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# Evaluation of the Qawaid Fiqhiyyah Principle in Sharia Economic Development in Indonesia: Challenges and Opportunities

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**Abstract:** *This study aims to analyze the principles of Qawaid Fiqih applied in the implementation of sharia economics in Indonesia. Qawaid Fiqih is the basic rules in Islamic law that function as a normative foundation in various sharia economic activities. This study uses a qualitative approach with literature study methods and in-depth interviews to collect data from various sources, including government regulations, policies of Islamic financial institutions, and the views of Islamic economists. The results of the study show that the principles of Qawaid Fiqih, such as al-Dharar yuzal (danger must be eliminated), al-Masyaqqah tajlibu al-taysir (difficulty brings convenience), and al-Ghunn bil-ghunn (benefits are proportional to risks), play an important role in ensuring that sharia economic practices in Indonesia run following sharia principles. These principles are applied in various sectors, such as Islamic banking, Islamic insurance, and Islamic capital markets, and help overcome the regulatory and operational challenges faced by Islamic financial institutions. The study also identifies several challenges in the implementation of Qawaid Fiqih in Indonesia, including a lack of a deep understanding of these principles among Sharia economic practitioners and regulations that still need to be refined to support more effective implementation. These findings are expected to contribute to the development of more comprehensive and sustainable policies in supporting the growth of the Sharia economy in Indonesia. Overall, this study confirms that the proper implementation of Qawaid Fiqih can improve the efficiency and integrity of the sharia economic system in Indonesia. It is hoped that the results of this study can guide policymakers and practitioners in developing a better sharia economic system following Islamic values.*

**Keywords:** *qawaid fiqih, sharia economics, sharia principles, economic policy, sharia financial institutions.*

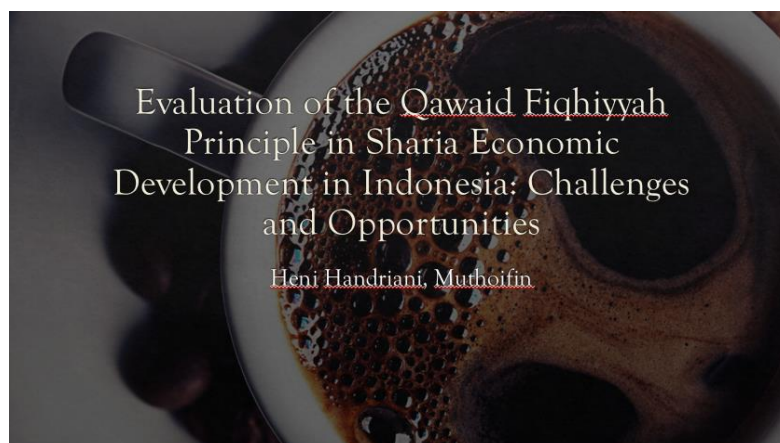
## INTRODUCTION

The Islamic economy in Indonesia has experienced significant growth in recent decades, driven by the high demand for financial products and services that are in line with Islamic principles. The sharia economy does not only include banking, but also the insurance sector, capital market, and other real sectors that follow the rules of Islamic law or Qawaid Fiqih [1]–[3]. These principles are an important foundation in ensuring that all economic transactions are carried out following Islamic ethics and morals, which emphasize justice, transparency, and the common good [4]–[6]. Qawaid Fiqih is a set of Islamic legal principles that serve as a general guide in the implementation of various economic activities. These principles include rules such as al-Dharar yuzal (danger must be eliminated), al-Masyaqqah

tajlibu al-taysir (difficulty brings convenience), and al-Ghunm bil-ghurm (benefits are worth risks) [7]–[9]. The implementation of these principles aims to create a fair and sustainable economic system, as well as avoid practices that do not follow sharia such as riba (interest), gharar (uncertainty), and maisir (speculation).

The application of Qawaid Fiqih in Sharia economics is very important to ensure that all economic activities follow Islamic values and principles. This not only increases public trust in the Islamic financial system but also helps in creating broader economic and social justice. In Indonesia, the implementation of Qawaid Fiqih has been proven to increase public participation in the Islamic finance sector, as well as encourage more inclusive and sustainable economic growth. Although there are many advantages offered, the application of Qawaid Fiqih in the Sharia economy in Indonesia is not without challenges. One of the main challenges is the lack of a deep understanding of these principles among practitioners and policymakers of sharia economics. In addition, existing regulations are often not able to accommodate the special needs of the Islamic economic system based on Qawaid Fiqih.

