



Measuring the Legality of Cryptocurrencies in the Fatwas

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ABSTRACT

Review of legality regarding the existence and use of cryptocurrencies from an Islamic legal perspective focusing on fatwas. The finding Content analysis and comparison on references and istinbath methods in drawing conclusions. Policy regarding crypto in Indonesia has not accommodated legal protection and certainty to anticipate elements of speculation in crypto transactions and differences in scholarly decisions on crypto are caused by different sources of reference and understanding of sil'ah and currency. The legal status of transactions using Cryptocurrency is determined to be haram if there is gharar, maysir, and allows cryptocurrency to be used as an instrument of speculation and is determined mubah if it meets the sil'ah category and there is certainty that can eliminate all potential haram then cryptocurrency as a legal currency is used.

A. Introduction

The geopolitical narrative that contains the green economy, blue economy, and digital transformation is focused on the existence of crypto as a digital transaction tool. Paul Tudor Jones in CNBC's Squawk Box asserted that the fiscal vulnerability of the world, especially developed countries, positions bitcoin and gold as the best investments. Policy penetration has been carried out by many countries, including Singapore which granted licenses to coinbase as a full crypto payment institution.¹ As for Indonesia, the government has determined that crypto is an asset, which

¹ Gagas Yoga Pratomo, "Coinbase Successfully Secures Payment License in Singapore" *6.com*, 2023 coverage.

functionally cannot be used as a means of transaction. This makes crypto-related policies in Indonesia different from policies in developed countries.

Pragmatically, the Indonesian government's designation of crypto as an asset is due to the belief that if crypto is used as a means of transaction, it will be prone to pose a threat to financial stocks. These threats include inflation, sources of terrorism financing, and money laundering. Assessing this global issue, MUI through the Ijtima' Ulama Decree of the Indonesian Fatwa Commission VII in 2021 banned crypto as a medium of exchange. Therefore, an in-depth review of academics is necessary and urgent to explore and provide solutions or alternatives to the formation of crypto policy by the Indonesian government.²³⁴⁵⁶

Several previous studies examined phenomena related to the negative impact of cryptocurrencies that contain elements of haram. Uthman, Suji'ah, and Nashirudin showed an element of uncertainty in the process so that it was determined *haram li ghairihi*. Haerisma adds the same thing by positioning cryptocurrencies to contain *larger mafsadah*.⁷⁸ Pavel Ciaian, d'Artis Kancs, and Miroslava Rajcaniova found that cryptocurrencies are highly vulnerable to cyberattacks, which can result in losses for investors. Furthermore, Emily Fletcher, Charles Larkin, and Shaen Corbet stated unequivocally that cryptocurrencies are a threat to long-term economic growth and circulation. However, Anamika, Madhumita Chakraborty, and Sowmya Subramaniam actually point out that crypto investment might be an alternative if the

²Hugo Estecahandy dan Kevin Limonier, "Cryptocurrency dan Kekuatan Pemrosesan di Rusia: Wilayah Strategis Baru di Siberia Timur?," *Jurnal Kebijakan Siber* 6, no. 1 (2021): 68–80, <https://doi.org/10.1080/23738871.2021.1939746>.

³Rahul J. Nikam, "Model Draft Peraturan tentang Cryptocurrency di India," *Tinjauan Hukum Hasanuddin* 4, no. 2 (2018): 146–61, <https://doi.org/10.20956/halrev.v4i2.1466>.

⁴Léo Malherbe et al., "Cryptocurrency dan Blockchain: Peluang dan Batas Rezim Moneter Baru," *Jurnal Internasional Ekonomi Politik* 48, no. 2 (2019): 127–52, <https://doi.org/10.1080/08911916.2019.1624320>.

