* 7, no. 10 (June 2025): 2025584, <https://doi.org/10.31893/multiscience.2025584>.

¹⁰ Ita Musarrofa and Holilur Rohman, "'Urf of Cyberspace: Solutions to the Problems of Islamic Law in the Digital Age," *Al-Ahkam* 33, no. 1 (June 2023): 63–88, <https://doi.org/10.21580/ahkam.2023.33.1.13236>.

¹¹ Musarrofa and Rohman.

physical to virtual modes of exchange demands a reconfiguration of legal categories historically constructed within analog frameworks. Within this shifting landscape, *maqāṣid al-shari‘ah* provides a robust analytical framework to evaluate the legal legitimacy and *maṣlaḥah* (benefit) of digital ‘urf, enabling a more holistic assessment that engages with both textual sources and contemporary socio-economic realities.

To address these conceptual and normative challenges, this study employs a qualitative and normative methodology grounded in comprehensive research from the library. It encompasses the analysis of DSN-MUI Fatwa No. 146, a broad spectrum of classical and contemporary *fiqh* literature, and relevant models of digital transaction practices in the modern economic landscape. By situating the inquiry within an interdisciplinary framework, the research integrates core analytical instruments from *uṣūl al-fiqh* (the principles of Islamic jurisprudence), the conceptual paradigm of *maqāṣid al-shari‘ah* (the higher objectives of Islamic law), and socio-philosophical perspectives that emphasize the contextual and interpretative dynamics of legal reasoning. Central to this approach is exploring the transformation of ‘urf as an evolving interpretative category in response to the epistemological and ontological shifts induced by digital technologies. Through this comprehensive and interdisciplinary analysis, this study offers an original contribution to establish the epistemological legitimacy of digital ‘urf as a valid and necessary source of Islamic legal reasoning, particularly in the formulation of fatwas that are normatively grounded while remaining responsive to the socio-economic realities of the digital era.

The Validity of ‘Urf as a Theoretical and Methodological Framework in Islamic Legal Thought

Etymologically, the term *urf* originates from ‘arafa-ya’rifu-’urfan, meaning “something known and good”, “something supreme”, “generosity”, and “good deeds”.¹² The Qur’an contains several references to the term or its variants, notably in *al-A’raf* (7:199), *al-Baqarah* (2:233, 236), and *al-Nisā’* (4:6), underscoring its normative relevance.¹³ Terminologically, Ibn Mandhur defines ‘urf as habitual repetition (*al-da’bu wa al-istimrār*), Abdul Wahhab Khallaf views it as commonly practiced speech or action,¹⁴ Wahbah al-Zuhayli emphasizes its status as a social habit known collectively,¹⁵ and Ahmad Fahmi Abu Sunnah frames it as rationally embedded behavior accepted by sound human nature.¹⁶ Scholars of Islamic law are divided over the legitimacy of ‘urf as a legal source: while Sunni schools such as Hanafi, Maliki, Shafi’i, and Hanbali recognize its legal authority and operationalize it in *ijtihād*,¹⁷ others such as the Shi’ah, Mu’tazilah, and Dhahiriyyah tend to reject its normative validity. Al-Zilmi argues that the acceptance of ‘urf in legal reasoning stems from the Prophet’s incorporation

¹² Andriyaldi, “Al-‘Urf Theory and Its Relevance to Contemporary Jurisprudence Issues,” *Al-Hurriyah: Jurnal Hukum Islam* 6, no. 2 (June 2021): 118–30, <https://doi.org/10.30983/alhurriyah.v6i2.4784>.

¹³ Abdul Halik, “The Impact on Trust and Online Buying Decisions Through Information Quality, Celebrity Endorser and Price Perception at Instagrams in Surabaya,” *Archives of Business Research* 8, no. 2 (June 2020): 79–97, <https://doi.org/10.14738/abr.82.7796>; See also Adang Kuswaya and Muhammad Ali, “The Concept of Peace in the Qur’an: A Socio-Thematic Analysis of Muslims’ Contestation in Salatiga, Indonesia,” *Qudus International Journal of Islamic Studies* 9, no. 1 (2021): 73–102, <https://doi.org/10.21043/QIJS.V9I1.10483>.

¹⁴ Wahab Khalaf, *Mashadir Al-Tashri‘ Al-Islami Fi Ma Laysa Nashsh Fih* (Kuwait: Dar alQalam, 1972).

¹⁵ Wahbah Al-Zuhayli, *Usul Al-Fiqh Al-Islam*, 2nd ed. (Beirut: Dar al-Fikr, 1986).

¹⁶ Abu and Ahmad Fahmi Sunah, *Al-‘Urf Wa Al-‘Adah Fi Ra’Yi Al-Fuqaha* (Mesir: Maktabah al-Azhar, 1947); Muhammad ‘Abd al-Mu’izz Bitawi, *Falsafatu Al-Akhlaq Fi Al-Shari‘ah Al-Islamiyyah: Dirasah Fi ‘Ilm Qawaid Al-Fiqh* (Herndon: Al-Ma’had al-‘Alam li al-Fikr al-Islami, 2018).

¹⁷ Syed Ameer Hassan and Hafiz Muhammad Khan, “A Comparative Study of Urf As A Source of Islamic Law and Custom As A Source of Western Law,” *Elementary Education Online* 20, no. 2 (June 2021): 1934–41.

of certain pre-Islamic Arab customs, such as *salam* transactions and *diyah* (blood compensation), into the Islamic legal corpus, affirming its jurisprudential significance.¹⁸

The spirit of 'urf aligns with Allah's command in *al-Nisā'* (4:24), emphasizing that religion should not impose hardship upon believers.¹⁹ The Prophetic hadith further reinforces this: "Whatever is considered good by Muslims is also good in the sight of Allah" (narrated by Ahmad).²⁰ This normative underpinning strengthens the acceptance of 'urf among Islamic legal scholars, with significantly more support for its application than opposition.²¹ Most classical jurists agree that 'urf can serve as a legal theory for deriving rulings from the Qur'an and Sunnah.²² In this context, 'Abd al-'Aziz al-Khayyat formulates four criteria for the legitimacy of 'urf as a legal source: it must be widely practiced, enduring over time, not infringe upon litigants' rights, and remain consistent with the Qur'an and Sunnah. Complementing this, Amir Syarifuddin adds a fifth condition that the custom must serve the *maslahah* of human life.²³

Several subsidiary legal maxims derived from the principle *al-'ādah al-muḥakkamah* (custom is authoritative) reinforce the operational legitimacy of 'urf in Islamic law: (1) *isti'māl al-nās ḥujjah yajibu al-'amalu bihā* (public practices are binding legal references); (2) *taghayyur al-ahkām bitaṭayyur al-azmān* (legal rulings evolve with changing times); (3) *al-ma'rūf urfan ka al-mashrūt sharṭan* (custom is equivalent to contractual stipulation); (4) *al-ma'rūf bayna al-tujjār ka al-mashrūt baynahum* (common trade practice is treated as agreed terms); and (5) *al-thābit bi al-'urf ka al-thābit bi al-shar'* (custom-based rulings have the same force as scriptural injunctions).²⁴ Al-Shatibi affirms that 'urf may serve as a legitimate source in *ijtihād*, provided it upholds human welfare and reflects scholarly consensus, reinforcing its normative authority in Islamic legal theory.