This study seeks to examine more deeply how the principles of Qawaid Fiqih can be applied effectively in the context of Sharia economics in Indonesia and provide recommendations to improve their implementation. This study aims to explore how the principles of Qawaid Fiqih are applied in Sharia economics in Indonesia and identify the factors that support and hinder their implementation. This research also seeks to contribute to the development of policies that can increase the effectiveness and efficiency of the sharia economic system in Indonesia, as well as support fair and sustainable economic growth [10]–[12].



**Figure 1. Evaluation of the Qawaid Fiqhiyyah Principle in Sharia Economic Development in Indonesia: Challenges and Opportunities**

## LITERATURE REVIEW

The Sharia economy in Indonesia has developed rapidly, along with the increasing public awareness of the importance of an economic system based on Islamic principles. According to Nugraha et al, Indonesia has great potential to become the centre of the world's Sharia economy due to its large Muslim population and government support for the development of this sector. Another study by Abdullah et al shows that Islamic banking in Indonesia has developed faster than conventional banking, supported by various regulations that strengthen its legal and operational foundations. Qawaid Fiqh is general rules that help in understanding and applying Islamic law as a whole. These principles play an important role in ensuring that Sharia economic transactions meet the requirements of Islamic law. According to research by Saifudin and Mulyana, some of the key principles in Qawaid Fiqh include al-Dharar yuzal (danger must be eliminated), al-Masyaqqah tajlibu al-taysir (difficulty brings convenience),

and al-Ghunm bil-ghurm (benefits are proportional to risks). This study highlights how these principles are applied in various economic contexts to achieve justice and prosperity.

Islamic financial products are designed to meet the financial needs of Muslims without violating sharia principles. Research by Rahman shows that Qawaid Fiqih is used as a guide in the development of these products, ensuring that products such as mudharabah, musharakah, and murabahah financing are free from elements of riba, gharar, and maisir. This study also highlights how the application of Qawaid Fiqih can increase public trust in Islamic financial products and expand the customer base. Despite having many advantages, the implementation of Qawaid Fiqih in the Sharia economy in Indonesia faces various challenges. Hafidz identified the lack of a deep understanding of Qawaid Fiqih principles among practitioners and policymakers as one of the main obstacles. In addition, existing regulations are often inadequate to accommodate the special needs of the Islamic economic system based on Qawaid Fiqih. This study suggests the need to improve education and training as well as regulatory revision to support more effective implementation [13]–[15].

The application of Qawaid Fiqih in the Islamic economy can bring various benefits, including improved economic justice, reduced uncertainty in transactions, and the creation of a more stable financial system. Studies by Zaid show that the principles of Qawaid Fiqih can help create a more ethical and transparent business environment, which in turn increases the competitiveness of the Sharia economy. This study also found that the implementation of Qawaid Fiqih can improve the integrity of the financial system and encourage sustainable economic growth. The implementation of Qawaid Fiqih is not only limited to Indonesia but also applied in various other countries. Research by Nurhadi shows that in Malaysia, the principles of Qawaid Fiqih are strictly applied in the financial sector, which has helped the country become one of the global leaders in the Islamic finance industry. The study also highlights the role of regulators in ensuring that these principles are applied consistently across the Islamic finance sector, contributing to national economic stability and growth [16]–[18].

Based on the existing literature, it can be concluded that Qawaid Fiqih plays a crucial role in the development and implementation of the Sharia economy in Indonesia. However, there is still a lot of room for improvement, especially in terms of education, regulation, and wider application. Further research is needed to explore how these principles can be applied more effectively and efficiently in a variety of economic and social contexts. The study by Kurniawan suggests that future research should focus more on the integration of Qawaid Fiqih with national economic policies to support more inclusive and sustainable economic growth [19]–[21].

## METHODOLOGY

This study uses a qualitative approach to examine the principles of Qawaid Fiqih in the implementation of Sharia economics in Indonesia. This approach was chosen because it can explore deep meanings and provide a comprehensive understanding of complex and dynamic concepts such as Qawaid Fiqih. Qualitative research allows the exploration of various perspectives and interpretations from experts and practitioners in the field of Sharia economics [22]–[25]. This study uses a case study design to understand the application of Qawaid Fiqih principles in various Sharia economic contexts in Indonesia. Case studies were chosen because they allow for an in-depth and holistic analysis of complex phenomena in a real-world context.

The data used in this study came from two main sources: primary data and secondary data. Primary data was obtained through in-depth interviews with Islamic economic experts, practitioners at Islamic financial institutions, and authorized regulators in the Islamic financial sector. Meanwhile, secondary data is collected from various literature, regulatory documents, policy reports, and academic publications relevant to the research topic. Primary

data collection was conducted through semi-structured interviews designed to uncover in-depth insights into the implementation of Qawaid Fiqih principles in Sharia economics. Interviews are conducted using interview guidelines that have been prepared based on relevant theoretical frameworks. Each interview is recorded and transcribed to ensure the accuracy of the data. Secondary data were collected through extensive literature reviews from academic journals, books, as well as relevant policy documents [26], [27].

