



SHIFTING FINANCIAL TECHNOLOGY, WHAT ABOUT CRYPTO-CURRENCIES? A FIQH ANALYSIS IN INDONESIA

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Abstract

Cryptocurrency is one form of evidence of technological progress in today's era where Cryptocurrency is here as a form of Finance that uses technological advances algorithms, but in this technological advancement we need to re-examine because whether this Cryptocurrency technology brings to a Transactional benefit according to Sharia or not. The purpose of this paper is to describe one of the developments in the digital economy, namely Cryptocurrency with a qualitative approach from the interpretation of the quran, hadith, and muamalah fiqh. Literature study is used as a guide to compiling this article, which comes from books, hadith, fiqh rules, and articles related to writing. The results of the literature search that Cryptocurrency is haram based on hadith and classical fiqh books and the concepts of fiqh rules relating to a muamalah or transaction. The novelty of this research is the approach of Hadith and Classical Fiqh Books that can be used as a guide for the Muslim community and even the world. The implication of this research is as a study of decision makers for things that need to be considered in Cryptocurrency Transactions and Usage. The limitation of this research is the need for quantitative empirical data regarding the direct impact on society.

Keywords: *Cryptocurrency, Fiqh Perspective, Shifting Financial Technology*



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INTRODUCTION

The era of disruption is a time filled with changes caused by great innovation (Kivimaa, Laakso, Lonkila, & Kaljonen, 2021), so that it can change an order from technology (Boucher et al., 2020), social (Hopster, 2021), and life in general (Kilkki, Mäntylä, Karhu, Hämmäinen, & Ailisto, 2018). The impact of technological disruption also has implications for the politics and economy of society (Boucher et al., 2020), as shown in Figure 1 below (Boucher et al., 2020)



Disruption also occurs in currency (Schrijvers, Prins, & Passchier, 2021), a change in the form of cash currency that is innovated virtually or digitally to be used as a medium of exchange that has the same position as cash currency (Peneder, 2022), even though many economists emphasize that the function of money as a medium of exchange along with intrinsic properties that increase its marketability and credibility as the most liquid store of value (Peneder, 2022). However, the co-evolution of money with digitalization technology has brought to the fore the immaterial function of money as a standard of value and social technology of account, which increasingly absorbs its function as a medium of exchange (Peneder, 2022). Digital currency, commonly called cryptocurrency (Le, 2022) due to technological disruption specifically in terms of payment by issuing virtual currency and bitcoin-based payment methods (Ferawati Burhanuddin, 2022). Cryptocurrency (Soni, 2020) is now developing in the form of investment (Sukumaran, Bee, & Wasiuzzaman, 2022).

Basically, investment is the placement of a number of funds at this time with the aim of obtaining future profits (Sukumaran et al., 2022), either in the form of Real assets such as land and Gold, Securities (deposits, stocks, bonds), Derivative assets (Options, Forwards and Futures) or even foreign exchange (forex) currencies so that now widened to digital currencies cryptocurrency (Adrian & Mancini-Griffoli, 2023). However, over the past decade many investors have switched to investing in Cryptocurrencies (Almeida & Gonçalves, 2023), different from the cash currencies that we are familiar with, because digital or crypto

currencies have no real form and are not issued or even regulated by any country or central bank (Anisa, Anggraini, & Tambunan, 2023; Soni, 2020). Many investors are switching investments to Crypto or digital currencies, one of which is the existence of Blockchain technology which this technology has emerged as a popular investment instrument that can change the way financial services work and accelerate digitalization (Ausop & Aulia, 2018; Soni, 2020). Previous research states that the blockchain system can be effective because of its transparency and security when used in Islamic philanthropy such as waqf (Vidiati, Hendra, Santoso, & Faturrizky, 2021). Another advantage possessed by Crypto is that it uses a Peer to Peer Transaction model from sender to recipient but is still recorded in the Crypto network so that it can be one of its own advantages (Ferawati Burhanuddin, 2022).

However, even though Cryptocurrency is supported by Blockchain Technology there are still many differences of opinion of Ulama regarding whether or not it is permissible to invest in Cryptocurrency because Crypto, as explained above, has no underlying asset (Hidayat, 2023) and no responsible authority institution (De Filippi, Mannan, & Reijers, 2020), fluctuations are so extreme (Field & Inci, 2023), and is dominated by economic publication factors marketing system (Mikhaylov, 2020). Therefore, many economists and scholars reap a lot of pros and cons of using crypto as an investment or commodity and other business transactions (Ausop & Aulia, 2018). In the explanation of the Book of Attaqrirot assadidah Fil Masailil Mufidah (Muhammad al-Kaff, 2018), the Contemporary Fiqh book, there is a description of the concept of buying and selling in classical fiqh books, one of the conditions for a ribawi transaction must be that the goods transacted can be measured by a balance sheet or authority institution.

