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Maskūt 'Anhu as a Legal Basis for Ruling on Digital Economic Practices: A Case Study of Online Commerce in East Java

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Abstract

This study examines the role of *Maskūt 'Anhu* as a legal basis for determining the compliance of online commerce practices with Sharia law, focusing on online trade cases in three regencies around Bojonegoro, East Java. The research aims to analyze the legitimacy of *Maskūt 'Anhu*, its understanding and application among scholars and Islamic legal practitioners, as well as its impact on the dynamics of online commerce in the region. The method used is qualitative research with a case study approach, involving in-depth interviews with 120 online MSME actors and 15 scholars and Islamic legal practitioners. The main findings indicate that *Maskūt 'Anhu* is accepted as a flexible and relevant legal foundation for regulating digital trade, with the highest level of understanding in Lamongan (40%) and the lowest in Ngawi (30%). The implications of this study emphasize the importance of *Maskūt 'Anhu* in supporting Sharia compliance while encouraging innovation in the Islamic digital economy. This research contributes uniquely by integrating classical ushul fiqh principles into the modern context of online commerce and offers recommendations for developing adaptive Sharia regulations. The findings are relevant for scholars, legal practitioners, and policymakers in strengthening the Sharia-based digital economic ecosystem in Indonesia.

Keywords: *Maskūt 'Anhu, online commerce, Sharia law, ushul fiqh, online MSMEs, East Java*

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Introduction

The rapid advancement of digital economic practices, especially in online commerce, has presented complex challenges for Islamic legal thought (Fikra, 2024, p. 208). Many of these new practices are not explicitly addressed in classical Islamic legal texts, resulting in a legal vacuum that needs to be filled (Yanto & Santiago, 2024, p. 1576). In Indonesia, where the majority of the population adheres to Islamic values, the need for clarity regarding the validity of digital transactions is increasingly urgent (Lelono et al., 2024, p. 11400). This raises a fundamental question: how can Islamic law respond to technological innovations that were previously unimaginable to classical scholars?

Although various fatwas and contemporary legal rulings have attempted to address fintech and digital commerce issues from an Islamic legal perspective (Fahrunisa & Nafisah, 2023), only a few studies have comprehensively explored the application of the principle of *maskūt ʻanhu* as a theoretical and practical framework. Most existing research tends to focus more on the use of *qiyās*, *istihsān*, and *maṣlaḥah mursalah* as tools of legal reasoning, such as Mohammad Farid Fad's study on digital commerce through the lens of *istihsān* (Fad et al., 2023), Zulfikar Hasan's research addresses online commerce through the perspectives of *ijmāʿ* and *qiyās*, analyzing how these classical sources of Islamic law can be adapted to contemporary digital trade practices (Z. Hasan et al., 2023) Meanwhile, the concept of *maskūt ʻanhu*—referring to matters not explicitly addressed in the texts—remains relatively underexplored in the context of digital economics (Hadi, 2021).

This study aims to address a central legal question: Can *maskūt ʻanhu* be used as a legitimate basis for determining the compliance of contemporary online commerce practices with Islamic law? How is this concept understood and applied by Islamic scholars and legal practitioners in the field? And what are the implications of applying *maskūt ʻanhu* for the landscape of online trade in East Java?

The primary objective of this study is to analyze the application of *maskūt ʻanhu* as a foundational legal principle in formulating sharia regulations for digital economic practices. This study aims to bridge the theoretical understanding of the concept with its practical implementation in the field, focusing on the context of online commerce in East Java.

In classical *ushūl al-fiqh* (Islamic legal theory), *maskūt ʻanhu* refers to matters that are not explicitly mentioned or regulated in the Qur'an or Sunnah (Al-Ḍāhir, 2017). According to this principle, the silence of the texts does not necessarily indicate prohibition; on the contrary, it often opens up space for legal reasoning (*ijtihād*) (Al-Umari, 1981). This concept is highly relevant when faced with new issues, such as digital contracts, online marketplaces, and crypto-based transactions, which are not found in classical references (Rahmat, 1996).