The data obtained was analyzed using thematic analysis techniques, which allowed the identification of the main themes that emerged from the data. This analysis was carried out by reading interview transcripts and documents repeatedly to identify patterns relevant to the research. The themes found are then grouped and further analyzed to understand how the principles of Qawaid Fiqih are applied in sharia economics in Indonesia [28], [29].

To ensure the validity of the data, this study uses triangulation techniques, which involve the use of various data sources and data collection methods to verify the findings. Triangulation helps in identifying inconsistencies and ensuring that the findings of the study have high validity. In addition, member checking was carried out by confirming the research findings to the respondents to ensure the accuracy of the data interpretation [30]–[32].

The study had several limitations, including limitations in accessing some key informants and possible bias in interviews. However, researchers have attempted to minimize this bias by using structured interview guidelines and ensuring that data analysis is carried out systematically and objectively. In addition, this study focuses on the context of Indonesia, so the findings may not be fully applicable to the context of other countries. This research was conducted in compliance with the principles of research ethics, including obtaining permission and approval from the participants before conducting interviews. All data obtained is kept confidential and used only for this research. Participants were also given the freedom to withdraw from the study at any time without any consequences.

## RESULTS AND DISCUSSION

### **Application of Qawaid Fiqih Principles in Sharia Economic Products and Services in Indonesia and Its Conformity with Basic Principles of Islamic Law**

The principles of Qawaid Fiqih play an important role in ensuring that Sharia economic products and services run following Islamic law. These principles, such as al-Dharar yuzal (danger must be eliminated), al-Masyaqqah tajlibu al-taysir (difficulty brings convenience), and al-Ghunm bil-ghurm (profit is proportional to risk), are widely applied in various Islamic financial products to maintain the integrity and fairness of transactions. According to research by Nugraha et al, these principles help create a more stable and transparent economic system, which in turn increases public trust in Islamic financial products in Indonesia. One of the main applications of the principles of Qawaid Fiqih is in sharia financing products such as mudharabah and musharakah. Mudharabah products allow customers to share profits according to the agreement without involving usury. The principle of al-Ghunm bil-ghurm is applied here, where the profits obtained are proportional to the risks borne by both parties. This is following the findings of Saifudin and Mulyana which show that mudharabah financing has succeeded in reducing uncertainty and increasing transparency in Islamic financial transactions in Indonesia.

In the banking sector, the principles of Qawaid Fiqih such as al-Dharar yuzal and al-Masyaqqah tajlibu al-taysir are applied to develop products that are fair and free from the element of gharar (uncertainty). For example, murabahah financing products used for the purchase of goods are carried out transparently and avoid uncertainty that can harm one party. According to research by Abdullah, this product has helped increase public participation in Islamic banking and strengthen the base of Islamic finance in

Indonesia. In sharia insurance or takaful, the principle of Qawaid Fiqih is applied to ensure that all participants contribute and help each other in bearing risks.

The principle of al-Ta'awun (cooperation and mutual assistance) is very important here, where each participant contributes to helping other participants who are experiencing disasters. Research by Zaid shows that the application of this principle has increased the efficiency and sustainability of sharia insurance in Indonesia because takaful products are considered fairer and oriented towards the common good compared to conventional insurance. The Islamic capital market in Indonesia also applies the principles of Qawaid Fiqih to ensure that all transactions are free from *riba*, *gharar*, and *maisir* elements. The principle of al-Dharar yuzal is used to eliminate transactions that can be detrimental or cause danger, such as investments in sectors that are not following sharia. According to research by Nurhadi, the Islamic capital market that applies this principle has attracted investors who are looking for investment alternatives that are more ethical and follow Islamic principles.

This study finds that the application of the principle of Qawaid Fiqih in various Sharia economic products and services in Indonesia generally follows the basic principles of Islamic law. For example, the principle of al-Ghunm bil-ghurm applied in financing products ensures that profits and risks are shared fairly between the parties involved, following Islamic teachings that emphasize fairness and balance in transactions. According to Kurniawan, this conformity has strengthened the integrity and legitimacy of the Islamic financial system in Indonesia, as well as increased public trust in Islamic financial products. Although most of the application of Qawaid Fiqh principles has been following Islamic law, this study also found challenges in maintaining this conformity. One of the main challenges is the varied interpretation of the principles among practitioners and regulators, which sometimes leads to inconsistencies in implementation. Hafidz stated that a more structured effort is needed to ensure that all parties involved in the Sharia economy have the same understanding of the application of Qawaid Fiqih so that conformity with Islamic law can be maintained [33], [34].