In particular, crypto has two functions, namely as a medium of exchange and commodity. Cryptocurrency as a medium of exchange because it has the characteristics of a currency that can be used as a medium of exchange within a certain scope (Soni, 2020), but cryptocurrency is not a legal and official currency because it does not have the authority to issue and regulate, manage circulation and distribution so that its accountability is still in doubt (Akbar & Huda, 2022). This paper is an in-depth study of cryptocurrency against the concept of Islamic law transactions where cryptocurrency transactions are used as a transaction tool, especially in investment.

METHOD

Descriptive qualitative method was used. Quoting from the opinion of Ansem Strauss, this type of research findings are not obtained through statistical

procedures (Strauss & Corbin, 2007), but aims to know and understand the object of research including behavior, perception. The data collection technique uses library research from the Qur'an, hadith, classical fiqh books, and other similar studies. The data obtained is analyzed, reduced by collaborating and sorting out relevant data in this paper. Then discussed and compiled results and conclusions.

RESULTS AND DISCUSSION

1. Evolution of Cryptocurrency

Cryptocurrency was created from the thoughts of David Chaum (Chaum, 1984, p. 83), originally aimed at protecting private transactions and removing financial traces from Governments and Central Banks, deliberately designed as a currency that is not controlled by concerns and politics like money in general. Cryptocurrency uses complex algorithms that can ensure transaction security so that it cannot be changed and uses a peer to peer system. David Chaum eventually started the Digicash Company in the 1980s, the idea was a blind decentralized currency as an alternative to the Central Bank. Digicash was eventually able to monopolize currency control and became a new type of central bank. However, the Central Bank officially rallied against Digicash, thus getting its control back (Yanti & Ridayanti, 2022). After its failed attempt to establish a basic foundation in the cryptocurrency market in 2008, Bitcoin (Nakamoto, 2008) was initiated using an anonymous identity with the aim of creating bitcoin as a substitute for fiat money (Yanti & Ridayanti, 2022).

At the beginning of its appearance, Bitcoin was valued at less than one cent (Royal & Beers, 2023). Even at the beginning of its appearance, Bitcoin was predicted not to last long or have a worse fate than its predecessor Digicash (Davis, 2023). But some argue that Bitcoin emerged at the right time, when people were already familiar with electronic and cashless transactions. This is what distinguishes Bitcoin from digitalash is the momentum of its emergence. The momentum of the emergence of digicash occurred when people were still new to the internet and accessing the internet had to use a PC (personal computer). However, unlike Bitcoin, which appeared in early 2008 when people were familiar with the internet, the low cost of internet access, and the ease of accessing and making transactions through gadgets. This is considered the X factor why Bitcoin and cryptocurrencies that emerged after 2008 were able to survive, even becoming promising economic and investment commodities (Sajidin, 2021).

2. Cryptocurrency Overview

Cryptocurrency is the name given to systems that use cryptography. The language "cryptocurrency" comes from a combination of 2 words, namely "cryptography" which means secret code, and "currency". Means currency (Dwicaksana & Pujiyono, 2020; Soni, 2020). Cryptocurrency or cryptograpy is a digital currency that exists in an open-source payment network system (peer-to-peer), where each station or computer is in a network system. Being able to share with each other, this network makes it easy for users to transact directly without the hassle of needing third party services such as banks. There are several advantages of bitcoin (Nakamoto, 2008) including: (1) Peer-to-peer transfers or carried out directly without intermediaries; (2) Transfers can be made anywhere without being charged; (3) The implementation of transactions cannot be changed, which means that transfer activities cannot be canceled after the process is carried out; (4) The nature of transactions carried out is anonymous and not controlled by institutions or governments because the system is decentralized.

The basic concept of bitcoin is to create a decentralized authority transaction system that is without going through a third party that verifies using the concept of digital signatures for each transaction (Frankenfield, 2023). However, all transactions that occur are still recorded by the system contained in the cryptocurrency network (Ferawati Burhanuddin, 2022). According to Rosic (Rosic, 2017), Cryptocurrency is an internet-based medium of exchange using cryptographic functions to conduct financial transactions. The effect of blockchain technology cryptocurrencies to gain decentralization, transparency, and immutability. The most important feature of cryptocurrency is that it is not controlled by any central authority, the decentralized nature of blockchain makes online cryptocurrency theoretically immune to government control and intervention (Afrizal, Marliyah, & Fuadi, 2021).