This study contributes to the discourse of Islamic law by offering a new perspective to address digital legal issues through the approach of *maskūt ʻanhu*. As digital commerce continues to dominate in Muslim-majority regions like East Java, the need for contextual and sharia-compliant fatwas is also increasingly urgent (Jamaa, 2018). This study seeks to address this need by presenting a legal framework that integrates classical instruments with modern realities.

Some scholars, such as Yusuf al-Qaradawi (Qardhawi, 1994) and Wahbah al-Zuhayli (Az Zuhaili, 2000) Scholars like Yusuf al-Qaradawi have emphasized the flexibility of Islamic law in responding to the developments of the times. However, their focus has largely been on *maṣlaḥah* and *istiṣlāḥ* as the primary methods of legal reasoning. Meanwhile, although *maskūt 'anhu* has been acknowledged, studies on its concrete application in the context of the digital economy remain very limited. This research builds upon the foundation laid by these scholars while offering a new approach to this often overlooked principle.

This study employs a qualitative approach through field research (Zuhri Abdussamad, 2021). The method used includes doctrinal legal analysis rooted in *ushūl al-fiqh* as well as empirical observation of online commerce practices in East Java (Muh Nashirudin, 2015). The data sources include fatwas, government regulations, interviews with Islamic scholars and legal practitioners, as well as observations of digital platforms. Data analysis is conducted using thematic techniques, coding, and triangulation to ensure the validity of the findings (Denzin, Norman K. & Lincoln, 1990).

This study is based on the hypothesis that *maskūt 'anhu* can serve as an adequate normative basis for responding to new practices in digital commerce, and that its application can produce legal provisions that are contextually appropriate and aligned with sharia (Hadi, 2021). If proven, this hypothesis will provide a more flexible and relevant legal framework for the development of Islamic digital finance.

The scope of this study is limited to online commerce activities conducted by Muslim actors in three regencies around Bojonegoro, namely Tuban, Ngawi, and Lamongan. This research does not cover all forms of fintech nor aims to formulate universal fatwas. Its main focus is on local practices and the extent to which *maskūt 'anhu* can—or has been—used as a legitimate legal basis in that context (Sutopo, 2006).

Method

This research employs a qualitative approach with a field research design to explore in depth the application of the *maskūt 'anhu* principle as a legal basis in digital economic practices, particularly online trading in the East Java region (Zuhri Abdussamad, 2021). The units of analysis in this study are online business actors, Islamic scholars (*ulama*), and regulators directly involved in the formulation of laws and the practice of digital economics in three regencies surrounding Bojonegoro: Tuban, Ngawi, and Lamongan. The sampling technique used is purposive sampling, considering respondents who possess relevant experience and knowledge regarding Islamic law and digital trade practices (Sugiyono, 2011).

Data collection was conducted through in-depth interviews over a period of three months, along with participatory field observations to obtain a concrete picture of the dynamics of online trading practices and the application of the *maskūt 'anhu* principle. In addition, secondary data such as fatwas, regulations, and Islamic legal literature were also analyzed descriptively. The entire research process adhered to ethical standards by maintaining the confidentiality of participants' identities and obtaining informed and voluntary consent. This method was chosen for its ability to provide a contextual and comprehensive understanding of how the *maskūt ʻanhu* principle is used as a legal basis in decision-making within the digital era (Moleong, 2017).

Result

This study reveals several key findings regarding the role of *maskūt ʻanhu* as a legal basis in determining the law of digital economic practices, particularly online buying and selling in East Java. First, it was found that the concept of *maskūt ʻanhu* provides important flexibility in addressing aspects of online transactions that are not explicitly regulated in classical Islamic texts (Menne et al., 2022). This flexibility is crucial for accommodating innovations such as digital contracts, electronic payments, and the rapidly growing virtual marketplaces in the region (Ajib, 2022). These findings align with the research objective of exploring how *maskūt ʻanhu* supports legal determination within the context of contemporary digital economy practices.

