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IMPLEMENTATION OF MAQASHID SHARIA PRINCIPLES IN SUSTAINABLE DIGITAL ECONOMY DEVELOPMENT

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ABSTRACT

The rapid growth of the digital economy brings both new opportunities and challenges for the Islamic economic order, particularly in maintaining a balance between technological advancement and shariah values. This study aims to examine how the principles of maqashid shariah can be implemented as an ethical and legal framework in the development of a sustainable digital economy. This research employs a qualitative method with a library research approach, analyzing literature on fiqh muamalah, ushul fiqh, and digital economy regulations in Indonesia. The findings indicate that the five core elements of maqashid shariah, namely hifz al-din, hifz al-nafs, hifz al-'aql, hifz al-nasl, and hifz al-mal, can serve as parameters for assessing the feasibility and sustainability of digital economic practices such as shariah fintech, shariah e-commerce, and shariah-based crowdfunding. The implementation of maqashid shariah in the digital economy is oriented not only toward formal shariah compliance, but also toward achieving maslahah that is just, inclusive, and long-term oriented. This study recommends strengthening regulation, digital shariah literacy, and synergy among Islamic financial institutions, regulators, and financial technology industry players to realize a digital economic ecosystem aligned with shariah objectives and the Sustainable Development Goals (SDGs) agenda.

Keywords: *Maqashid Shariah, Digital Economy, Sustainability, Shariah Fintech, Maslahah*

INTRODUCTION

The industrial revolution 4.0 has driven massive transformations in various sectors of life, including the economic sector. This transformation is marked by the birth of a digital economy that integrates information and communication technology into the production, distribution, and consumption of goods and services. This phenomenon has given birth to various new business models, such as e-commerce, financial technology (fintech), digital banking, and crowdfunding, which have significantly changed the pattern of economic interaction of modern society.

In Indonesia, the growth of the digital economy is taking place very fast and is projected to continue to increase along with the widespread adoption of digital technology in various levels of society[1]. However, this rapid growth does not necessarily guarantee the realization of a fair, inclusive, and sustainable economy. Various problems such as the practice of usury in online loans, excessive speculation, the exploitation of personal data, and the digital access gap between regions are challenges that need serious attention, especially from the perspective of Islamic law.

[1]Ministry of Communication and Digital of the Republic of Indonesia, Indonesia's Digital Economy Roadmap 2021-2024 (Jakarta: Kominfo, 2021), 7-10.

Islam as a shamamil (comprehensive) religion has a set of basic principles in regulating muamalah activities, one of which is the concept of sharia maqashid. Sharia maqashid is the goals that Islamic sharia wants to achieve in establishing a law, which is broadly oriented towards the realization of benefits (maslahah) and the prevention of damage (mafsadah) for mankind[2]. Al-Ghazali formulated five main elements of sharia maqashid known as al-kulliyat al-khams, namely safeguarding religion (hifz al-din), safeguarding the soul (hifz al-nafs), safeguarding reason (hifz al-'aql), safeguarding one's offspring (hifz al-nasl), and safeguarding property (hifz al-mal).[3]

These five elements are basically universal and can be applied in various life contexts, including in the development of the digital economy. As stated by Fauzia and Riyadi, sharia maqashid is not just a normative-theological concept, but can also function as an analytical instrument in assessing contemporary economic policies and practices[4]. Thus, sharia maqashid can be used as an ethical as well as legal framework to measure the extent to which a digital economy innovation, such as sharia fintech and sharia e-commerce, is truly oriented towards long-term benefits, not just the pursuit of momentary profits.

Data from the Financial Services Authority shows that the Islamic finance industry, including Islamic fintech, has continued to experience significant growth in assets and the number of users in recent years[5]. This growth is a great opportunity for the realization of a digital economy based on sharia values. However, these opportunities must be balanced with a complete understanding of the principles of maqashid sharia so that the development of the digital economy does not only stop at the formal aspect of sharia compliance, but also touches on the substance of justice, sustainability, and mutual benefit.