⁵Isaac Kfir, "Cryptocurrency, Keamanan Nasional, Kejahatan dan Terorisme," *Strategi Komparatif* 39, no. 2 (2020): 113–27, <https://doi.org/10.1080/01495933.2020.1718983>. Lihat juga, Hannarae Lee dan Kyung Shick Choi, "Keterkaitan antara Bitcoin, Ransomware, dan Aktivitas Teroris: Penilaian Peluang Kriminal melalui Kerangka Teoritis Aktivitas Rutin Cyber," *Korban dan Pelanggar* 16, no. 3 (2021): 363–84, <https://doi.org/10.1080/15564886.2020.1835764>. Lihat juga, Pankaj C. Patel dan Igor Pereira, "Hubungan antara Serangan Teroris dan Pengembalian Cryptocurrency," *Ekonomi Terapan* 53, no. 8 (2021): 940–61, <https://doi.org/10.1080/00036846.2020.1819952>.

⁶Steven David Brown, "Cryptocurrency dan Kriminalitas: Peluang Bitcoin," *Jurnal Kepolisian: Teori, Praktik, dan Prinsip* 89, no. 4 (2016): 327–39, <https://doi.org/10.1177/0032258x16658927>.

⁷ M. Usman, Uju Suji'ah, and Muh. Nashirudin, "Cryptocurrency in Islamic Law" *Jurnal Multidisipliner Bharasa*. 1.1 (2022): 4.

⁸ A S Haerisma, "Cryptocurrency in The Perspective of Maqasid Al-Shariah: A Critical Analysis of the Mafsadah (Harm) and the Maslahah (Benefit) of Cryptocurrency Cryptocurrency" *Afkaruna*. 18.1 (2022): 110, Available: <http://repository.syekh Nurjati.ac.id/8060/>.

stock investment market shows a negative trend. Thus, it can be seen that in some previous studies there were pros and cons regarding the existence of crypto.⁹¹⁰¹¹

Although there are still pros and cons regarding its existence, massive crypto is used following the digital transformation movement as the antithesis of the dominance of the use of *printing money*. John Harvey and Ines Branco Illodo even consider that *cryptocurrencies* can offer privacy security for their users as well as freedom for each user to create their own money storage free from government control. The increasing trend of transactions prompted a policy shift despite views from Schinckus, Thien Duym, and Phuc Canh suggesting that crypto trends cannot be used because they are erratic. Ben Van Vliet said that cryptocurrencies pose a real threat given that they can be used in money laundering and illegal financing practices. Thus, these factors can be detrimental to investors and financial circulation for countries that have not yet formulated and established crypto policy instruments.¹²¹³¹⁴

A review of the literature has not seen an in-depth analysis of policy runoffs accommodating the potential use of cryptocurrencies as legal tender. This article was written to project opportunities for crypto use by focusing on the availability of Islamic law-based policy instruments that ensure the fulfillment of the principles of *masalahah*, so that a hack of fatwas that have been published by authoritative institutions is needed. Content analysis of several fatwas and examine the references and methods used in drawing conclusions.

B. Result and Discussion

1. Inequalities Legalitas Cryptocurrency

⁹ Pavel Ciaian, d'Artis Kancs, dan Miroslava Rajcaniova, "Ketergantungan Ekonomi Keamanan Bitcoin," *Ekonomi Terapan* 53, no. 49 (2021): 5738–55, <https://doi.org/10.1080/00036846.2021.1931003>.

¹⁰Emily Fletcher, Charles Larkin, dan Shaen Corbet, "Melawan Pencucian Uang dan Pendanaan Teroris: Kasus untuk Peraturan Bitcoin," *Penelitian dalam Bisnis dan Keuangan Internasional* 56, tidak. Januari (2021): 101387, <https://doi.org/10.1016/j.ribaf.2021.101387>.

¹¹Anamika, Madhumita Chakraborty, dan Sowmya Subramaniam, "Apakah Sentimen Mempengaruhi Cryptocurrency?," *Jurnal Keuangan Perilaku* 0, no. 0 (2021): 1–17, <https://doi.org/10.1080/15427560.2021.1950723>.