Accordingly, this comprehensive study affirms that 'urf possesses robust theoretical and methodological validity within the framework of Islamic law.²⁵ Through an argumentative approach and a critical examination of primary sources such as the Qur'an, *hadīth*, and the classical works of the *fuqahā'*, it becomes evident that 'urf, as a customary practice, serves as a representation of the *maqāṣid al-shari'ah*, upholding core values such as public welfare, social justice, and legal sustainability.²⁶ The existence of 'urf that fulfills substantial criteria, such as continuity, conformity with scriptural texts (*naṣṣ*), and collective societal acceptance, reinforces its position as a valid instrument of *ijtihād*, one that is responsive to contemporary developments while remaining anchored in the normative

¹⁸ Soraya Khodamoradi, "Prophetic Descent in the Early Modern Tariqa Muhammadiyya Khalisa," in *Dynamics of Islam in the Modern World* (Brill, 2022), 267–91, https://doi.org/https://doi.org/10.1163/9789004512535_012.

¹⁹ Munadi and Budi Iswanto, "The Concept Maslahah of Najamuddin Al Tufi and Its Relevance of Sharia Business," *IQTISHODUNA: Jurnal Ekonomi Islam* 9, no. 2 (June 2020): 151–66, <https://doi.org/10.36835/ijtishoduna.v9i2.526>.

²⁰ Isma'il Ibn 'Umar Ibn Kathir, *Al-Bidayah Wa Al-Nihayah*, Dar al-Kut (Beirut: Dar al-Kutub al-Ilmiyyah, 2015).

²¹ Mustafa Ibrahim Al-Zilmu, *Dilalat Al-Nusus Wa Turuq Istimbāt Al-Abkām Fi Daw' Usul Al-Fiqh Al-Islāmi* (Baghdad: Matba'ah As'ad, 1983).

²² Muhammad Mustafa Al-Zuhayli, *Al-Wajiz Fi 'Usul Al-Fiqh Al-Islāmi*, 1st ed. (Beirut: Dar al-Khair, 2006).

²³ Amir Syarifuddin, *Ushul Fiqih* (Jakarta: Kencana, 2008).

²⁴ 'Ajil Jasim Nashmi, *Al-Mustashriqun Wa Masadir Al-Tashri'i Al-Islami*, *Al-Majlis Al-Watani Li Al-Thaqafah Wa Al-Qanun Wa Al-Adab*, 1984; Nuruddin 'Abbas, *Al-Taqrīb Bain Al-Qawa'id Al-Uṣūliyyah Fima La Nassa Fib*, (Beirut: Dar Ibn Hazm li al-Taba'ah wa al-Nashr wa al-Tauzi', 2008).

²⁵ Noorwahidah Haisyi, "Examining the Application of Al-'Urf in Islamic Financial Contracts: Insights and Implications for Modern Banking Products," *At-Taradhi: Jurnal Studi Ekonomi* 14, no. 1 (June 2023): 58–73, <https://doi.org/10.18592/at-taradhi.v14i1.10246>.

²⁶ Ahmed Mansoor Alkhan and M Kabir Hassan, "Does Islamic Microfinance Serve Maqāṣid Al-Shari'a?," *Borsa Istanbul Review* 21, no. 1 (June 2021): 57–68, <https://doi.org/10.1016/j.bir.2020.07.002>.

principles of Islam.²⁷

Furthermore, the derivative legal principles stemming from the maxim *al-ādah muḥakkamah* reinforce the argument that '*urf* can function as an epistemological instrument within Islamic law's inclusive and contextual construction.²⁸ Affirmations by scholars such as al-Zilmi, al-Khayyat, and al-Shatibi indicate that the acceptance of '*urf* is rooted in pragmatic reasoning and reflects an ongoing dialectic between Islamic legal theory and social realities.²⁹ Accordingly, '*urf* deserves recognition as a foundational methodological component in formulating contemporary Islamic law while embodying an integrative effort to reconcile text and context in addressing the complexities of human life.

From Traditional '*Urf* to Digital '*Urf*: Legal Adaptation in E-Commerce

The advancement of digital technology has profoundly transformed business practices.³⁰ Traditionally, commercial transactions were conducted *fi majlisin wāhidin* (within a single physical session), involving direct interpersonal interaction and straightforward payment methods. In contrast, online shopping and digital trade have become increasingly dominant, driven by convenience and highly competitive pricing considerations.³¹ Digital platforms have introduced secure transactional mechanisms, significantly minimizing risks for sellers and buyers while reflecting a structural shift in the global commercial landscape.³²

This transformation has prompted critical legal and ethical questions within the framework of Islamic jurisprudence, particularly regarding the compatibility of e-commerce with classical Islamic legal principles and the essential elements (*arkān*) of a valid contract.³³ The DSN-MUI issued Fatwa No. 146 of 2021 on e-commerce in response to this evolving context. This fatwa addresses a regulatory gap concerning digital transactions and provides legal certainty for Muslims seeking to implement *shari'ah* principles in a dynamically changing economic environment.³⁴

Although both digital and conventional transactions share the fundamental objective of transferring ownership of goods or services through mutual agreement, significant differences arise due to the role of technological intermediaries. The DSN-MUI stipulates that online transactions must begin with *ijab* (offer) and be concluded with *qabul* (acceptance), both of which must occur within a single contractual session using platform-integrated features such as "order sent" or "order received."³⁵ This digital mechanism ensures that online contracts fulfill the essential elements of

²⁷ Syed Ameer Hassan and Masooma Batool, "Concept of 'Urf (Custom) in Islamic Law and Its Application in Social Affairs: An Analytical Study," *Mohi Ud Din Journal of Islamic Studies* 2, no. 1 (June 2024): 1–30.

²⁸ Fauzi, "'Urf and Its Role in The Development of Fiqh: Comparative Study of Family Law Between Egypt and Indonesia," *El-Usrāh: Jurnal Hukum Keluarga* 7, no. 1 (June 2024): 346–71, <https://doi.org/10.22373/ujhk.v7i1.23968>.

²⁹ Wildani Hefni, Imam Mustofa, and Rizqa Ahmadi, "Looking for Moderate Fiqh: The Thought of Mohammad Hashim Kamali on the Reformation of Rigidity and Inflexibility in Islamic Law," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (June 2025): 30–57, <https://doi.org/10.29240/jhi.v10i1.10694>.

³⁰ Qun Wu et al., "An Integrated Decision Support Framework for Exploring the Barriers and Potential Application Scenarios in Metaverse Hospitality," *Journal of Industrial Information Integration* 45 (June 2025): 100825, <https://doi.org/10.1016/j.jii.2025.100825>.