3. Usefulness of Cryptocurrencies

The use of cryptocurrency by the public starts with an advantage that cryptocurrency has so that it makes it interested and enthusiastic about using cryptocurrency both as a medium of exchange and investment asset. However, there are also disadvantages that need to be taken into consideration in using it.

- a. As for the advantages:
- b. Free and global;
- c. Transparency;

- d. Personal control;
- e. Reduced costs.

Disadvantages that cryptocurrencies have:

- a. Open security loopholes, it becomes an opportunity for illegal and criminal transactions;
- b. Password and transaction errors, humans have the nature of forgetting, there is forgetfulness, the account and the assets in it cannot be returned;
- c. Absence of central control;
- d. Lack of scalability;
- e. Regulation and integrity (Yanti & Ridayanti, 2022).

4. Cryptocurrency Fiqh Perspective

Islam has restrictions in determining whether Cryptocurrency is allowed or not. The fiqh point of view is extracted from the Al-Qur'an, Hadith, classical fiqh books and other sources. According to the point of view of Islamic law, so that property or property can be said to be halal must meet the requirements. Although cryptocurrency, which literally means to be used as a medium of exchange, also meets the requirements as a property or asset that serves to store value in accordance with its general currency (Abu-Bakar, 2018). In a hadith narrated by Ubadah bin shamith:

عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ قَالَ رَسُولُ اللَّهِ -صلى الله عليه وسلم- « الدَّهَبُ بِالدَّهَبِ وَالْفِضَّةُ بِالْفِضَّةِ وَالْبُرُّ بِالْبُرِّ وَالشَّعِيرُ بِالشَّعِيرِ وَالتَّمْرُ بِالتَّمْرِ وَالْمِلْحُ بِالْمِلْحِ مِثْلًا بِمِثْلِ سَوَاءٍ بِسَوَاءٍ يَدًا بِيَدٍ فَإِذَا اخْتَلَفَتْ هَذِهِ الْأَصْنَافُ فَبَيْعُوا كَيْفَ شِئْتُمْ إِذَا كَانَ يَدًا بِيَدٍ (Darusshohihain, 2021)

Which means: from Ubadah bin Shomith the Messenger of Allah said exchange gold for gold, silver for silver, bur wheat for bur wheat, sha'ir wheat for sha'ir wheat, dates for dates, salt for salt, then it must be commensurate and cash. And if the exchange is of a different kind, then you are happy with the measure as long as it is with cash.

From the above Hadith, it can be understood that gold or silver and those listed in the Hadith have usury characteristics but it is seen not from the intrinsic value, but viewed as a medium of exchange, then Cryptocurrency if referring to a statement in the Hadith is included as a medium of exchange (Ferawati Burhanuddin, 2022).

But in fiqh is Cryptocurrency transactions allowed, and how does fiqh judge it? According to KH. Muhammad Najih Maimoen's analysis of Cryptocurrency has several things that need to be studied more deeply, namely related to Underlying-assets, Manfa'at which has not been

considered Syara', Widely used for speculation business, absence of guarantors, high fluctuation nature, and vulnerable to being used as a Money Laundry tool, from these things he gave the opinion that Cryptocurrency is Haram, The following is his explanation (Darusshohihain, 2021).

a. Cryptocurrency has no underlying-assets and benefits that are mu'tabar in Shara'.

تحفة المحتاج في شرح المنهاج - (16 / 306)

(الثاني النفع) به شرعا ولو مالا كجحش صغير؛ لأن بذل المال في غيره سفه وأخذه آكل له بالباطل (فلا يصح بيع الحشرات)، وهي صغار دواب الأرض كفأرة ولا عبرة بمنافعها المذكورة في الخواص ويستثنى نحو يربوع وضب مما يؤكل ونحل ودود قز وعلق لمنفعة امتصاص الدم.

(Darusshohihain, 2021)

Tuhfat al-Muhtaj fi Sharh al-Minhaj - (16/306)

(The latter is a benefit) according to Islamic law, even if it brings in a sum of money such as the foal of a donkey. Because it is foolish to spend money on something else and then take it to eat unjustly (so it is not permissible to sell insects), which are small animals of the earth such as mice, and the benefits mentioned in their properties are not taken into account. For example, jerboas and lizards are not included in what is eaten, bees, silkworms, and leeches for the purpose of sucking blood.