¹²John Harvey dan Ines Branco-Illodo, "Mengapa Cryptocurrency Menginginkan Privasi: Tinjauan Motivasi Politik dan Branding yang Diungkapkan dalam Whitepaper 'Privacy Coin'," *Jurnal Pemasaran Politik* 19, no. 1–2 (2020): 107–36, <https://doi.org/10.1080/15377857.2019.1652223>. *Lihat juga*, Granithio Karya Nugraha, "Pengaruh Respons IMF Terkait Penggunaan Cryptocurrency Terhadap Kebijakan Pemerintah Indonesia," *Jurnal Hubungan Internasional* 4, No. 2 (2018): 402–11.

¹³ Christophe Schinckus, Dang Pham Thien Duy, dan Nguyen Phuc Canh, "Interdependences Between Cryptocurrencies: A Network Analysis from 2013 to 2018," *Jurnal Ekonomi Interdisipliner* 33, no. 2 (2021): 190–99, <https://doi.org/10.1177/0260107920938559>.

¹⁴Ben Van Vliet, "Model Alternatif Hukum Metcalfe untuk Menilai Bitcoin," *Surat Ekonomi* 165 (2018): 70–72, <https://doi.org/10.1016/j.econlet.2018.02.007>. *Lihat juga*; Antoon Spithoven, "Teori dan Realitas Tata Kelola Cryptocurrency," *Jurnal Masalah Ekonomi* 53, no. 2 (2019): 385–93, <https://doi.org/10.1080/00213624.2019.1594518>.

Luke Tredinnick in his research shows that crypto can act as an asset and currency as well because it can serve as a medium of exchange. Furthermore, Didik Susilo et al., stated that crypto is basically a virtual currency. Even so, the existence of crypto as a virtual currency is limited by government regulations and policies that define crypto as an asset only.¹⁵¹⁶ Therefore, the government's policy of placing crypto as an asset is just a series of policy speculations to take advantage and that the government does not dare to recognize crypto as a legal currency as the majority of research reports show negative factors of the certainty of virtual financial markets. Nonetheless, Anisiuba Anesthesia Chika et. AL, stated that users (investors) believe more in this cryptocurrency and consider it stable compared to conventional money. Thus, crypto basically has two important roles, namely crypto as an asset and crypto as a virtual currency.¹⁷¹⁸

In an effort to anticipate the illegal practice of crypto assets, the government has established commodity-based policies. This policy is contained in the Regulation of the Minister of Trade Number 99 of 2018. In this regulation, it can be seen that crypto asset futures trading appears to be rigid in regulation and is only seen as collateral to take advantage of the existence of crypto. Normative provisions regarding futures trading can be found in Law number 7 of 2014 concerning Trading.¹⁹

To anticipate the impact of trading (investing) Crypto Assets, the government then issued PP policy no. 5 of 2021 concerning the Application of Risk-Based Business Licensing which contains Crypto Asset trading conditions. This risk-based policy regulates general provisions as well as registration techniques as a guide for virtual-based trade protection. These guidelines are still widely used to establish the trend of crypto as a currency. However, this assessment needs to be further evaluated and analyzed more deeply, because currency contextualization errors can have implications for errors and give birth to liberalization without control by the authorities (state).²⁰²¹

¹⁵Luke Tredinnick, "Cryptocurrency Dan Blockchain," *BESAR* 36, Nomor 1 (2019): 40–44.

¹⁶Didik Susilo et al., "Cryptocurrency: Peluang Lindung Nilai Dari Perspektif Domestik di Pasar Berkembang Asia Tenggara," *SAGE Terbuka* 10, no. 4 (2020): 1–14, <https://doi.org/10.1177/2158244020971609>.

¹⁷Muhammad Athar Nadeem et al., "Investigasi Faktor Adopsi Cryptocurrency — Kasus Bitcoin: Bukti Empiris Dari China," *SAGE Terbuka* 11, No. 1 (2021), <https://doi.org/10.1177/2158244021998704>.