³¹ Nicole Nadya Aurelie Satyawan and Sentot Basuki Prayitno, "Building Loyalty in Indonesia's E-Commerce Giants: The Interplay of Service, Trust, and Satisfaction," *Indonesia Accounting Research Journal* 12, no. 1 (June 2024): 17–28.

³² Randhy Nugroho and Ely Nurhayati, "E-Commerce and Ethical Business Practices: The Role of DSN-MUI Fatwa," *Share: Jurnal Ekonomi Dan Keuangan Islam* 14, no. 1 (June 2025): 67–89, <https://doi.org/10.22373/share.v14i1.23296>.

³³ Nugroho and Nurhayati.

³⁴ Ana Santika and M Lathoif Ghozali, "The Role of Al-Urf in Contemporary Islamic Economic Legal Issues: Sustainable Business Production Development," *Istinbath* 23, no. 2 (June 2024): 336–50, <https://doi.org/10.20414/ijhi.v23i2.692>.

³⁵ Rafika Chudriana Putri, "The Importance of Online Shopping Based on Sharia Economic Principles: A Review of Dsn-Mui

contract validity articulated in Islamic legal theory.³⁶ As with traditional commerce, digital trade must conform to *shari'ah* ethical standards. Prohibited practices include *tadlis* (misrepresentation or concealment of product information), *najsh* (false bidding to inflate prices artificially), and *ghishsh* (the use of fraudulent testimonials).

Despite these concerns, ambiguity concerning product specifications, pricing (*thaman*), shipping costs, and estimated delivery times undermines transactional clarity. Violations of these principles compromise the integrity of the contract and render the transaction invalid in both classical and digital contexts. Thus, the ethical foundations of *mu'amalāt* must remain central regardless of the transactional medium.³⁷

The operational framework of online retail mirrors the classical structure of sales transactions in Islamic commercial law, wherein goods or services are offered at a mutually agreed price. Payments are made through legally recognized channels, including bank transfers, digital wallets (*e-wallets*), or cash transactions at authorized retail outlets.³⁸ Once the contract is concluded, the seller assumes responsibility for delivering the product directly or through a third-party logistics provider. Should the delivered item fail to conform to the agreed specifications, the buyer retains the right to exercise *khiyār*, the contractual option to affirm or annul the agreement. In instances where damage occurs due to the negligence of the delivery service, liability is assigned to the courier or logistics provider.³⁹ This structure preserves key legal principles within Islamic jurisprudence while accommodating the realities of contemporary e-commerce ecosystems.

Islamic jurisprudence recognizes trade as a legitimate and commendable activity, as affirmed in *Sūrat al-Baqarah* (2:275) and *Sūrat al-Nisā'* (4:29), as well as in numerous *hādīth* that emphasize justice, mutual consent, and ethical conduct in commercial dealings.⁴⁰ With the evolving nature of 'urf in the digital era, the emergence of online shopping platforms such as Tokopedia and Lazada necessitates a critical reassessment of traditional legal frameworks. E-commerce offers tangible advantages, including expanded market access, reduced operational costs, and improved inventory management. These developments signify a dual transformation encompassing technological advancements and reconfiguring social behavior and economic norms.⁴¹ Consequently, adapting Islamic legal reasoning to accommodate digital 'urf within the framework of *maqāṣid al-shari'ah*, the

Fatwa," *Proceeding International Seminar on Islamic Studies* 4, no. 1 (2023): 1683–90, <https://doi.org/https://doi.org/10.3059/insis.v0i0.14297>.

³⁶ Ghassan Adhab Atiyah et al., "Legitimacy of Smart Contracts from the Perspective of Islamic Law: A Case Study of Blockchain Transactions," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (June 2024): 155–92, <https://doi.org/10.29240/jhi.v9i1.8726>; Afif Noor et al., "Maslahah-Based Protection of Fund Recipients in Fintech Lending Through Empowerment and Justice," *El-Mashlahah* 15, no. 1 (2025): 1–20, <https://doi.org/10.23971/el-mashlahah.v15i1.7786>.

³⁷ Syafika Handayani and Fatimah Zahara, "Legal Consequences of Product Quality Tadlis in E-Commerce Shopee Perspective of DSN MUI Fatwa Number 146 of 2021 on Online Shop Based on Sharia Principles," *Journal Equity of Law and Governance* 4, no. 2 (June 2024): 294–99, <https://doi.org/10.55637/elg.4.2.10009.294-299>, especially on the Shopee platform, from the perspective of the National Sharia Council of the Indonesian Ulama Council (DSN MUI).

³⁸ Asma Munifatussa'idah, Jihan Nabila Zahara, and Fuad Zein, "Digital Wallet Transactions: Insight from Islamic Economic and Legal Perspective," *Jurnal Ekonomi Dan Bisnis Airlangga* 34, no. 2 (June 2024): 301–17, <https://doi.org/10.20473/jeba.V34I22024.301-317>.

³⁹ Nugroho and Nurhayati, "E-Commerce and Ethical Business Practices: The Role of DSN-MUI Fatwa."

⁴⁰ Nuri Aslami, Nurul Izzah, and Azhari Akmal Tarigan, "The Concept Of Taradin In Online Buying The Study of Surah An-Nisa' Version 29," *Al-Masharif: Jurnal Ilmu Ekonomi Dan Keislaman* 9, no. 2 (June 2021): 235–50, <https://doi.org/10.24952/masharif.v9i2.4764>.as a direction and guide for humans, requires Muslims to understand the verses of the Qur'an. The Qur'an has set rules for humans in seeking sustenance, one of which is by way of muamalah or trading (buying and selling)

⁴¹ Alysson Cáceres Gomes et al., "Logistics Management in E-Commerce: Challenges and Opportunities," *Revista de Gestão e Secretariado* 14, no. 5 (June 2023): 7252–72, <https://doi.org/10.7769/gesec.v14i5.2119>.

higher objectives of Islamic law, becomes essential. Such adaptation ensures Islamic law's continued relevance, functionality, and ethical coherence in addressing the demands of the digital economy.⁴²

Digital 'Urf and Its Legitimacy in Islamic Law: A *Maqāṣid al-Shari'ah* Analysis of the DSN-MUI Fatwa on E-Commerce

The concept of *maqāṣid al-shari'ah* constitutes a normative framework that defines the primary objectives of Islamic law as the preservation of five essential values: religion (*hifz al-dīn*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and property (*hifz al-māl*).⁴³ Within the context of e-commerce, the protection of property assumes particular significance, given that digital transactions require guarantees of justice, transparency, and safeguards against fraud.⁴⁴

Accordingly, recognizing digital 'urf as a legitimate component of Islamic legal practice must be assessed in terms of its capacity to realize these foundational objectives. When digital commercial practices successfully uphold public welfare (*maṣlaḥah*), prevent harm (*mafsadah*), and promote fairness in transactions, their validity is affirmed within the *maqāṣid*-based legal framework. Therefore, incorporating digital 'urf into contemporary fatwa formulation is justified and essential to ensure the relevance and adaptability of Islamic law in the era of digital commerce.⁴⁵