أسنى المطالب في شرح روض الطالب - ث - (2 / 9)

وإما لخسته كالحشرات وهي صغار ودواب الأرض كالخنفساء والفأرة والنمل والحية والعقرب ولا عبرة بما يذكر من منافعها في الخواص لأنها لا تعد مالا (Darusshohihain, 2021).

Asna Al-Matalib in Sharh Rawdat Al-Talib - T - (2/9)

Or the despicable ones, such as small insects, and animals of the earth such as beetles, rats, ants, snakes, and scorpions, and the benefits mentioned in personal affairs are not taken into account because they are not considered money.

مغني المحتاج - (9 / 379)

ثم شرع في الركن الرابع، وهو المنفعة - وله خمسة شروط - مبتدئا بأول الشروط، فقال: (و) يشترط (كون المنفعة متقومة)، لم يرد بالمتقومة هنا مقابلة المثلية، بل ما لها قيمة ليحسن بذل المال في مقابلتها، كاستئجار دار للسكنى، والمسك والرياحين للشم، فإنها إذا لم تكن لها قيمة

إما لحرمتها أو لخستها أو قلتها يكون بذل المال في مقابلتها سفها وتبديرا ، وهذا الشرط معطوف على قوله معلومة كما يعلم من التقدير (Darusshohihain, 2021) .

Mughni al-Muhtaj - (9/379)

Then he continued with the fourth pillar, which is benefit - and there are five conditions - starting with the first condition, and he said: (The condition is that the benefit be of value, which is not equivalent to an equivalent in terms of value, but rather something that has value so that it is worth spending money on it, such as renting a house to live in. If they have no value, either because they are haram or because they are cheap or small, then spending money to exchange them is foolishness and wasteful, and this condition has something to do with the saying "information", which is known from estimation.

صحيح مسلم: 2783

و حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ وَيَحْيَى بْنُ سَعِيدٍ وَأَبُو أُسَامَةَ عَنْ عَبْدِ اللَّهِ ح وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ وَاللَّفْظُ لَهُ حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عَبْدِ اللَّهِ حَدَّثَنِي أَبُو الزِّنَادِ عَنْ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ قَالَ نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْحَصَاةِ وَعَنْ بَيْعِ الْغَرَرِ (Darusshohihain, 2021)

Shohih Muslim: 2783

Abu Bakr bin Abi Shaybah narrated to us, Abdullah bin Idris, Yahya bin Saeed, and Abu Usama narrated to us, on the authority of Ubayd Allah H., and Zuhayr bin narrated to me. War and its pronunciation. Yahya bin Saeed told us, on the authority of Ubayd Allah, Abu al-Zinad told me, on the authority of al-Araj, on the authority of Abu Hurairah, who said that the Messenger of Allah SAW, forbade selling by throwing pebbles and selling fraud (Gharar).

From the description of the hadith and fiqh books above there are many provisions of a transaction both for the means of exchange and the object being exchanged. The emphasis of the above information is the lafadz Mutaqawwim (something worthy of value) according to its benefits in shara' or assets and assets that are strengthened and supported by other assets. So in fiqh law a Cryptocurrency transaction contains Gharar (harmful speculation) because Cryptocurrency in its status of existence does not have a supporting asset (Underlying Asset) and only has a function or benefit in a special perception where such a form of benefit cannot be considered

according to Shara' as explained in the editorial statement of the fiqh book above, in contrast to fiat currencies printed by central banks that have supporting assets in the form of gold or silver. On the other hand, its price cannot be controlled and its existence is not officially guaranteed, so it is likely that Cryptocurrency is made for speculative business practices (Dwi & Atiah, 2021).

b. Uncontrolled can be used as illegal transactions

فتح المعين - (3 / 23)

(و) حرم أيضا (بيع نحو عنب ممن) علم أو (ظن أنه يتخذه مسكرا) للشرب والأمرد ممن عرف بالفجور به والديك للمهارشة والكبش للمناطحة والحرير لرجل يلبسه وكذا بيع نحو المسك لكافر يشتري لتطيب الصنم والحيوان لكافر علم أنه يأكله بلا ذبح لأن الأصح أن الكفار مخاطبون بفروع الشريعة كالمسلمين عندنا خلافا لأبي حنيفة رضي الله تعالى عنه فلا يجوز الإعانة عليهما ونحو ذلك من كل تصرف يفضي إلى معصية يقينا أو ظنا ومع ذلك يصح البيع