The analysis also shows that Islamic scholars and legal practitioners in East Java actively apply *maskūt ʻanhu* to develop fatwas and guidelines regulating online trading activities (Muchtar & Zubairin, 2022). For example, through interviews with three Sharia advisors—such as members of the MUI Fatwa Commission, Sharia Supervisory Board, and scholars specializing in *fiqh muamalah*—as well as with regulators like the Financial Services Authority, it was noted that this concept is frequently cited to justify the permissibility of new financial instruments and transaction methods on digital platforms. This thematic categorization highlights the significance of *maskūt ʻanhu* in bridging traditional *fiqh* with modern technological advancements.

However, challenges were also found, particularly concerning the varying levels of understanding of *maskūt ʻanhu* among online traders and some supervisory institutions such as the Financial Services Authority and the Indonesian Ulema Council. Survey data showed that 45% of small and medium enterprises surveyed in three regencies around Bojonegoro—namely Tuban, Ngawi, and Lamongan—had limited knowledge of the *maskūt ʻanhu* concept, which affected their ability to fully apply Sharia principles. These findings highlight the need for better educational programs and regulatory frameworks to enhance awareness and the implementation of Islamic legal concepts in digital commerce (Sari, 2023).

Moreover, the study found that continuous monitoring and evaluation mechanisms are being implemented by local Islamic councils to ensure that digital economic practices comply with the principles of *maskūt ʻanhu*. Data from official reports indicate a 30% increase in consultations related to digital financial issues over the past two years. These mechanisms not only help maintain legal compliance but also build public trust in Sharia-compliant online trading (Aziz, 2020). This logical sequence of findings demonstrates how *maskūt ʻanhu* functions as both a theoretical and practical tool in addressing the challenges of the digital economy.

Overall, this study confirms that *maskūt ʻanhu* plays a vital and adaptive foundational role in the determination of Islamic law within the realm of digital economic practices in East Java. The integration of traditional principles with modern financial technology ensures that Sharia compliance remains relevant and achievable. However, these findings also emphasize the need for enhanced education and systematic regulatory oversight to maximize the benefits of *maskūt ʻanhu* in guiding the future development of the Sharia digital economy (N. Hasan et al., 2024).

This study involved a total of 120 Micro, Small, and Medium Enterprises (MSMEs) engaged in online buying and selling practices in three regencies around Bojonegoro, namely Tuban, Ngawi, and Lamongan. Based on descriptive statistical analysis, it was found that, overall, an average of 35% of respondents had a good understanding of the *maskūt 'anhu* concept. Meanwhile, the majority of respondents, accounting for 45%, had only a limited understanding, and 20% of respondents did not understand the concept at all.

Among the three regions studied, Lamongan showed the highest level of understanding, with 40% of respondents having a good grasp of the *maskūt 'anhu* concept. This may indicate the influence of religious education factors or better access to information in that area. Conversely, Ngawi had the lowest level of understanding, with only 30% of respondents demonstrating a good comprehension, highlighting the need to improve digital economic fiqh literacy in this region.

These findings reveal a gap in understanding among online MSME actors across different regencies, as well as the need for a more intensive and structured educational approach to ensure that fiqh principles, including *maskūt 'anhu*, are properly understood and applied in digital economic practices.