Based on this description, this study seeks to answer several main problems, namely: (1) how the concept of sharia maqashid can be implemented in the development of the digital economy; (2) what are the challenges and opportunities for the implementation of sharia maqashid in the digital economy ecosystem in Indonesia; and (3) how the contribution of maqashid sharia to the realization of a sustainable digital economy is in line with the Sustainable Development Goals (SDGs) agenda[6]. This study is expected to make an academic contribution to the development of contemporary Islamic economic studies, as well as provide practical recommendations for regulators, industry players, and the community in realizing a just and sustainable digital economy ecosystem.

RESEARCH METHODS

This research uses a qualitative approach with the type of library research. The qualitative approach was chosen because this research aims to understand, interpret, and

[2]Jasser Auda, Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach (London: International Institute of Islamic Thought, 2008), 2-5.

[3]Al-Ghazali, Al-Mustasfa min 'Ilm al-Ushul, Juz I (Beirut: Dar al-Kutub al-'Ilmiyyah, 1993), 174-176.

[4]Ika Yunia Fauzia and Abdul Kadir Riyadi, Basic Principles of Islamic Economics from the Perspective of Maqashid al-Syariah (Jakarta: Kencana, 2014), 44-48.

[5]Financial Services Authority, Indonesian Sharia Financial Development Report 2023 (Jakarta: OJK, 2023), 12-15.

[6]United Nations Development Programme, Sustainable Development Goals Report 2023 (New York: UNDP, 2023), 4-6.

analyze in depth a concept, in this case the concept of sharia maqashid, as well as its relevance to the digital economy phenomenon that is developing in society[7]. This type of literature research is used because the data collected is sourced from written materials, both in the form of classical fiqh books, contemporary Islamic economics books, scientific journals, and regulatory documents related to the digital economy[8].

The data sources in this study are divided into two categories. First, primary data sources, which include books of ushul fiqh and sharia maqashid by classical and contemporary scholars, such as the works of Al-Ghazali, Al-Syathibi, Wahbah al-Zuhaili, and Jasser Auda. Second, secondary data sources, which include books, journal articles, reports of official institutions such as the Financial Services Authority (OJK), Bank Indonesia, and the Ministry of Communication and Digital, as well as other documents relevant to the theme of digital economy and sustainability.

The data collection technique is carried out through documentation studies, namely by searching, reading, and recording relevant data from various literature related to maqashid sharia and the digital economy. Data analysis is carried out using a content analysis method that is descriptive-analytical, namely by describing the concept of sharia maqashid and then critically analyzing it in the context of sustainable digital economy development[9]. The analysis steps include data reduction, data presentation, and conclusion drawn, which are carried out systematically to obtain a complete and comprehensive picture of the object of study.

CONTENT AND RESULTS OF THE DISCUSSION

The Concept of Sharia Maqashid as an Economic Ethical Framework

Etymologically, maqashid sharia comes from two words, namely maqashid which means goals, and sharia which means the laws of Allah that are established to govern human life. Terminologically, sharia maqashid can be understood as the values and goals that the sharia wants to achieve in establishing laws for the benefit of humans, both in this world and in the hereafter[10]. Wahbah al-Zuhaili emphasized that every law that is sharia in Islam always contains wisdom and a certain purpose, which is broadly directed to realize benefits and reject harm.

In the study of ushul fiqh, maqashid sharia is classified into three levels, namely dharuriyat (primary/urgent needs), hajiyat (secondary needs), and tahsiniyat (tertiary/complementary needs). The level of dharuriyat is the most fundamental because it is directly related to the five main elements of human life, namely religion, soul, intellect, descent, and property. These five elements are hereinafter known as al-kulliyat al-khams or al-dharuriyat al-khams.