To anchor this normative reasoning within scriptural tradition, the framework of *maqāṣid al-shari'ah* allows for legal flexibility (*murūnah*) in responding to evolving social and technological realities.⁴⁶ Such flexibility is exemplified by Fatwa No. 146/DSN-MUI/XII/2021, issued by the DSN-MUI, which reinterprets the classical requirement of *fi majlisin wāhidin*, traditionally understood as the physical presence of contracting parties in a single session, into a digital context that prioritizes temporal simultaneity and mutual consent during transactions. Such an approach aligns with the secondary (*hājiyyāt*) and tertiary (*tahsīniyyāt*) levels of *maqāṣid*, which emphasize facilitating legal matters, avoiding hardship, and enhancing ethical standards in modern commercial interactions.⁴⁷ Therefore, recognizing digital 'urf is epistemologically valid and consistent with the broader vision of *maqāṣid* as a dynamic legal methodology that bridges Islamic law with contemporary societal transformations.⁴⁸

Within the context of *maṣlaḥah*, understood as the core substance of *maqāṣid al-shari'ah*, and its objective to facilitate human well-being,⁴⁹ the use of 'urf as a method of legal derivation (*istinbāt al-*

⁴² Ramlan Mustapha and Siti Norma Aisyah Malkan, "Maqasid Al-Shariah in the AI Era: Balancing Innovation and Islamic Ethical Principles," *International Journal of Islamic Theology & Civilization (E-ISSN-3009-1551)* 3, no. 3 (June 2025): 1–21, <https://doi.org/10.5281/zenodo.1538182>.

⁴³ Ibrahim Ibn Musa Al-Shatibi, *Al-Muwāfaqāt Fī Uṣūl Al-Shari'ah*, 2, Beirut (Beirut: Dār al-Kutub al-'Ilmiyyah, 2003), 8–10.

⁴⁴ Abdi Wijaya et al., "The Implementation of E-Commerce Consumer Option Rights (Khiyar) in Realizing Transaction Justice: A Study of Maqasid Al-Shariah," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 1 (June 2023): 69–82, <https://doi.org/10.24090/mnh.v17i1.7673>.

⁴⁵ Abu Ishaq Al-Shatibi, *Al-Muwāfaqāt Fi Uṣūl Al-Shari'ah*, 2, Dār Ibn 'A (Beirut: Dār Ibn 'Affān, 2003), 8–12.

⁴⁶ Muhammad Al-Tahir Ibn 'Ashur, *Maqāṣid Al-Syā'i'ah Al-Islāmiyyah*, Dār al-Naf (Beirut: Dār al-Nafā'is, 2001), 107–10.

⁴⁷ Ahmad Al-Raysuni, *Nazariyyat Al-Maqāṣid 'inda Al-Imām Al-Shāfi'ī*, Dār al-Kal (Tūnis: Dār al-Kalimah, 1995), 177–80.

⁴⁸ Sanuri, "The Strategic Role of Qiyas Theory on Elasticity of Islamic Law in Solving Contemporary Issues," *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 26, no. 2 (June 23, 2023): 137–48, <https://doi.org/10.15642/alqanun.2023.26.2.137-148>; See also Mokhammad Samson Fajar and Abdul Qodir Zaelani, "Transformation of Dowry from Traditional Practices to Maqashid Sharia: A Causal Analysis of Women's Dignity and Family Harmony," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 8, no. 2 (June 23, 2025): 198–214, <https://doi.org/10.30659/jua.v8i2.41634>.

⁴⁹ Edy Setyawan et al., "Legal Age for Marriage: SDGs and Maslahah Perspectives in Legal Policy Change in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023): 183–198, <https://doi.org/10.24090/mnh.v17i2.9506>.

ahkām) by the MUI is grounded in three principal sources. First, *Sūrat al-Hajj* (22:78) states that “God has not placed upon you in religion any hardship,” implying that Islamic law must accommodate prevailing social customs as part of its facilitative function. Second, the *ḥadīth* narrated from ‘Abdullah ibn Mas‘ud: “Mā ra‘ā al-muslimūn ḥasanān fahuwa ‘inda Allāh ḥasanun” (what the Muslims deem to be good is also good in the sight of Allah) provides epistemic legitimacy to collective social norms.⁵⁰ Third, the well-established legal maxim *taghayyur al-ahkām bi taghayyur al-‘urf* underscores the dynamic responsiveness of Islamic law to shifts in societal behavior.⁵¹ These three foundations form the jurisprudential basis for DSN-MUI’s formulation of digital ‘urf in Fatwa No. 146/DSN-MUI/XII/2021 concerning *shari‘ah*-compliant online Stores, reflecting the continued relevance of *maqāṣid*-oriented reasoning in contemporary digital commerce.

In classical *fiqh* tradition, one of the essential conditions for the validity of a sale contract is its execution within a single session (*fī majlisin wāhidin*), which traditionally implies the physical presence of both parties in the same space, allowing for direct and synchronous dialogue.⁵² This principle applies to sales contracts and to all other contractual agreements that involve mutual consent and obligations. According to Wahbah al-Zuhayli, the primary rationale behind this condition is to provide space for negotiation (*khiyār*) as a legal safeguard for the parties involved.⁵³ Within the Shafi‘i and Hanbali schools of law, *khiyār al-majlis* is considered an inherent right that persists until one of the parties decides to either affirm or revoke the contract.⁵⁴ This classical formulation, grounded in textual interpretation, finds growing relevance when contrasted with contemporary digital contract patterns, where empirical data shows that most e-commerce transactions are initiated and concluded in seamless virtual sessions, effectively mirroring the unity of sessions conceptualized in *fiqh*.⁵⁵

However, in the context of contemporary legal developments, Fatwa No. 146/2021, issued by the DSN-MUI, adopts the interpretation of Imam al-Nawawi and al-Zuhayli, redefining *fī majlisin wāhidin* not as a requirement of physical co-presence, but rather as a unity of time that accommodates the mutual intent of both parties, even through electronic means.⁵⁶ This reinterpretation is consistent with the *maqāṣid al-shari‘ah* principles of *hifz al-‘aql* and *hifz al-dīn*, as it upholds the substantive integrity of contractual agreement without imposing the burdens of spatial formalism on the modern Muslim community. This adaptive reinterpretation is supported by empirical trends in digital transaction behaviors, where electronic agreements often occur in a temporally unified yet spatially separate environment, illustrating the practical application of normative Islamic concepts in modern legal settings.⁵⁷

⁵⁰ Ahmad Ibn Hanbal, *Al-Musnad*, Juz 1 (Cairo: Dār al-Hadīth, 1995), ḥadīth no. 3600. In *al-Muwāfaqāt*, al-Shatib cites the meaning of this ḥadīth within the framework of *al-‘urf al-sāḥīh* (sound custom) and *ijmā‘ al-‘amalī* (practical consensus) as a foundation for collective legal authority. He argues that values collectively deemed good by the Muslim community—based on customary practices and communal virtues—have the potential to be recognized as *sharī‘i* rulings, provided they do not contradict established textual evidence.