ويكره بيع ما ذكر ممن توهم منه ذلك وبيع السلاح لنحو بغاة وقطاع طريق ومعاملة من بيده حلال وحرام وإن غلب الحرام الحلال نعم إن علم تحريم ما عقد به حرم وبطل (Darusshohihain, 2021)

Fath Al-Mu'in - (23/3)

(It is also haraam to sell things such as grapes from a person who (knows or (suspects) that he drinks them as alcohol) to the drinker, to a disobedient person who is known to be of good character, a rooster for beating, a ram for wrestling, silk for men to wear, as well as selling something similar to musk to a disbeliever who buys it to perfume an idol, and an animal to a disbeliever who knows that he eats it without slaughtering it, because which is more right? It is not permissible to help the disbelievers with the branches of sharee'ah, as the Muslims among us are, unlike Abu Haneefah (may Allaah be pleased with him), and it is not permissible to help them with other actions that lead to sin, whether it is certain or suspected, but the sale is valid. It is not permissible to sell what is mentioned to someone who is delusional about it, to sell weapons to criminals and bandits, and to deal with someone who has permissible and forbidden things in his hands, even if what is forbidden is better than what is permissible. Yes, if it is known that what is agreed upon is haraam, then it is haraam and invalid.

إعانة الطالبين - (24 / 3)

(وقوله من كل تصرف يفضي إلى معصية) بيان لنحو وذلك كبيع الدابة لمن يكلفها فوق طاقتها والأمة على من يتخذها لغناء محرم والخشب على من يتخذ آلة لهو وكإطعام مسلم مكلف كافرا مكلفا في نهار رمضان وكذا يبيعه طعاما علم أو ظن أنه يأكله نهارا. (Darusshohihain, 2021)

I'anat At-tholibin (24/3)

("From every action that leads to sin") is explained like this, such as selling an animal to someone who burdens it more than it can bear, and a slave girl to someone who takes her for haram singing, and wood to someone who uses it as a means of entertainment, and like feeding an obligatory Muslim to an obligatory disbeliever during the day in Ramadan, and also selling him food that he knows or thinks he eats during the day.

A transaction in fiqh must not contain elements of something that is too free and cannot be controlled so that it can lead to a loss or illegal transaction both in Shara' and the State, in the information adapted from the explanation of the book I'anat At-tholibin it is forbidden to make a transaction that can bring closer to an immorality or prohibition,. In view of this, cryptocurrency has the possibility of being used as a means of illegal transactions considering that this cryptocurrency does not have an authority body that oversees it and we also know that cryptocurrency is used for Speculative business (Uncertainty and uncertainty in prices for some time) which in fiqh this is not allowed because it is the same as Maisir (gambling).

c. Not having a guarantor when something goes wrong.

ألأشباه و النظائر (1\543)

باب البيع

وشروط الشروط في البيع أربعة أقسام الأول يبطل البيع والشروط كالشروط المنافية لمقتضى العقد كأن لا يتسلمه أو لا ينتفع به الثاني يصح البيع دون الشرط كشرط مالا ينافيه ولا يقتضيه ولا غرض فيه وبيع غير الحيوان بشرط براءته من العيوب الثالث يصح البيع والشروط كشرط خيار وأجل ورهن وكفيل وإشهاد وعتق ووصف مقصود والبراءة من العيوب في الحيوان الرابع شرط ذكره شرط كبيع الثمار المنتفع بها قبل الصلاح يشترط في صحة البيع شرط القطع ولو بيعت من مالك الأصل لكن لا يجب الوفاء به في هذه الصورة وليس لنا شرط يجب ذكره لتصحيح العقد ولا يجب الوفاء به

غيره (Darusshohihain, 2021)

Al-Asbah Wa Nadzair - (1 / 4 53)

In the chapter on sale and purchase, there are four conditions for sale and purchase: the first is that it is invalid, and these conditions include conditions that contradict the contract, such as not accepting or not benefiting from it; the second is that it is valid without a contract, and these conditions include conditions that do not contradict or necessitate it, and there is no intention in it; and selling something other than an animal on condition that it is free of defects; the third is that it is valid, and these conditions include conditions of choice, time period, lien, guarantor, and testimony. Fourthly, the sale is valid, and the conditions for its validity are the conditions of its mention, such as the sale of fruits before they are ripe. The validity of the sale is a condition of withholding, even if it is sold from the original owner, but in this case it does not have to be fulfilled, and we have no conditions that must be mentioned to correct the contract, and there are no other conditions that must be fulfilled.