¹⁸Chika Anastesia Anisiuba et al., "Analisis Dinamika Cryptocurrency di Ekonomi Pasar Berkembang: Apakah Efek Penguatan atau Substitusi Menang?," *SAGE Terbuka* 11, no. 1 (2021): 1–15, <https://doi.org/10.1177/21582440211002516>.

¹⁹Muhammad Gunawan Wibisono, "Ketidakmampuan Indonesia Dalam Memanfaatkan Bitcoin Dan Cryptocurrency," *Transformasi Global* 6, no. 1 (2019): 91–101, <https://transformasiglobal.ub.ac.id/index.php/trans/article/view/107>.

²⁰Kominfo, "Regulations Will Protect Consumers When Utilizing Blockchain," 1 (Jakarta Selatan, 2021), <https://aptika.kominfo.go.id/2021/08/regulation-akan-lindungi-konsumen-dalam-peuntungan-blockchain/>.

The existence of crypto based on analysis *Financial Economists Roundtable* (FEB) shows that crypto is a comparison of printed currencies in the world so that (traditional) printed currencies can change and anticipate illegal movements as much as possible so that security, losses can be controlled. Furthermore, Nanda Eka Prasetya revealed that the majority of countries are not ready to formulate official crypto legitimacy, so regulatory speculation presents crypto as an asset.²²²³

Government policy regarding the existence of crypto, the government has set crypto as an asset that can be traded and traded (investment). The following is a set of rules as the basis of Crypto Assets: (1) Peraturan Badan Pengawas Perdagangan Berjangka Komoditi Nomor 2 Tahun 2019; Nomor 5 Tahun 2019; Nomor 6 Tahun 2019 Nomor 9 Tahun 2019; Nomor 2 Tahun 2020; (2) Peraturan Kepala Bappebti No. 3 Tahun 2019; (3) Peraturan Menteri Perdagangan 99 Tahun 2018; (4) UU No. 10 Tahun 2011 Perubahan atas UU No. 32 Tahun 1997.

In crypto trading practices, no concrete steps have been found regarding detailed controls regarding transactions through apps, both legal and illegal apps used to trade cryptocurrencies. Although the Muttaqim and Desi Apriliani reports indicate that the government has made efforts to prevent the development of the free market, including (1) Crypto is not an official currency; (2) Does not have official (state) responsibility for the risks and adverse effects of Crypto; (3) Crypto is an asset, not an official currency. The deterrence in question is just a concept and does not accommodate key points when monopolies, losses, money laundering, inflation, separatist movements and international financial politics occur. A number of important points that almost all regulations do not contain technical provisions as a form of protection for Crypto users or investors.²⁴

The lack of authoritative government reinforcement regarding crypto could have implications for the country's process of supervision and control so that free crypto plays a virtual role. While the government gives impetus to trade through community movements as such activities can be taxed by the state for every sale of crypto assets. On the other hand, John Harvey and Ines Branco-Illodo point out that cryptocurrencies move in secret and their liquidity is difficult for any country to access. However, they reiterated that there are two roles of cryptocurrencies in the market, namely as virtual currencies and as assets. This statement shows the weak

²¹Rina Candra Noorsanti, Heribertus Yulianton, dan Kristophorus Hadiono, "Blockchain - Teknologi Mata Uang Cryptocurrency," SENDI_U Prosiding 2018, 2018, 978–79.

²²Franklin R. Edwards et al., "Aset Crypto Membutuhkan Regulasi yang Lebih Baik: Pernyataan Meja Bundar Ekonom Keuangan tentang Aset Crypto," *Jurnal Analisis Keuangan* 75, no. 2 (2019): 14–19, <https://doi.org/10.1080/0015198X.2019.1593766>.