⁵¹ Jalal Al-Din Al-Suyuti, *Al-Ashbah Wa Al-Naṣā’ir*, Muḥammad A (Beirut: Mu’assasat al-Kutub al-Thaqāfiyyah, 2003), 46. The fifth legal maxim discussed is *al-‘ādah muḥakkamah*. See also Al-Shatibi, *Al-Muwāfaqāt Fī Uṣūl Al-Shari‘ah*.

⁵² Yahya Ibn Sharaf Al-Nawawi, *Rawdat Al-Ṭālibīn*, Dār Ibn Ḥa, vol. Juz 3 (Beirut: Dār Ibn Ḥazm, 2019), Bāb Shurūt al-Buyū‘.

⁵³ Wahbah Al-Zuhayli, *Al-Fiqh Al-Islāmī Wa Adillatuh*, 4, Dār al-Fik, vol. Juz 9 (Damascus: Dār al-Fikr, 1997), 2754–56.

⁵⁴ Abderrahmane Sakouili and Chroqui Razane, “Risk Management of Financial Instruments in Islamic Banks: An Overview,” *Uluslararası İslam Ekonomisi ve Finansı Araştırmaları Dergisi* 5, no. 1 (June 2019): 20–39, <https://doi.org/10.25272/ijisef.419518>.

⁵⁵ Hidayatullah, Busyro, and Ismail, “Review of Fiqh Muamalah on Online Transactions in Digital Era,” *GIC Proceeding* 2, no. 1 (June 2024): 58–64.

⁵⁶ Al-Zuhayli, *Al-Fiqh Al-Islāmī Wa Adillatuh*.

⁵⁷ Istianah Zainal Asyiqin, “Islamic Economic Law in the Digital Age: Navigating Global Challenges and Legal Adaptations,” *Media Iuris* 8, no. 1 (June 2025): 95–112, <https://doi.org/10.20473/mi.v8i1.61800>.

Building upon this reinterpretation, examining how digital platforms operationalize the principle of *majlis al-‘aqd* in real-world commercial environments is crucial. The evolution of digital technology necessitates reconfiguring the classical concept of *fi majlisin wāhidin*, extending its application from a physical to a virtual setting while preserving its essential contractual elements. Within e-commerce, this requirement is effectively met through digital platforms, including online stores, marketplaces, and commercial websites.⁵⁸ Online shops are virtual storefronts where sellers display products and buyers conduct transactions through automated systems. Marketplaces serve as intermediaries, connecting multiple buyers and sellers within a unified framework. By contrast, e-commerce, in its narrow sense, refers to vendor-managed platforms that sell directly to consumers.⁵⁹ These configurations constitute novel forms of contractual assemblies (*majlis al-‘aqd*) that preserve mutual consent and clarity of intention between parties. This transition underscores the adaptability of Islamic legal doctrine in accommodating technological change without deviating from foundational principles of justice, transparency, and contractual autonomy. The widespread adoption of such digital models, as reflected in national e-commerce data, reinforces the imperative for Islamic jurisprudence to engage systematically with empirical developments to maintain its doctrinal relevance and normative authority.⁶⁰

From an operational standpoint, digital transactions exhibit significantly higher effectiveness and efficiency levels than conventional systems.⁶¹ Complex physical infrastructure is no longer necessary; products can be uploaded freely in large volumes. Operational costs are also reduced due to the decreased need for labor, except in specific platforms that charge service fees. The online shop model enables personalization and strengthens seller identity through direct and real-time customer management systems.⁶² In terms of marketing, global accessibility facilitated by digital strategies allows for the broad dissemination of products at relatively low costs and with extensive reach. These advantages reflect the overall efficiency of the digital economic system and reinforce the objectives of *maqāṣid al-shari‘ah*, particularly *hifz al-māl* and *hifz al-nafs*, by ensuring property protection and ease of market access without burdening any party in the transaction process.⁶³ Such alignment demonstrates that Islamic law, through the lens of *maqāṣid*, can adapt to modern commercial systems while maintaining its normative and ethical foundations.

Beyond the efficiency of digital transactions, a reexamination of classical conditions such as *ma’qūd alayh* (the object of sale) is required to assess their compatibility with virtual trade. In

⁵⁸ Pauzi Muhammad et al., “The Digital Revolution of Islamic Entrepreneurship: A Study on Upholding the Principles of E-Commerce Legitimacy in Marketplaces,” *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Syariah* 9, no. 2 (June 2024): 321–37, <https://doi.org/10.24235/jm.v9i2.18179>.

⁵⁹ Zenal Asikin, “Diverse E-Commerce Business Models In Indonesia: A Cluster Analysis From The National E-Commerce Survey,” *Business Review and Case Studies* 5, no. 2 (June 2024): 318–28, <https://doi.org/10.17358/brcs.5.2.319>.

⁶⁰ Chuzaimah Batubara et al., “Realizing Justice and Maṣlahah in E-Commerce: Fiqh Muamalah Insights and Challenges in Malaysia and Indonesia,” *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (June 2024): 253–67, <https://doi.org/10.31958/juris.v23i2.12356>.

⁶¹ Desi Ramananda Kishore Katuri, “Streamlining Procure-to-Pay Processes in Large-Scale Companies with ERP Finance Systems,” *European Journal of Computer Science and Information Technology* 13, no. 38 (June 2025): 174–90, <https://doi.org/10.37745/ejcsit.2013/vol13n38174190>; Charles Dong, “The Integration of Blockchain Technology in the Digital Economy: Ensuring Security and Transparency in Digital Transactions,” *Transactions on Economics, Business and Management Research* 13, no. 1 (June 2024): 163–68, <https://doi.org/10.62051/wjr0qs22>.

⁶² Maria Mach-Król and Bartłomiej Hadasik, “On a Certain Research Gap in Big Data Mining for Customer Insights,” *Applied Sciences* 11, no. 15 (June 2021): 6993, <https://doi.org/10.3390/app11156993>.