Table 1
Level of Understanding of MSME Actors Regarding the Concept of Maskūt 'Anhu in Three Regencies

Regency	Number of Respondents	Good Understanding	Limited Understanding	No Understanding at All
Tuban	40	14 (35%)	18 (45%)	8 (20%)
Ngawi	40	12 (30%)	19 (47.5%)	9 (22.5%)
Lamongan	40	16 (40%)	17 (42.5%)	7 (17.5%)
Total	**120**	**42 (35%)**	**54 (45%)**	**24 (20%)**

Discussion

Legitimacy of *Maskūt 'Anhu* in Online Trade Law

Based on the findings that *maskūt 'anhu* can serve as a legal basis in online trade, it is crucial for policymakers and fatwa institutions to officially adopt this approach (Hadi, 2021). Regulations and fatwas containing guidelines for the application of *maskūt 'anhu* must be formulated to provide legal certainty for Muslim entrepreneurs and consumers (Soumena, 2024). The role of institutions such as the Indonesian Ulema Council (MUI) and the National Sharia Council (DSN) becomes crucial in formulating national standards that can be consistently used as references (Muchtar & Zubairin, 2022). With this certainty in place, the potential for confusing overlapping interpretations can be minimized.

The effective application of *maskūt 'anhu* also requires enhancing the capacity of scholars and Islamic legal practitioners through intensive education and training on *ushul fiqh* and developments in digital technology (Musyafah et al., 2020). Training programs need to be designed to integrate the technical aspects of the digital economy with Islamic legal theory, enabling scholars to issue fatwas that are relevant, timely, and practical (Sharia & Council, 2018). Furthermore, training for online business actors is also important to enhance their understanding of Sharia principles and how *maskūt ʻanhu* can serve as a legal foundation in their activities (Hidayani, 2018).

In addressing the complexities of online trade, cross-sector collaboration among scholars, technology experts, academics, and regulators must be strengthened. Through continuous dialogue, the interpretation of *maskūt ʻanhu* can be aligned with technological advancements and market needs (Prihantoro & Hasan, 2023). Discussion forums and joint research initiatives serve as important platforms for producing adaptive and innovative fatwas and regulations, while simultaneously preserving Sharia values amid the dynamics of the modern economy.

In addition to fatwas, it is also important to develop specific Sharia technical standards for digital products and services, such as electronic contracts and smart contracts. These standards must refer to the principles of *maskūt ʻanhu* and other *ushul fiqh* to ensure the halal status and fairness of digital transactions (Musyafah et al., 2020). The development of these standards will enhance transparency and consumer trust in online trading platforms that operate in accordance with Sharia principles.

The development of *maskūt ʻanhu* implementation must also be accompanied by ongoing research and periodic evaluation. Rapid technological changes and evolving consumption patterns demand continuous updates in the interpretation of Islamic law related to the digital economy (Fauzi, 2002). Systematic monitoring and evaluation can ensure that the implementation of *maskūt ʻanhu* remains relevant, effective, and aligned with the *maqasid shariah* (Toriquddin, 2014). The research results also serve as an important source for updating fatwas and policies that are responsive to changing times.

Maskūt ʻAnhu **in the Views of Scholars and Practitioners**

The discussion on *Maskūt ʻAnhu* from the perspectives of scholars and Islamic legal practitioners reveals diverse yet complementary understandings regarding the application of this concept in a modern context, especially in online trade. Generally, scholars acknowledge *Maskūt ʻAnhu* as a legitimate legal source within *ushul fiqh*, which can serve as a basis for determining rulings on cases not explicitly addressed in the texts of the Qur'an and Hadith (Al-Ḍāhir, 2017). These findings reinforce the view that *Maskūt ʻAnhu* has practical relevance in addressing contemporary legal issues, particularly in the realm of the digital economy.

In both classical and contemporary literature, *Maskūt ʻAnhu* is positioned as an interpretative method that enables scholars to uncover implicit guidance contained within Islamic legal texts (Hadi, 2021). This study confirms the consistency of this view with the practices of scholars in East Java who apply this principle in determining rulings on online trade. This demonstrates that the concept of *Maskūt ʻAnhu* is not merely theoretical but also serves as an operational and relevant interpretative tool to address contemporary challenges.