To improve the application of Qawaid Fiqih in the Sharia economy in Indonesia, this study recommends increasing training and education for practitioners as well as strengthening more supportive regulations. Increased understanding of Qawaid Fiqh principles among practitioners can help reduce inconsistencies and ensure that all economic transactions are conducted following Sharia principles. According to a study by Rahman, strengthening cooperation between regulators and Islamic financial institutions is also needed to develop more effective policies and support sustainable Islamic economic growth.

### **What are the Main Challenges Faced in the Implementation of Qawaid Fiqih Principles in Sharia Economics in Indonesia, and How Solutions Can Be Proposed to Overcome These Challenges to Increase the Effectiveness and Efficiency of the Sharia Economic System**

The implementation of Qawaid Fiqih principles in the Sharia economy in Indonesia faces several significant challenges. These principles include *maslahah* (benefit), *mafsadah* (damage), *istihsan* (preference), *sadd al-dzari'ah* (preventing harm), and *maslahah mursalah* (general benefit). The application of these principles aims to create an economic system that is fair, sustainable, and follows Islamic principles. One of the main challenges is the harmonization between sharia principles and national economic regulations. Indonesia has a complex legal framework and is often not aligned with sharia principles. For example, regulations related to Islamic banking and zakat still require revision to facilitate Islamic economic principles. In addition, the lack of a deep understanding of the principles of Qawaid Fiqih among practitioners and economic regulators is also a serious obstacle. To address these challenges, a holistic approach is needed. First, there needs to be better training and education on the principles of Qawaid Fiqh for economic practitioners, regulators, and academics. This

can increase the understanding and implementation of sharia principles in daily economic practices. Second, regulatory reform to align positive law with sharia principles needs to be accelerated and perfected [35]–[37].

Effective implementation of Qawaid Fiqih principles in the Islamic economy can have a positive impact economically and socially. By ensuring alignment between national economic policies and sharia principles, economic systems can become more inclusive, reduce socio-economic disparities, and improve distributive justice. This can also strengthen public trust in Islamic financial institutions and increase the overall economic participation of Muslims. The use of technology is also an important factor in increasing the effectiveness of the Sharia economy in Indonesia. Technology can be used to strengthen the transparency, supervision, and management of zakat and infaq funds, thereby ensuring that these funds are used for the public benefit following Sharia principles. In addition, technological innovations such as blockchain can be used to facilitate more efficient and secure Islamic financial transactions from a sharia perspective. The development of the Islamic FinTech industry also brings challenges in the implementation of Qawaid Fiqh principles. While it offers the potential to increase access to Sharia finance to the wider community, Sharia FinTech needs to ensure that its products and services follow Sharia principles without sacrificing innovation and financial sustainability. Inclusive and responsive regulation of these developments is essential to ensure that Sharia FinTech innovations can provide maximum benefits by maintaining the integrity of Sharia principles [38]–[40].

International collaboration can also strengthen the implementation of Qawaid Fiqih principles in the Islamic economy. Indonesia can learn from the experience of other countries that have successfully integrated Sharia principles into their economic systems, such as Malaysia and the United Arab Emirates. The exchange of knowledge and best practices between these countries can accelerate legal and policy reforms in Indonesia to support a more sustainable Sharia economy. Public awareness and education about the Sharia economy are also a key factor in the successful implementation of Qawaid Fiqh principles. Effective educational programs and counselling campaigns can change the paradigm of society toward the importance of adopting Sharia principles in daily economic life. This strengthening of awareness can result in greater demand for sharia economic products and services, driving sustainable growth of the sector [41]–[44].

Overall, the implementation of Qawaid Fiqih principles in the Sharia economy in Indonesia faces significant challenges, but the right solutions can improve the effectiveness and efficiency of the Sharia economic system. Cooperation is needed between the government, Islamic financial institutions, academics, and the community to achieve harmony between Sharia principles and national economic policies. This recommendation builds on recent efforts to improve the legal framework and improve understanding of the principles of Qawaid Fiqih in Indonesia. Thus, these measures are expected to bring positive changes in the direction towards a more inclusive and sustainable economy.