سنن الترمذی - (497 / 7)

حَدَّثَنَا قُتَيْبَةُ حَدَّثَنَا اللَّيْثُ عَنْ ابْنِ شِهَابٍ عَنْ عُرْوَةَ أَنَّ عَائِشَةَ أَحْبَرَتْهُ أَنَّ بَرِيرَةَ جَاءَتْ تَسْتَعِينُ عَائِشَةَ فِي كِتَابَتِهَا وَلَمْ تَكُنْ قَضَتْ مِنْ كِتَابَتِهَا شَيْئًا فَقَالَتْ لَهَا عَائِشَةُ ارْجِعِي إِلَى أَهْلِكَ فَإِنْ أَحْبَبُوا أَنْ أَقْضِيَ عَنْكَ كِتَابَتِكَ وَيَكُونَ لِي وَلَاؤُكَ فَعَلْتُ فَذَكَرْتُ ذَلِكَ بَرِيرَةَ لِأَهْلِهَا فَأَبَوْا وَقَالُوا إِنْ شَاءَتْ أَنْ تَحْتَسِبَ عَلَيْكَ وَيَكُونَ لَنَا وَلَاؤُكَ فَلْتَفْعَلْ فَذَكَرْتُ ذَلِكَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ لَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ابْتَاعِي فَأَعْتَقِي فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ ثُمَّ قَامَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ مَا بَالُ أَقْوَامٍ يَشْتَرِطُونَ شُرُوطًا لَيْسَتْ فِي كِتَابِ اللَّهِ مِنْ اشْتَرَطَ شَرْطًا لَيْسَ فِي كِتَابِ اللَّهِ فَلَيْسَ

لَهُ وَإِنْ اشْتَرَطَ مِائَةَ مَرَّةٍ (Darusshohihain, 2021)

Sunan At-Tirmidhi - (7/497)

Qutaibah narrated to us, al-Lait narrated to us from Ibn Shihab from 'Urwah that 'Ā'ishah gave news that Bariroh came to ask 'Ā'ishah for help in paying the installment to free him, but 'Ā'ishah did not pay the installment at all, 'Ā'ishah said to Bariroh "Go home to your family and if they like it I will pay the installment for your release and I will be your guardian", so Bariroh did as 'Ā'ishah said. She went home and told her family but they rejected her. And they said, "If he wants to seek merit towards you and have your loyalty to us, then he can do that." He mentioned it to the Messenger of Allah, and

the Messenger of Allah said to him. He, may Allah's prayer and peace be upon him, bought me and set me free. Loyalty is only to the one who sets me free. Then the Messenger of Allah stood up and said, "What is the matter with the one who stipulates conditions that are not in the book of Allah, whoever stipulates a condition that is not in the book of Allah, then it does not belong to him, even if he stipulates a hundred times.

تحفة الأحوذى - (6 / 265)

(ما بال أقوام) أي ما حالهم (ليست في كتاب الله) أي في حكم الله الذي كتبه على عباده وشرعه لهم قال بن خزيمة أي ليس في حكم الله جوازها أو وجوبها لا أن كل من شرط شرطاً لم ينطق به الكتاب باطل لأنه قد يشترط في البيع الكفيل فلا يبطل الشرط ويشترط في الثمن شروط من أوصافه أو نجومه ونحو ذلك فلا يبطل فالشروط المشروعة صحيحة وغيرها باطل (فليس له) أي ذلك الشرط أي لا يستحقه وفي رواية النسائي من شرط شرطاً ليس في كتاب الله لم يجز له (وإن اشترط مائة مرة) ذكر المائة للمبالغة في الكثرة لا أن هذا العدد بعينه هو المراد (Darusshohihain, 2021)

Tuhfat Al-Ahwadi - (6/265)

(What is wrong with people) i.e. what is their condition? (It is not in the Book of Allah) i.e. in the decrees that Allah has written down for His slaves and legislated for them. Ibn Khuzaymah said: What this means is that it is not in Allah's decree, which is permissible or obligatory, nor is anyone who stipulates conditions that are not mentioned in the Book, then it is not valid, because it can be stipulated in the sale and purchase of the guarantor does not invalidate the conditions, and stipulating in the conditions of the price. the description or the star and the like are not invalid, the conditions are valid, and the other conditions are not valid (he does not have it), meaning that the condition means that he is not entitled to it. a condition that is not in the Book of Allah, then it is not permissible for him (and if he stipulates a hundred times. The mention of one hundred is to exaggerate the number, not that this particular number is meant).