The practical implications of applying *Maskūt ʻAnhu* in the field are highly significant, especially in providing solutions to legal issues arising from the development of digital technology (Unal & Aysan, 2022). Islamic legal practitioners view *Maskūt ʻAnhu* as enabling legal flexibility without compromising Sharia principles (Nasrudin, 2009). Thus, this practice can serve as a bridge between classical texts and the dynamic modern reality, enabling Islamic law to remain responsive and applicable.

However, there are also several challenges faced by scholars and practitioners in applying *Maskūt ʻAnhu*. One of these is differences in understanding that sometimes lead to inconsistencies in legal rulings (Hidayani, 2018). The various interpretations that arise are caused by differences in scholarly background, experience, and socio-cultural context among the scholars (Hasanah, 2013). This phenomenon calls for a more systematic mechanism of discussion and collective *ijtihad* to ensure that legal decisions are more uniform and can be justified both scientifically and according to Sharia (Al-Umari, 1981).

An unexpected finding from this study is the tendency among Islamic legal practitioners to adopt a more pragmatic approach in applying *Maskūt 'Anhu*, especially in the fast-paced and complex context of online trade. Some practitioners prioritize the benefits and convenience of transactions while still maintaining the Sharia framework (Roy Purwanto, 2014). This opens an important discussion about balancing legal idealism and practical needs in the field, a topic that has not been extensively explored in previous literature.

The significance of this finding lies in its contribution to expanding the understanding of how *ushul fiqh* concepts, particularly *Maskūt 'Anhu*, can be applied in a modern and dynamic context (Jizāni, 1996). This enriches the body of Islamic legal thought and provides a concrete illustration of the adaptation of Islamic law to technological advancements (Huda, 2012). These findings also affirm that Islamic law is not something static, but rather a living system that continuously evolves in accordance with the needs of the community.

Theoretically, the results of this study reinforce the framework of *ushul fiqh* as the primary foundation in Islamic legal decision-making (Muhammad Sulaiman al-Asyqar, 1998). *Maskūt 'Anhu, as one of the methods in ushul fiqh, has proven to be an effective instrument in bridging classical law and contemporary contexts* (Abdullah, 2015). This also opens up space for the development of *ushul fiqh* theories that are more practical and contextual, capable of addressing new issues arising from technological advancements and social changes (Dahlan, 2012).

This study is not without limitations, particularly regarding its geographic scope, which focuses solely on scholars and practitioners in East Java, who may have social and cultural characteristics different from those in other regions. Additionally, limitations in data access and variations in respondents' levels of understanding may also affect the results. Therefore, the interpretation of these findings should be approached cautiously and not generalized without broader studies in other areas (Mujib, 2015).

With all its strengths and limitations, this study concludes that *Maskūt 'Anhu* holds an important role and is recognized as a legitimate legal method by scholars and practitioners. Its application in the field, especially in the context of online trade, demonstrates that this concept can provide dynamic legal solutions that align with Sharia. Continuous development and harmonization of understanding are necessary to optimize the use of *Maskūt 'Anhu* in addressing the challenges of Islamic law in the digital era moving forward.

The Impact of *Maskūt 'Anhu* on Online Trade in East Java

The discussion on the impact of *Maskūt 'Anhu* on online trade in East Java shows that this concept has a significant influence in shaping the practices and legal regulations of the digital economy (Hadi, 2021). The main findings indicate that the application of *Maskūt 'Anhu* as a legal foundation provides the necessary flexibility to address various legal issues that are not explicitly regulated by classical texts or contemporary regulations

(Al-syakhsiyah et al., 2009). This provides an important context for the development of the highly dynamic online trade sector in the region.

Compared to previous studies highlighting legal ambiguities in digital transactions (Ajib, 2022), these findings demonstrate progress in the use of *ushul fiqh* principles as a contextual and adaptive solution. Earlier research often emphasized the challenges of Islamic law in addressing new technological phenomena (Sari, 2023), but this study shows that *Maskūt ʻAnhu* can serve as an effective instrument to facilitate the resolution of these issues, especially within the local context of East Java.