⁶³ Siti Navillah Zulkifli and Sharifah Norzehan Syed Yusuf, “Maqasid Syariah and Digital Transformation of Halal Supply Chain With Governance Elements,” *European Proceedings of Social and Behavioural Sciences* Building a (June 2023), <https://doi.org/10.15405/epsbs.2023.11.9>.

classical Islamic jurisprudence, the *ma'qūd' alayh* must meet several essential conditions: possess value, provide benefit, be lawfully owned by the seller, and be observable or physically inspectable by both contracting parties.⁶⁴ These criteria are established to ensure transparency and fairness in contractual transactions. However, Fatwa No. 146/DSN-MUI/XII/2021 introduces necessary adaptations to these requirements in digital commerce. In online transactions, the object of sale is defined as a good and/or service that is lawful by *shari'ah* and legal under prevailing national law. In the case of physical goods, the item must still be deliverable, either directly or through a third-party service, such as a courier. Suppose the product delivered does not match its description or is damaged during shipment. In that case, the buyer retains the right to exercise *khiyār*, while liability for damage lies with the logistics provider. This regulatory development reflects the principle of *hifz al-māl* within the *maqāṣid al-shari'ah* framework, emphasizing the safeguarding of ownership rights and ensuring justice in economic transactions.⁶⁵

Empirical data from Indonesia's e-commerce sector, particularly from platforms such as Tokopedia, Shopee, and Bukalapak, reveal a high volume of dispute resolution cases involving mismatched or damaged goods, which confirms the practical relevance of the *khiyār* clause and the need for liability clarity, thus reinforcing the theoretical structure with observable commercial behavior.⁶⁶

Unlike classical 'urf, which requires direct visual inspection of goods, digital commerce substitutes this with visual and textual representations, including images, videos, and structured product descriptions.⁶⁷ In e-commerce, such descriptions often employ the 5W+1H framework (Who, What, Where, When, Why, and How) to convey key attributes, functions, materials, dimensions, uses, advantages, and operational instructions.⁶⁸ This method simulates indirect visualization and fulfills the contractual requirement of informational clarity. The transformation of 'urf into a digital, representational mode reflects continuity in legal objectives, preserving transparency as a fundamental tenet of Islamic contract law. This evolution is consistent with *maqāṣid al-shari'ah*, particularly *hifz al-ḥaql* and *hifz al-dīn*, as it promotes informed decision-making and reduces ambiguity (*gharar*) and deceit (*tadlīs*).⁶⁹ Empirical findings from Indonesian consumer protection agencies further support this normative alignment, indicating that structured, detailed product information correlates with increased consumer trust and reduced complaint incidence.⁷⁰

⁶⁴ Abu Bakr Al-Kasani, *Badā'i' Al-Ṣanā'i' Fī Tartīb Al-Sharā'i'*, Juz 5, *Kitāb Al-Buyū'*, Dār al-Kut (Beirut: Dār al-Kutub al-'Ilmiyyah, 2003); Al-Nawawi, *Rawdat Al-Tālibin*.

⁶⁵ Muhammad Azam et al., "E-Contract Withdrawal Rights in E-Commerce: A Comparative Analysis of the Egyptian Consumer Protection Law and Islamic Jurisprudential Perspectives," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 8, no. 2 (June 2025): 215–30, <https://doi.org/10.30659/jua.v8i2.44766>.

⁶⁶ Mila Dwi Rahmatya, Mohd Syahiran Abdul Lathif, and Mohd Hapiz Mahaiyadin, "Exploring The Ethical Aspects And Compliance Practices In Shopee's Return And Refund Policies From The Shariah Perspective," *Al-Qanatir: International Journal of Islamic Studies* 33, no. 5 (June 2024): 230–46.

⁶⁷ Ahmad Lukman Nugraha, "Islamic Marketing Mix 7P: New Business Strategy in Modern Era," *Islamic Business Review Islamicobr* (2025): 8–9.

⁶⁸ Xu Xu, Yuxiao Fan, and Xiaohua Wang, "Mass Customization-Oriented Customer Demand Response Service Platform Based on Cloud Computing and Internet of Things," *IEEE Access* 10, no. 1 (June 2022): 11763–71, <https://doi.org/10.1109/ACCESS.2021.3138957>.

⁶⁹ Mohamed Cherif El Amri, Mustafa Omar Mohammed, and Mohammed M S AlKhalili, "Fintech Adoption and Its Investment Impact in Islamic Social Finance: The Case of Zakat," *QIJIS (Quidus International Journal of Islamic Studies)* 12, no. 2 (June 2025): 213–54, <https://doi.org/10.21043/qjis.v12i2.17069>.

⁷⁰ Miguna Astuti et al., "Addressing MSMEs Customer Complaints in Indonesia's Digital Economy: Insights from Sharia and Consumer Protection Law," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (June 2024): 395–409, <https://doi.org/10.31958/juris.v23i2.13216>.

As a digital mode of *al-nuqūd* (commercial exchange), e-commerce incorporates various security features designed to foster consumer trust and safeguard the integrity of transactions. These features include user-generated reviews and ratings, verified seller labels, and authentication systems such as barcodes or QR codes linked to official manufacturer websites.⁷¹ These mechanisms play a pivotal role in minimizing elements of *gharar* and *tadlīs*, both of which are prohibited in Islamic commercial ethics.⁷² These features collectively contribute to creating a more equitable, transparent, and accountable transactional ecosystem. From the perspective of *maqāṣid al-sharī‘ah*, such innovations uphold *hifz al-māl*, reinforce the principles of *hifz al-nafs*, and support *hifz al-‘aql*. This theoretical justification receives empirical support from consumer behavior data from e-commerce platforms such as Shopee and Tokopedia, which report significantly higher transaction completion rates and lower refund claims for listings featuring verified seller labels and transparent rating mechanisms.⁷³

In conventional transactional practices, the medium of exchange traditionally consisted of barter systems or direct cash payments. However, technological developments have transformed the nature of currency into digital forms, where value, rather than physical form, serves as the primary standard.⁷⁴ This shift has necessitated a reevaluation of legal and ethical principles within Islamic jurisprudence. Fatwa No. 116/DSN-MUI/IX/2017 and Fatwa No. 146/DSN-MUI/XII/2021, issued by the DSN-MUI, address this transformation by recognizing electronic money as a legitimate medium of exchange, provided it meets specific conditions: it must possess a clearly defined value, be recognized under Indonesian law, and be stored through a registered and legally compliant medium.⁷⁵ These provisions align with the objective of *hifz al-māl* as emphasized in *maqāṣid al-sharī‘ah*, which demands the safeguarding of economic interests through the legitimacy, stability, and enforceability of financial instruments used in digital transactions. This adaptation demonstrates the adaptability of Islamic legal frameworks to technological innovation while maintaining the ethical and normative integrity of *sharī‘ah*-compliant commerce.

The adaptive stance of the DSN-MUI toward technological innovation reflects the classical Islamic legal maxim of “*taghayyur al-ahkām bi taghayyur al-azmān*.⁷⁶ In virtual payment systems, the DSN-MUI stipulates that the deposit of funds must precede electronic payments to an authorized electronic money issuer. These funds are not to be managed as conventional bank deposits but are instead held within a legally designated system. Such payment instruments may be used across various platforms, including retail outlets and certified electronic service providers. This regulatory framework ensures

⁷¹ Ruochi Zhang, Yi Li, and Li Fang, “PBTMS: A Blockchain-Based Privacy-Preserving System for Reliable and Efficient E-Commerce,” *Electronics* 14, no. 6 (June 2025): 1177, <https://doi.org/10.3390/electronics14061177>. e-commerce is presenting in more diverse forms and attracting the attention of more and more users. Since e-commerce transactions usually involve sensitive information of a large number of users, privacy and security have become increasingly important issues. Despite certain advantages (e.g., trading security

⁷² Mohamed Cherif El Amri and Mustafa Omar Mohammed, “Analysis of Fatwas on FinTech,” in *Islamic FinTech: Insights and Solutions*, ed. Mohd Ma’Sum Billah (Cham: Springer International Publishing, 2021), 73–90.