²³Nanda Eka Prasetya, "Analisis Kebijakan Tiongkok tentang Pengembangan Mata Uang Kripto," *Jurnal Hubungan Internasional* 5, no. 2 (2019): 361–67, <http://ejournal-s1.undip.ac.id/index.php/jihiWebsite:http://www.fisip.undip.ac.id>.

²⁴Muttaqim dan Apriliani, "Analisis Probabilitas Tindak Pidana Pencucian Uang terhadap Perkembangan Regulasi Mata Uang Kripto di Indonesia."

regulation regarding technical measures to anticipate the impact of cryptocurrencies on state finances.²⁵

2. Cryptocurrency in adherence to Islamic principles as a medium of exchange and commodity

No relevant references were found regarding cryptocurrencies in classical jurisprudence manuscripts. Therefore, reviews of cryptocurrencies can be evaluated taking into account the principles of jurisprudence. Philosophical questions need to be answered about cryptocurrencies: what is the production process? How is it used? How does it affect the current financial system? Most jurisprudence scholars state that cryptocurrencies are incompatible with Islamic law, issuing fatwas that cryptocurrencies are considered haram.

In principle, the practice of buying and selling digital money such as bitcoin or crypto assets is assumed or can be said to be exactly the same as buying and selling stocks, meaning that when prices fall, they are bought and when they rise, they are sold. Regarding this, MUI and NU have issued several fatwas including:

1. Fatwa of the National Sharia Council of the Indonesian Ulema Council Number: 116/DSNMUI/IX/2017 concerning Sharia Electronic Money.

This fatwa mediates that payment instruments in the form of electronic money are increasingly developing in Indonesia and the public needs an explanation of the legal provisions and limitations related to electronic money in terms of sharia. The use of electronic money must meet several elements, such as being issued on the basis of the nominal amount of money deposited in advance to the issuer, the nominal amount of money stored electronically in a registered medium, and used as a means of payment to merchants who are not the issuer of the electronic money. This indicates that the use of electronic money must meet the requirements set by the relevant issuers and regulators.²⁶

These sharia principles include several legal principles, such as the rules of *maslahah mursalah* (rules based on public benefit), the rules of *tawassut* (rules that emphasize balance and justice), and the rules of *ijtihad* (rules that emphasize efforts to find the right legal solution). One of the rules referred to is:

أَنَّ الْأَحْكَامَ الْمُتَرْتِبَةَ عَلَى الْعَوَائِدِ تَدُورُ مَعَهَا كَيْفَمَا دَارَتْ، وَتَبْطُلُ مَعَهَا إِذَا بَطَلَتْ كَالنُّقُودِ فِي الْمُعَامَلَاتِ ...

"Laws based on adat apply with adat and void together when adat is void, like currency in muamalat (al-Qarafi, *Anwar al Buruq fi Anwa' al-Faruq*, J. 2: 228)"

In the specific provisions in the fatwa, it is stated that (1) The nominal amount of electronic money in the issuer must be placed in an Islamic bank; (2) In the event that the card used as a medium of electronic money is lost, the nominal amount of

²⁵Harvey and Branco-Illodo, "Why Cryptocurrencies Want Privacy: A Review of Political Motivations and Branding Revealed in the 'Privacy Coin' Whitepaper," 2020.

²⁶ Dewan Syariah Nasional-Majelis Ulama Indonesia (DSN-MUI), *Fatwa DSN-MUI NO: 116/DSN-MUI/IX/2017 tentang Uang Elektronik Syariah Fatwa Dewan Syariah Nasional.*, vols., 2017.

money in the issuer must not be lost. This shows that the use of the money in question requires the implementation and use of which is avoided from haram or immoral objects.