Jasser Auda developed the maqashid sharia approach with a system approach, which not only views maqashid as a static list of goals, but also as a dynamic, holistic, and

[7]Sugiyono, Qualitative Research Methods for Exploratory, Enterprising, Interactive, and Constructive Research (Bandung: Alfabeta, 2020), 9-15.

[8]Mestika Zed, Literature Research Methods (Jakarta: Yayasan Obor Indonesia, 2014), 3-5.

[9]Lexy J. Moleong, Qualitative Research Methodology (Bandung: Remaja Rosdakarya, 2018), 6.

[10]Wahbah al-Zuhaili, Ushul al-Fiqh al-Islami, Juz II (Damascus: Dar al-Fikr, 1986), 1017-1023.

open frame of mind to the times. This approach is relevant in analyzing the phenomenon of the digital economy that continues to develop and presents various new problems that do not necessarily have an explicit legal precedent in classical fiqh sources.

Digital Economy: Opportunities and Challenges in Sharia Perspective

The digital economy can be defined as economic activities that utilize digital technology as the main basis in the process of production, distribution, and consumption of goods and services[11]. The development of the digital economy in Indonesia is characterized by the proliferation of e-commerce platforms, digital payment services, online lending (peer-to-peer lending), and technology-based fundraising (crowdfunding). From a sharia perspective, the digital economy offers various opportunities, including ease of access to financial services for people who have not been reached by conventional banking services (unbanked), efficiency of transaction fees, transparency through digital systems, and expanding market reach for sharia-based micro, small, and medium enterprises (MSMEs)[12]. Islamic fintech, for example, has contributed a lot to financing based on sharia contracts such as mudharabah, musyarakah, and murabahah, which allow people to access capital without being trapped in the practice of usury.

However, the digital economy also presents a number of challenges that cannot be ignored. First, the rampant practice of illegal online loans that apply high interest resembles riba, which is clearly contrary to sharia principles. Second, the potential misuse of users' personal data that could threaten hifz al-nafs and individual privacy rights. Third, the culture of consumptive and speculative behavior triggered by the ease of digital transactions, which has the potential to undermine the values of simplicity and balance in Islam. Fourth, the gap in digital literacy and Islamic financial literacy that makes some people vulnerable to becoming victims of technology-based fraud.

Implementation of Sharia Maqashid in the Digital Economy

The implementation of sharia maqashid in the digital economy can be analyzed through the five dimensions of al-kulliyat al-khams. First, hifz al-din (safeguarding religion), which is realized through the certainty that digital products and transactions, such as sharia fintech and sharia e-commerce, are free from the elements of usury, gharar (uncertainty), and maysir (gambling/speculation),[13] and are supervised by a credible Sharia Supervisory Board (DPS).

Second, hifz al-nafs (safeguarding the soul), which is realized through the protection of the security of users' personal data, the prevention of psychological exploitation through the design of addictive applications, and consumer protection from predatory online lending practices that can cause psychological distress and financial losses that endanger the welfare of customers' lives.

Third, hifz al-'aql (maintaining reason), which is reflected in efforts to improve digital literacy and Islamic financial literacy so that people have the ability to think critically

[11]Bank Indonesia, Indonesia's Digital Economy and Finance Blueprint 2025 (Jakarta: BI, 2021), 18-22.
[12]Fahmi Medias, Sharia Fintech: Theory and Applications (Yogyakarta: UAD Press, 2021), 33-40.
[13]Ascarya, Contracts and Products of Sharia Banks (Jakarta: RajaGrafindo Persada, 2015), 21-25.

in choosing and utilizing digital economy products and services, so as to avoid misleading information (hoaxes) and fraudulent practices under the guise of digital investment.
Fourth, hifz al-nasl (safeguarding offspring), which can be interpreted more broadly as an effort to maintain the sustainability of future generations through the development of a sustainable, non-exploitative digital economy, and paying attention to long-term social and environmental impacts, in line with the principle of intergenerational sustainability.
Fifth, hifz al-mal (safeguarding assets), which is implemented through transparent, accountable, and fair digital financial governance, including the protection of the rights of consumers and investors in crowdfunding schemes and peer-to-peer sharia lending, in order to avoid gharar practices and unfair distribution of economic benefits[14].