⁷³ Adam Jody Suwarno and Lilik Indayani, “Influential Factors on Online Repurchase Intentions: A Study on Tokopedia Marketplace,” *Academia Open* 9, no. 2 (June 2024): 10.21070/acopen.9.2024.5367-10.21070/acopen.9.2024, <https://doi.org/10.21070/acopen.9.2024.5367>.

⁷⁴ John Taskinsoy, “Say Good Bye to Physical Cash and Welcome to Central Bank Digital Currency” (Rochester, NY: Social Science Research Network, June 2021), <https://doi.org/10.2139/ssrn.3972858>.

⁷⁵ Istiqom Shinta Hardiyanti et al., “Analysis of the Dsn Mui Fatwa on Sharia Electronic Money from the Perspective of Qiyas (a Study on Linkaja Syariah Application),” *Istinbath* 23, no. 1 (June 2024): 66–78, <https://doi.org/10.20414/ijhi.v23i1.644>.

⁷⁶ Ahmad Musadad et al., “The Role of The Taysir Manhaji Method in The Development of Islamic Economic Law in Indonesia Through DSN-MUI Fatwas,” *Journal of Islamic Economic Laws* 8, no. 01 (June 2025): 130–54, <https://doi.org/10.23917/jisel.v8i01.7607>.

that transactions remain within legal certainty and Islamic validity bounds. An analysis grounded in *maqāṣid al-shari‘ah* reveals that the principles of *hifz al-dīn* and *hifz al-māl* are upheld through these provisions. The system guarantees that payments are executed lawfully while shielding consumers from *gharar* and financial misappropriation. OJK's 2023 Digital Finance Report supports this view, indicating that systems where deposits are segregated from general banking operations experience significantly lower rates of dispute and user dissatisfaction, underscoring the operational validity of *shari‘ah*-aligned payment frameworks.⁷⁷

Compared to conventional methods, digital payment systems offer significantly higher levels of efficiency. Transactions are executed rapidly, without physical presence, and can encompass multiple operations simultaneously. These systems are often accompanied by user incentives, such as discounts or cash back. Moreover, digital technologies facilitate more structured financial management by offering features such as spending limits and instant access to transaction histories.⁷⁸ Such mechanisms function as enablers of economic convenience, reflecting the objectives of *hifz al-nafs* and *hifz al-‘aql* within the framework of *maqāṣid al-shari‘ah*.

By promoting transactional ease, user security, and rational financial behavior, digital payment systems streamline economic processes while enhancing monetary engagement's ethical and practical dimensions.⁷⁹ Therefore, incorporating digital payment mechanisms into Islamic legal frameworks represents more than a mere technical adjustment. It constitutes an actualization of *maqāṣid al-shari‘ah*, harmonizing worldly benefit with the normative values of the *shari‘ah*, and demonstrating the law's adaptability to evolving technological and social realities. This normative alignment is substantiated by behavioral insights from fintech platforms such as GoPay and OVO, which indicate that Muslim users increasingly utilize financial tracking features to align their consumption with ethical and religious values, demonstrating a real-world manifestation of *hifz al-nafs* and *hifz al-‘aql*.⁸⁰

To clarify the dynamics of the transformation from classical ‘urf to digital ‘urf, the following table presents a structural shift in contemporary *mu‘āmalah* practices. This table illustrates how legal flexibility in Islamic law, alongside the *maqāṣid al-shari‘ah*, plays a critical role in addressing socio-technological and economic change, particularly in fulfilling the foundational principles of *hifz al-*

⁷⁷ Faizi and Mohd Sollehudin Bin Shuib, “Sharia Governance in Islamic Financial Institutions: A Comparative Review of Malaysia and Indonesia,” *EL DINAR: Jurnal Keuangan Dan Perbankan Syariah* 12, no. 1 (June 2024): 89–107, <https://doi.org/10.18860/ed.v12i1.25135>.

⁷⁸ Michal Polasik et al., “Time Efficiency of Point-of-Sale Payment Methods: Empirical Results for Cash, Cards and Mobile Payments,” ed. José Cordeiro, Leszek A Maciaszek, and Joaquim Filipe (Springer, 2013), 306–20, https://doi.org/10.1007/978-3-642-40654-6_19.

⁷⁹ Umi Khusnul Khotimah, “Online Buying and Selling from the Perspective of Maqasid Shariah,” *Journal of Sharia Economics* 5, no. 2 (June 2023): 218–36, <https://doi.org/10.35896/jse.v5i2.595>. thereby achieving this goal of economic empowerment. Overall, online buying and selling transactions can be a means to achieve the goals of Maqasid Syariah, as long as they are carried out with integrity, fairness and comply with the principles of Islamic law. Good online business practices must align with Islamic values and moral goals and contribute to the overall welfare of society. Research focus The online buying and selling transaction process is seen from Maqasid sharia. Research Method This research is a qualitative descriptive research. In this qualitative descriptive research, researchers here use library research to look for information through books, magazines, newspapers and other literature to form a theoretical basis. This research is also to examine written sources such as scientific journals, reference books, literature, encyclopedias, scientific essays, scientific works and other sources either in written form or in digital format that are relevant and related to the object being researched. The object of this research study is in the form of texts or writings that describe and explain the online shop business/enterprise that is mushrooming in Indonesia. The results of this research are 1

⁸⁰ Fakhry Emil Habib and Nofiardi, “The Impact of Using E-Wallets for the Ease of Muslim Consumers Transacting Maqashid Sharia Approach,” *EKONOMIKA SYARIAH: Journal of Economic Studies* 7, no. 1 (June 2023): 47–58, <https://doi.org/10.30983/es.v7i1.6401>.

māl, *hifz al-‘aql*, *hifz al-nafs*, and *hifz al-dīn*. This transformation also reinforces the epistemological foundations for contemporary fatwa that prioritize collective welfare (*maṣlaḥah al-‘ammah*) and enhance the relevance of Islamic law in the digital age.