### **How the Application of Qawaid Fiqih Principles Affects Public Trust and Stability of the Sharia Financial Sector in Indonesia**

Qawaid Fiqih, or the principles of Islamic law, plays an important role in shaping the operational fundamentals of Islamic finance. In Indonesia, the application of these principles not only affects public trust in Islamic financial institutions but also contributes to the stability of the financial sector as a whole. In recent years, this influence has been increasingly noticed in line with the increasing public interest in Islamic financial products and services. The application of Qawaid Fiqih in Islamic finance involves the application of principles such as the prohibition of *riba* (interest), *gharar* (uncertainty), and *maysir* (speculation). These principles aim to ensure that all financial transactions are conducted fairly and transparently, as well as following Islamic moral and ethical values [45]–[48].

Effective implementation of these principles increases public confidence that Islamic financial products are more ethical and fair compared to conventional financial products. Public trust in Islamic finance in Indonesia is significantly influenced by the extent to which the principles of Qawaid Fiqih are applied in the operation of Islamic financial institutions. Research shows that institutions that consistently apply these principles are more trusted by the public because they are considered more integrity and follow the religious values embraced by the majority of the Indonesian population. This trust is also influenced by the public perception of transparency and accountability of Islamic financial institutions [49]–[51].

The application of Qawaid Fiqih principles also has a positive impact on the stability of the Islamic financial sector in Indonesia. By avoiding practices that contain *riba*, *gharar*, and *maysir*, Islamic financial institutions tend to be more resistant to economic and financial shocks. This is because transactions are more stable and based on real assets. In addition, the application of these principles also helps in managing risk more effectively, which ultimately contributes to the stability of the overall Islamic financial system [52]–[55].

In addition to contributing to stability, the implementation of Qawaid Fiqih also plays an important role in the sustainability of Islamic finance in Indonesia. These principles ensure that Islamic financial products not only meet current financial needs but are also sustainable in the long term. Principles such as the prohibition of practices that harm the environment and society, as well as a focus on ethical and sustainable investment, have increased the attractiveness of Islamic finance in the eyes of the public and investors [56]–[58]. People tend to trust financial institutions that follow the principles of Qawaid Fiqih because they are convinced that these financial transactions are carried out in a fair, transparent, and ethical way. Research shows that Islamic financial institutions that comply with Qawaid Fiqih have a better reputation in terms of security and fairness compared to conventional financial institutions. This encourages increased public trust and participation in using Islamic financial products [59]–[61].

However, the implementation of Qawaid Fiqih also faces several challenges, including the need to constantly update the interpretation of these principles to be relevant to modern economic developments. Islamic financial institutions must work closely with scholars and legal experts to ensure that their products and services follow the principles of Qawaid Fiqih while remaining competitive in the global market. The application of Qawaid Fiqih principles has a significant influence on public trust and stability of the Islamic financial sector in Indonesia. By adhering to these principles, Islamic financial institutions can increase public trust and ensure better financial stability. Strengthening the implementation of Qawaid Fiqih is very important for the sustainability and further development of the Islamic financial sector in Indonesia [62]–[64].

## CONCLUSION

This study concludes that the application of Qawaid Fiqih principles plays an important role in the implementation of the Sharia economy in Indonesia. Qawaid Fiqih principles such as *al-Dharar yuzal* (danger must be eliminated), *al-Masyaqqah tajlibu al-taysir* (difficulty brings convenience), and *al-Ghunm bil-ghurm* (profit is proportional to risk) are applied in various Islamic financial sectors such as banking, insurance, and capital markets to ensure compliance with sharia principles and improve the integrity of the Islamic financial system. The application of these principles has succeeded in increasing public trust in Islamic financial products and services, as well as supporting more inclusive and sustainable Islamic economic growth. Nonetheless, the study also identifies several challenges in the implementation of Qawaid Fiqih, including a lack of deep understanding among Islamic economic practitioners and regulators, as well as regulations that still need improvement to support more effective implementation. Greater efforts are needed to improve education and

training for practitioners and regulators as well as regulatory revisions to align positive law with Sharia principles. In addition, this study emphasizes the importance of technology in strengthening the implementation of Qawaid Fiqih and increasing transparency and efficiency in Islamic financial transactions. The use of technology such as blockchain and the development of Sharia FinTech can help in increasing the effectiveness and sustainability of the Sharia economy in Indonesia. Going forward, this study recommends increased collaboration between the government, Islamic financial institutions, academics, and the public to achieve alignment between Sharia principles and national economic policies. This will support more inclusive and sustainable economic growth and strengthen public trust in the Islamic financial system in Indonesia.

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### **Author Contribution**

All authors contribute equally to the publication of this paper, all authors read and agree to this paper, and all authors declare no conflict of interest.

### **Conflicts of Interest**

All authors declare no conflict of interest.

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