2. Fatwa of the National Sharia Council of the Indonesian Ulema Council Number: 28/DSN-MUI/III/2002 concerning Buying and Selling Currency (Ash Sharf)

'*Urf tijari* (trading tradition) currency buying and selling transactions are known to be several forms of transactions whose legal status in the view of Islamic teachings differs from one form to another. This fatwa is also based on ijmak that the contract of *al-sharf* is decreed under certain conditions. The provisions stipulated are as follows: (1) Not for speculation (chance); (2) There is a need for transactions or just in case (deposits); (3) If the transaction is made against a similar currency, the value must be the same and in cash (*at-taqabudh*); (4) If there are different types, it must be done at the exchange rate (exchange rate) applicable at the time the transaction is made and in cash.²⁷

3. SK PWNU Jawa Timur Nomor: 1087/PW/A-II/L/XI/2021 about *Cryptocurrencies* and Crypto Exchanges

The crypto referred to in this decree is pinned on the term *sil'ah* which has the same meaning as *mabi'*, which is goods/commodities that can be used with a buying and selling contract. *Sil'ah* (commodity) is absolutely obliged to follow the terms and conditions regarding "goods" that can be bought and sold. As for the definition of "goods" in jurisprudence, as objects that can be bought and sold are mandatory to include two provisions, namely: in the form of *ain musyahadah* (*physical goods*), or in the form of *shayin maushuf fi al-dhimmah* (collateral goods assets). Including assets that can be used as collateral for this item, are assets consisting of *ain* (material), *dain* (debt) and *fi'lin* (work, services / *manafi'* and rights).²⁸

Based on this categorization, the *mubahitsin* concluded that crypto does not meet the *sil'ah* standards in shara'. Therefore, trading the legal crypto mamnu' (*ghairu jaizin*). Thus, (1) *Cryptocurrency* also does not have the potential to be handed over hissan (senses) and syar'an; (1) *Cryptocurrencies* include *ma'dum* (fictitious) assets.²⁹ This decision is also different from the indicators set by BAPPETI related to the position of crypto assets as commodities.

4. Formulation of Bahtsul Masail Nahdlatul Ulama Regional Management of the Special Region of Yogyakarta, PPM al-Hadi Yogyakarta, November 21, 2021

The determination of *crypto as sil'ah* is also stipulated in the fatwa of the LBM PWNU DIY agreed that crypto is permissible in Islamic law by excluding types

²⁷ Dewan Syariah Nasional-Majelis Ulama Indonesia (DSN-MUI), *Fatwa DSN-MUI NO: 28/DSN-MUI/III/2002 Tentang tentang Jual Beli Mata Uang (Ash Sharf) Majelis Ulama Indonesia.*, vols., 2002.

²⁸ Pengurus Wilayah Nahdlatul Ulama Jawa Timur PWNU, *Surat Keputusan PWNU Jawa Timur Nomor: 1087/PW/A-II/L/XI/2021 tentang Cryptocurrency dan Bursa Crypto*, vols., 2021.

²⁹ Ibid.

of crypto that do not meet some conditions as *sil'ah*. NU Yogyakarta scholars suggest that crypto is a product of technological developments that require several transactions in online, digital systems, and using virtual currencies. NU Yogyakarta scholars decide crypto matters referring to the works of classical and contemporary scholars (*khalaf*). On the issue of crypto, NU Yogyakarta scholars categorize it as *sil'ah* referring to the work of contemporary scholars (*khalaf*) Wahbah Zuhaili, in the book of Islamic Fiqh Wa Adillatuhu and Abdul Aziz Muhammad Azzam in the book of Fiqh Muamalah.³⁰

This consideration also contains the type of cryptocurrency transacted in the *blockchain* system with a limited amount, so that it can be known even if the perspective that positions virtual commodities is intended to be real or unreal. The implications of a progressive perspective can be accommodated by using the logical framework of *cryptology*.

The comparative analysis narrows down to two legal statuses followed by specific terms and conditions. Crypto as a currency and commodity has a haram status if it contains elements of *gharar* and *maysir* and has a fluctuating value. There is no supporting legality from the government and can be used as a tool for illegal transactions. Legal status that stipulates that crypto is punished may be considered as an asset or commodity that has a digital form, has value, is known amount, can be handed over, has *underlying* and can be utilized.