Table 1.
A Comparative Analysis of Traditional and Digital ‘Urf and Their Implications for Maqāṣid al-Shari‘ah

Analytical Aspect	Traditional ‘Urf	Digital’ Urf	Observed Transformation	Implication for Maqāṣid al-Shari‘ah
Contractual Assembly (<i>Majlis al-‘Aqd</i>)	Physical presence in a shared time and space (<i>fi majlisin wāhidin</i>)	Temporal and intentional simultaneity via digital platforms (e.g., Zoom, marketplace)	Assembly shifts from physical co-presence to virtual platforms	Preserves <i>hifz al-‘aql</i> and <i>hifz al-dīn</i> by facilitating contracts without compromising substantive legal intent
Visualization of Sales Object	Direct physical inspection by both parties	Visual representation through images, videos, and textual product descriptions	Digital media have replaced physical inspection.	Supports <i>hifz al-‘aql</i> and <i>hifz al-dīn</i> by reducing <i>gharar</i> and <i>tadlīs</i> , and enhancing information clarity
Transactional Instrument	Cash payment or barter; direct verbal interaction	Digital payments via electronic wallets, QR codes, and virtual accounts	Currency and payment methods shift to digital systems	Realizes <i>hifz al-māl</i> by ensuring lawful and secure monetary instruments
Transaction Object (<i>Ma’qūd’ Alayh</i>)	Must have value, lawful ownership, visibility, and recognized benefit under <i>shar’</i>	Must be <i>halāl</i> and legally recognized; delivery may be digital or via third-party logistics.	Adjustment in the form and method of object delivery	Upholds <i>hifz al-māl</i> by ensuring clarity, ownership validity, and lawful utility
Trust Mechanism	Relies on social reputation, witnesses, and personal relationships	Reinforced by digital ratings, user reviews, verified accounts, and authentic barcodes	Trust shifts from interpersonal to system-based validation	Enhances <i>hifz al-nafs</i> and <i>hifz al-‘aql</i> by safeguarding users and minimizing information distortion

Analytical Aspect	Traditional 'Urf	Digital' Urf	Observed Transformation	Implication for <i>Maqāṣid al-Shari'ah</i>
Role of Product Description	Rarely detailed or systematized	Structured using the 5W+1H method (Who, What, Where, When, Why, How) to convey value, utility, ingredients, and function	Product descriptions become central to contractual communication	Reinforces <i>hifz al-'aql</i> through informed, rational decision-making and transactional transparency
Access and Efficiency	Limited by geographic and temporal constraints	Global, rapid, cost-effective, and accessible across time zones	Market access becomes borderless and more inclusive	Supports <i>hifz al-nafs</i> and <i>hifz al-māl</i> by reducing consumer burdens and expanding economic opportunity
Source of Legitimacy	Grounded in communal consensus and established socio-cultural norms	Rooted in DSN-MUI fatwas, the legal maxim <i>taghayyur al-ahkām bi taghayyur al-'urf</i> , and the principle of <i>maṣlahah</i>	Legal authority transitions toward institutionalized <i>maqāṣid</i> -based frameworks	Integrates <i>hifz al-dīn</i> and <i>hifz al-māl</i> by ensuring legal relevance in modern digital contexts
Legal Flexibility (<i>Murūnah</i>)	Limited to classical <i>fiqh ijtihād</i>	Adaptively addressed by DSN-MUI fatwas	Islamic law becomes more contextual and responsive	Embodies <i>hājiyyāt</i> and <i>tahsīniyyāt</i> by facilitating transactions and promoting ethical conduct
Supporting Legal Maxim	<i>al-'ādah muhakkamah</i> (custom is authoritative)	<i>taghayyur al-ahkām bi taghayyur al-'urf</i> (legal rulings evolve with changing customs)	From static to dynamic custom-based legal reasoning	Aligns with <i>maqāṣid</i> in responding to sociotechnical change while preserving the normative integrity of

The table above compares traditional 'urf and digital 'urf within the context of contemporary transactional practices, highlighting key dimensions such as the form of the contractual assembly, visualization of the sale object, payment methods, and trust mechanisms. Each transition from traditional to digital practices reflects technological adaptation and normative transformation aligned with the principles of *maqāṣid al-shari'ah*.⁸¹ By juxtaposing legal theory with observed transactional models, this study offers an integrative framework that strengthens the link between normative Islamic legal constructs and real-world economic behaviors, thereby reinforcing the

⁸¹ Mimma Maripatul Uula and Darwis Harahap, "The Implementation of Maqasid Shariah in Economic Studies," *Journal of Islamic Economics Literatures* 4, no. 1 (June 2023), <https://doi.org/10.58968/jiel.v4i1.223>.

value of an empirically grounded approach to fatwa formulation.⁸² This approach demonstrates how Islamic law can effectively accommodate contemporary social dynamics without compromising its foundational values, including justice, public interest, transparency, and the protection of wealth, intellect, life, and religion.

In light of the foregoing analysis, digital 'urf should be recognized as a valid legal source in formulating contemporary fatwa, particularly in response to the evolving landscape of technology-based transactions. Its legitimacy is rooted in the epistemological framework of *uṣūl al-fiqh*, particularly the legal maxim *taghayyur al-ahkām bi taghayyur al-'urf*, and supported by the principles of *maqāṣid al-shari'ah*, which emphasize justice, *maṣlaḥah*, and ease in socio-economic relations.⁸³ This transformation aligns with the objectives of *hifz al-māl*, *hifz al-nafs*, *hifz al-'aql*, and *hifz al-dīn* by establishing a transaction system that ensures legal clarity, accountability, and user protection. Incorporating digital 'urf in DSN-MUI fatwa reflects a strategic juridical adaptation that integrates Islamic legal norms with the realities of a digitized economic environment.

Conclusion

This study concludes that the transformation of 'urf from its traditional to its digital form, as formalized in Fatwa No. 146/DSN-MUI/XII/2021, is valid and contextually grounded within contemporary Islamic legal theory. The key finding affirms that digital 'urf can serve as a legitimate legal foundation when aligned with the core objectives of *maqāṣid al-shari'ah*, especially in safeguarding wealth, life, intellect, and religious ethics. Utilizing a normative-analytical approach, the study demonstrates that classical jurisprudential concepts, such as *fi majlisin wāhidin*, clarity of *ma'qūd 'alayh*, and *al-nuqūd*, can be meaningfully reinterpreted for digital contexts without compromising their normative essence.

Theoretically, the research contributes to the ongoing discourse on the epistemological standing of digital 'urf, positioning it as a dynamic interpretive category within *uṣūl al-fiqh*. It facilitates methodological integration between classical legal reasoning and modern digital practices through a *maqāṣidi* lens. Normatively, it provides a coherent legal foundation for *shari'ah-compliant* e-commerce that is both ethically sound and secure, ensuring compliance with the law.

However, this study remains limited in its normative scope and does not incorporate empirical data from digital market actors or financial institutions that have implemented the fatwa. It also lacks comparative engagement with *shari'ah* rulings issued in other Muslim jurisdictions. Future research should, therefore, adopt empirical and comparative approaches to explore how digital 'urf is received and operationalized across diverse socio-legal contexts, thereby advancing a participatory, adaptable, and context-responsive Islamic legal system.

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⁸² Nunung Nurlaela et al., "Reviewing the Fatwas Related to Fintech Applications in Islamic Financial Institutions in Indonesia," *Share: Jurnal Ekonomi Dan Keuangan Islam* 9, no. 2 (June 2020): 206–26, <https://doi.org/10.22373/share.v9i2.7989>.

⁸³ Darihan Mubarak et al., *Maqasid-Shariah and Well-Being: A Systematic Literature Review* (Selangor: E-Proceedings of the 1st International Conference on Islamic Economics 2022, 2023), 170–94.

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