Sustainable Digital Economy in the Framework of Sharia Maqashid

The concept of sustainability in the digital economy basically has a philosophical alignment with the maqashid of sharia, especially in the aspect of balancing individual interests and collective interests, between the interests of the present generation and future generations. Umer Chapra emphasized that economic development from an Islamic perspective must be oriented towards the realization of a balance (tawazun) between economic growth, equity, and environmental conservation[15], which in turn is in line with the three main pillars of sustainable development, namely the economic, social, and environmental pillars.

Muhammad Syukri Salleh added that Islamic-based development always places monotheism as the main paradigm, so that every economic activity, including the digital economy, cannot be separated from the moral and spiritual responsibility of the perpetrators[16]. In this context, a sustainable digital economy is not only measured by the growth in the number of transactions and the number of users, but also by the extent to which the ecosystem is able to provide equitable benefits for all stakeholders, including vulnerable community groups and small business actors.

The synergy between the sharia maqashid and the Sustainable Development Goals (SDGs) agenda further strengthens the urgency of implementing this principle in the digital economy. Some of the SDGs goals, such as poverty alleviation (SDG 1), poverty reduction (SDG 10), and inclusive and sustainable economic growth (SDG 8), have strong intersects with the goals of hifz al-mal and hifz al-nafs in the sharia maqashid. Therefore, strengthening sharia fintech regulations, increasing sharia financial inclusion, and educating the public about digital transaction ethics are strategic steps that need to be encouraged by regulators, sharia financial institutions, and academics.

The role of the state in this matter is also crucial. As stated by Siddiqi, the state has a responsibility to ensure the creation of economic justice and prevent practices that are detrimental to the public interest, including in the realm of the digital economy that is minimally monitored[17]. Adaptive regulations, strict supervision of illegal digital platforms,

[14]Adiwarman A. Karim, Islamic Microeconomics (Jakarta: RajaGrafindo Persada, 2015), 34-39.
[15]Umer Chapra, The Islamic Vision of Development in the Light of Maqasid al-Shariah (London: IIIT, 2008), 5-9.
[16]Muhammad Syukri Salleh, Islamic-Based Development Management (Penang: Universiti Sains Malaysia, 2003), 41-45.
[17]Muhammad Nejatullah Siddiqi, Role of the State in the Economy: An Islamic Perspective (Leicester: The Islamic Foundation, 1996), 60-64.

and cross-agency collaboration are important prerequisites for the realization of a digital economy ecosystem that is in line with sharia maqashid and sustainable in the long term.

CONCLUSION

Based on the results of the study that has been presented, it can be concluded that the principles of maqashid sharia have strong relevance as an ethical and legal framework in the development of a sustainable digital economy. The five main elements of sharia maqashid, namely hifz al-din, hifz al-nafs, hifz al-'aql, hifz al-nasl, and hifz al-mal, can be used as parameters to assess the feasibility and sustainability of various digital economy practices, such as sharia fintech, sharia e-commerce, and sharia-based crowdfunding.
The implementation of sharia maqashid in the digital economy is not enough to stop at the aspect of formal compliance with sharia principles, but must touch the substance of achieving a fair, inclusive, and long-term sustainability-oriented maslahah for all stakeholders. This concept also has philosophical alignment with the global sustainable development agenda (SDGs), especially in the aspects of poverty alleviation, inequality reduction, and inclusive economic growth.

To realize a digital economy ecosystem that is truly in harmony with the sharia maqashid, synergy is needed between regulators, Islamic financial institutions, financial technology industry players, academics, and the public. Strengthening regulations, strict supervision of illegal practices, and increasing digital literacy and Islamic finance are strategic steps that need to be encouraged in order to realize a fair and sustainable digital economy.

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