Crypto as a threat with its speculation, so as to maintain equilibrium and create a currency with liquidity value, converting to a standard gold price as a concrete parameter is more favorable for each country. Changing these values is a domestic political move at the international level. Makoto Nishibe revealed the political design of crypto, which is to subvert and reduce the movement of traditional money. This base can be utilized and modified as sovereignty to create economic, social and political growth.³¹ It can be a common understanding that the only differentiator is decentralized control. This pattern allows there to be no monopoly or speculation by power holders as in the use of fiat money which is actually controlled and adjusted to geopolitics.

Currently, various countries have set regulations on the use of crypto as a medium of exchange and asset. This effort provides clarity to users and has a legal umbrella to resolve disputes. This must be immediately ratified by the government of the Republic of Indonesia so as not to cause doubts and provide certainty for transactions that currently do not recognize state administrative boundaries. In addition, digital-based economic activities can suppress monopolies on certain assets

³⁰ Nahdlatul Ulama Regional Management of Yogyakarta Special Region LBM-PWNU DIY, *Bahtsul Masail PWNU DIY Formulation on Cryptocurrency*, vols., 2021.

³¹ Makoto Nishibe, "Good Money Drives out Bad: Introduction to the Featured Section on 'The Diverse Evolution of e-Money: Digital Community Currencies and Cryptocurrencies,'" *Political Economy of Japan* 46, no. 1 (2020): 1–16, <https://doi.org/10.1080/2329194x.2020.1768868>.

by paying attention to the level of securities both provided by the government and private parties.

System modifications can be done by elaborating Crypto finance which puts forward software as an advantage with a currency system at a standard gold price. This digital financial transformation is a step to build public trust and has concrete parameters by setting international gold price standards. With gold standardization, all elements of society can track and view international prices, so the risk base will be minimal. Iwa Salami exemplified the risk base of virtual money, namely protection is a fundamental consideration that is not only about losses, but also about the framework and financing through digital financial models.³² The emergence of a mutually understood currency such as the BRISC indicates a form of dedollarization or monopoly of the world economic standard by a particular country. The opportunity to strengthen the economy of Muslims is wide open by developing cryptocurrencies of Muslim-majority countries to support each other in terms of trade and lending.

C. Conclusion

The policy regarding the existence of crypto shows that the regulations set by the government have not accommodated legal protection and certainty. Policy (regulation) also seems to have a more prominent speculative element than a utility element. In an effort to anticipate and develop transformation in various sectors, a virtual currency system (*cryptocurrency*) policy is needed independently based on real assets.

The difference in scholars' decisions about crypto is due to the different reference sources used and differences in understanding of *sil'ah* and currency. The legal status of transactions using *Cryptocurrency* is determined haram, because it contains *gharar*, *maysir*, and does not allow *cryptocurrency* to be used as an instrument of speculation. It is determined *that* there are several types of *cryptocurrencies* that meet the *sil'ah category so that they are legal to be traded and when there is certainty that can eliminate the potential for gharar, maysir, and other immoral elements, cryptocurrencies* as legal currencies are used.

D. Reference

(DSN-MUI), Dewan Syariah Nasional-Majelis Ulama Indonesia. *Fatwa DSN-MUI NO: 116/DSN-MUUIW2017 tentang Uang Elektronik Syariah. Fatwa Dewan Syariah Nasional*, 2017.

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Anamika, Madhumita Chakraborty, and Sowmya Subramaniam. "Does Sentiment Impact Cryptocurrency?" *Journal of Behavioral Finance* 0.0 (2021): 1–17.

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³²Iwa Salami, "Financing Terrorism with Virtual Currencies: Can Regulatory Technology Solutions Combat This?," *Studies in Conflict and Terrorism* 41, no. 12 (2018): 968–89, <https://doi.org/10.1080/1057610X.2017.1365464>.

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