One of the agreements prohibited in fiqh is a condition that will harm someone, including an agreement if a privacy error (Password) occurs due to forgetting then there is no good guarantee for him then the transaction will lead to a loss borne without a definite guarantee, in the sale and purchase contract also in the explanation of the book Asbah Wa Nadzair above there is a condition that is something that applies to the khiyar contract (choose) either in the form of time, guarantee, even a testimony if the sale and purchase

of very valuable goods. It is reinforced by the hadith narrated by Qutaibah that a transaction must refer to the provisions that have been determined by Shara', so if these provisions are omitted the transaction is considered a failure.

d. Aggressive fluctuations may lead to Losses.

سنن أبي داود - م - (262 / 3)

حَدَّثَنَا أَبُو بَكْرِ وَعُثْمَانُ ابْنَا أَبِي شَيْبَةَ قَالَا حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ عُبَيْدِ اللَّهِ عَنْ أَبِي الزُّنَادِ عَنِ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ - نَهَى عَنْ بَيْعِ الْغَرْرِ - زَادَ عُثْمَانُ - وَالْحَصَاةَ (Darusshohihain, 2021)

Sunan Abi Dawud - M - (3/262)

Abu Bakr and 'Uthman ibn Abi Shaybah narrated to us, he said: Ibn Idris narrated to us, on the authority of Ubayd Allah, on the authority of Abul Zinad, on the authority of Al Araj, on the authority of Abu Hurairah, that Bibi - may Allah bless him and grant him peace - prohibited the sale of gharar - added Usman - and pebbles.

تحفة الأحوذى - (4 / 355)

(نهى رسول الله صلى الله عليه و سلم عن بيع الغرر) قال النووي النهي عن بيع الغرر أصل عظيم من أصول كتاب البيوع ويدخل فيه مسائل كثيرة غير منحصرة كبيع الأبق والمعدوم والمجهول وما لا يقدر على تسليمه وما لم يتم ملك البائع عليه وبيع السمك في الماء الكثير واللبن في الضرع وبيع الحمل في البطن وبيع بعض الصبرة مبهما وبيع ثوب من أثواب وشاة من شياه ونظائر ذلك وكل هذا باطل لأنه غرر من غير حاجة (Darusshohihain, 2021)

Tuhfat Al-Ahwadi - (4/355)

(The Rasulullah (SAW) prohibited fraudulent sales.) Al-Nawawi said: The prohibition of fraudulent sales is a great principle of the book of sales, and it covers many, not limited, issues, such as selling what is left over, what is missing, what is unknown, what is not capable of being delivered, what the seller has not finished possessing, and selling fish in the water. Many, milk in the udder, the sale of a lamb in the stomach, the sale of some ambiguous grain, and the sale of clothes, a sheep or something similar to that, and all of them are invalid sales because they are unnecessary fraud.

The Cryptocurrency market has a high volatility nature as the prices of cryptos can rise and fall drastically in a short period of time. Cryptocurrency price fluctuations are very risky, besides Cryptocurrency has the risk of

hacking and piracy. The nature of this fluctuation and vulnerability in the concept of fiqh is close to gharar (fraud) because these transactions cannot provide a guarantee and a long fixed value (Afrizal et al., 2021).

e. Opportunity for abuse by global political elites

الفقه الإسلامي وأدلته - (8 / 271)

وحدد ابن خلدون بطريقة أخرى وظيفة الإمامة فقال: هي حمل الكافة على مقتضى النظر الشرعي في مصالحهم الأخروية والدنيوية الراجعة إليها؛ إذ أن أحوال الدنيا ترجع كلها عند الشارع إلى اعتبارها

بمصالح الآخرة (Darusshohihain, 2021)

Al-fiqhi Al-Islami Wa Adillatuhu (8/271)

Ibn Khaldun defined in another way the function of the Imamate, saying: The Imamate is to bring all people in accordance with the requirements of legitimate consideration of the interests of the hereafter and the worldly interests associated with it. This is because all situations in this world are legitimized by consideration of the interests of the Hereafter.

الفقه الإسلامي وأدلته - (8 / 307)

لمبحث الخامس . وظائف الإمام (أو واجباته واختصاصاته)

حدد الفقهاء واجبات الإمام أو وظائفه بعشرة أمور أساسية، يمكن أن يتفرع عنها عدة اختصاصات أخرى بحسب تغير الظروف والأوضاع والتطورات الحادثة (1) ، ويمكن تصنيفها أو قسمتها إلى وظائف دينية ووظائف سياسية.