The practical implications of these results are significant for business actors and regulators in the field of online trade. By adopting *Maskūt ʻAnhu*, scholars and legal practitioners can issue more relevant fatwas and guidelines, thereby strengthening Sharia compliance while promoting healthy digital economic growth. Additionally, as noted by Ahmad Fathorrazi (Ahmad Fathorrozi & Moh. Hamzah, 2024), this concept allows for the development of regulations that are more responsive to technological innovations without losing the Sharia foundation.

Furthermore, the study also revealed an unexpected finding: there is a variation in the level of acceptance of *Maskūt ʻAnhu* among online business actors. While most MSME actors appreciate having a clear legal foundation, some expressed confusion over the complexity of interpreting this legal concept (Yahya, 2021). This indicates the need for more intensive outreach and education efforts so that the concept can be widely accepted and effectively applied in practice.

The significance of this finding lies in its ability to strengthen the legitimacy of Islamic law within the still-developing realm of digital economics. With a solid legal foundation through *Maskūt ʻAnhu*, online trade can operate in a more orderly manner and in accordance with Sharia principles (Hadi, 2021). This impacts not only the legal aspect but also enhances the trust of consumers and business actors in Sharia-based products and services.

Theoretically, the findings of this study enrich the literature on the application of *uṣūl al-fiqh* in modern contexts, particularly in digital economic practices (Rohman et al., 2023). *Maskūt ʻAnhu* has proven capable of bridging theory and practice by providing an adaptive legal mechanism. This encourages the development of a more applicative and contextual approach to uṣūl al-fiqh, in line with the demands of technological advancement and the evolving needs of society.

However, this study has several limitations, particularly in terms of geographic scope and the number of respondents, which were confined to a few regencies in East Java. Sociocultural factors and varying levels of legal literacy across regions may also influence the outcomes of *Maskūt ʻAnhu* implementation. Therefore, these findings should be viewed as preliminary insights that require broader testing and validation.

A critical analysis of the data reveals that although *Maskūt ʻAnhu* offers a flexible legal solution, its implementation is not always straightforward due to differing interpretations and technical challenges in consistently applying the principle (Rizkyanti, 2017). Therefore, strengthening the capacity of *ulama* and legal practitioners, as well as fostering cross-disciplinary collaboration, is crucial to ensure the effective implementation of *Maskūt ʻAnhu*.

In conclusion, the impact of *Maskūt ʻAnhu* on online commerce in East Java has been highly positive, serving as an adaptive and contextual legal foundation. By continuously strengthening the understanding and implementation of this concept, it is expected that Sharia-compliant e-commerce can develop sustainably, bringing benefits not only to business actors but also to the wider community seeking halal and Sharia-aligned transactions.

Conclusion

This study demonstrates that *Maskūt 'Anhu* plays a crucial role as an adaptive legal foundation in regulating online commercial practices in East Java. The key findings reveal that the concept provides flexibility for scholars and Islamic legal practitioners to align Sharia principles with the ever-evolving dynamics of the digital economy. Practically, *Maskūt 'Anhu* helps clarify regulations and enhances compliance among business actors with Islamic law, while simultaneously fostering the growth of Sharia-based online trade in the region. Theoretically, this research enriches the study of *uṣūl al-fiqh* by illustrating the application of classical principles in a modern context, thereby offering a significant contribution to Islamic legal and digital economy literature.

However, this study has limitations in terms of geographic scope and the number of respondents, which may affect the generalizability of the results. Therefore, further research is highly recommended to expand the study area and involve a wider range of community groups to achieve more representative and comprehensive findings. The importance of this research lies in its relevance to addressing the challenges of regulating Sharia-based digital economy in the modern era, which is an urgent need for the development of the financial and online trade industries. By strengthening the understanding and application of *Maskūt 'Anhu*, it is hoped that a digital ecosystem can be created that is not only innovative but also aligned with fundamental Sharia principles.

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