الوظائف الدينية وهي أربعة:

أولاً . حفظ الدين: أي المحافظة على أحكامه وحمايته حدوده وعقابه مخالفه

ثانياً . جهاد الأعداء: أي قتال من عاند الإسلام بعد الدعوة حتى يسلم، أو يدخل في الذمة، ليقام

بحق الله تعالى في إظهاره على الدين كله (Darusshohihain, 2021)

Al-fiqhi Al-Islami Wa Adillatuhu - (8/307)

For the fifth topic - the duties of the Imam (or his duties and powers) The jurists have defined the duties or functions of the Imam in ten basic terms, from which several other specializations can branch out according to the changing circumstances, situations, and developments that occur (1), and can be classified or divided into religious functions and political functions. There are four religious functions:

First - Preserving religion: i.e. maintaining its provisions, keeping its boundaries, and punishing those who violate them second - Jihad against the enemy: i.e. fighting those who are stubborn against Islam after da'wah until they convert to Islam, or enter into a treaty, which is done by the right of God Almighty to make Him victorious over all religions.

In Law No. 23 of 1999 concerning Bank Indonesia, which is in the payment system, it also includes payment instruments and banking procedures so that it can be done that payment instruments are an important component in the payment system, this is what makes the payment system require payment instruments that support the system so that it can keep running properly procedures and procedures that have been provided. To state that the means of payment is valid, namely, it has the requirement that it is generally accepted or accepted, in order to be recognized as a medium of exchange, the means of payment must have value and its existence is guaranteed by the ruling government (Dwicaksana & Pujiyono, 2020).

The laws relating to Bank Indonesia have a goal that Indonesia can anticipate the global financial crisis, and become a responsive step in stemming the global financial crisis so that national financial stability can be maintained. In Law No. 7 of 2011 concerning Currency Article 11 explains that Bank Indonesia is the only institution authorized to issue, circulate and or revoke and withdraw rupiah money. The article clearly states that only Bank Indonesia has the right to manage the rupiah or currency in Indonesia. So in terms of the law, Cryptocurrency cannot be a legal tender in Indonesia. But in 2019 BAPPETI issued a rule that Cryptocurrency is legal / permitted as an asset that can be traded on the futures exchange. Although in reality Cryptocurrency cannot be used as a legal medium of exchange in Indonesia and can only be used as a commodity asset. It cannot be denied the risk of regulatory arbitrage because transactions can be carried out from other countries with accommodating provisions, especially since cryptocurrency is not directly supervised by Bank Indonesia as the national central bank. So this needs to be underlined because it can be used by corrupt political elites to become a means of laundering money from corruption (Maha Rani, Gede Sugiartha, & Sukaryati Karma, 2021).

Bank Indonesia has key reasons for the misuse of virtual currencies: 1) Risk of payment and rupiah money management if cryptocurrency assets are used as a means of payment; 2) Risk of Capital Outflow affecting Bank Indonesia's monetary policy; 3) The risk of financial system stability in cryptocurrency assets is getting bigger and involves banks. 4) Risk of violating the principles of Anti-Money Laundering and Prevention of

Financing of Terrorism (APU-PPT); 5) Risk of violations and consumer protection and data protection in prudential principles (Afrizal et al., 2021).

CONCLUSION

Based on the discussion and research above, assessing and viewing Cryptocurrency transactions seen from the concept of Fiqh and Islamic economics, there are several descriptions, first Cryptocurrency as a digital financial system, but in Indonesia Cryptocurrency cannot be a legal means of payment according to regulations issued by Bank Indonesia supported by the concept of fiqh which must refer to established government regulations. Second Cryptocurrency in the rules that have been set by the government through BAPPEBTI is allowed to be an investment tool as a Commodity that can be traded on the Futures Exchange. Although such fiqh provides a further review related to Cryptocurrency there are several things that are considered in fiqh on Cryptocurrency, the first is that extreme fluctuations can provide losses just like the Gharar contract, the second is the absence of underlying assets as guarantors that will be detrimental, the third is not controlled as well as something illegal and high identification as a money laundering tool for criminality. So when viewed from the point of view of fiqh Cryptocurrency is not allowed to be used as an investment tool or trading commodity because it contains a lot of unus gharar which has an impact that leads to kemafsadatan (loss). Bank Indonesia also appealed to the public to avoid cryptocurrency transactions for reasons such as sharia and fiqh economic reviews.

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