



Istimbath

Jurnal Hukum dan Ekonomi Islam

Vol. 24, No. 1, 2025

p-ISSN: [1829-6505](#) ; e-ISSN: [2654-9042](#)

Available Online at <http://www.istinbath.or.id>

LEGAL OPPORTUNITIES AND CHALLENGES IN INDONESIA'S SHARIA ECONOMY POST COVID-19: A FOCUS ON DIGITALISATION AND REGULATION

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Abstract: This study aims to analyse the implementation of the sharia economy in post-pandemic Indonesia by highlighting the opportunities and legal challenges faced. The main focus of this study is on aspects of legal certainty, regulatory effectiveness, and policy adaptation to the development of Islamic economic digitalisation. The study also discussed the impact of the COVID-19 pandemic on the Islamic financial sector and the halal industry as well as recovery measures that have been implemented by the government and related authorities. The method used in this study is a normative legal research method with a statutory approach (statute approach) and a conceptual approach (conceptual approach). A study was done on several Sharia economic laws, such as Law No. 21 of 2008 on Sharia banking, Law No. 33 of 2014 on Halal Product Guarantee, and fatwas issued by the National Sharia Council of the Indonesian Ulema Council (DSN-MUI). In addition, this study also examines the principles of Islamic economics and how they are applied in the national legal system. The results showed that although the Islamic economy experienced positive growth after the pandemic, there are still various challenges, especially in the aspects of regulatory harmonisation, legal protection for businesses and consumers, and strengthening digital infrastructure in the Islamic financial ecosystem. Sharia Fintech is one of the fastest-growing sectors, but its regulation is still in the adjustment stage to remain in accordance with Sharia principles. Sharia financial literacy is still low among the public, which is also an inhibiting factor in optimising this sector. Digitalisation and innovation of Islamic finance must be balanced with regulations that provide legal certainty and protection for all parties. In addition, increasing Islamic financial literacy is an important aspect of strengthening an inclusive and competitive Islamic economic ecosystem at the global level.

Keyword: Sharia Economy, Legal Certainty, Financial Digitalization

A. Introduction

The sharia economy in Indonesia is a system that relies on Islamic principles in regulating economic activities, including banking, investment, and trade



(Taufiqurrohman et al., 2024). These principles are derived from the Qur'an and Hadith and are operationalised through national regulations that aim to ensure all financial transactions are free from elements prohibited in Islamic law such as *riba*, *gharar*, and *maisir* (Muhtar et al., 2024). Law No. 21 of 2008 on Islamic Banking serves as the primary legal framework for the operation of sharia-compliant financial institutions. Alongside this, the fatwas issued by the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) function as normative guidelines that reinforce the consistency of financial practices with Islamic values. Fundamentally, the Islamic economic system is built on the principles of *Tawheed* (divine unity), *Adl* (justice), and *Tawazun* (balance), which require economic behaviour to be ethical, equitable, and socially beneficial. Key instruments such as *mudharabah*, *musyarakah*, *murabahah*, and *ijarah* represent models of risk-sharing and asset-based financing. These mechanisms aim not only to facilitate business transactions but also to ensure the fair distribution of wealth through zakat, infaq, and waqf (Purwoto et al., 2023). This system reflects a moral economy where wealth is viewed as a trust that must be managed responsibly to benefit society (Gobel et al., 2022).

The COVID-19 pandemic disrupted the Islamic financial sector significantly. The slowdown in economic activity reduced customers' capacity to meet financial obligations, resulting in increased non-performing financing (NPF) in Islamic banking. Responding to this crisis, the government implemented a range of legal and policy-based interventions, including debt restructuring and temporary regulatory relaxations for sharia-based financial institutions. However, these efforts encountered several implementation challenges, particularly the limited liquidity of Islamic banks and the generally low public awareness and understanding of Islamic financial instruments (Dungga et al., 2023).

In the post-pandemic era, Indonesia's sharia financial sector has demonstrated signs of resilience and recovery. Public trust in value-based finance has grown, as seen in the increasing performance of institutions like Bank Syariah Indonesia (BSI). Nevertheless, this positive trend is accompanied by a new set of legal and regulatory challenges, especially concerning digital transformation. The rapid development of sharia-compliant financial technology (fintech) has opened opportunities for financial inclusion and innovation. However, it has also created regulatory gaps, where the legal framework has yet to fully catch up with the pace of digitalisation.

The challenge now lies in ensuring that innovation in Islamic finance remains compliant with sharia principles while being effectively governed by a responsive legal framework. Regulatory clarity, legal certainty, and protection for all stakeholders—including consumers, investors, and financial institutions—are essential for maintaining public trust. The harmonisation between technological advancement and normative Islamic law requires continuous regulatory refinement and adaptive policy-making. Moreover, the expansion of digital Islamic finance must also be accompanied by increased financial literacy to ensure that the benefits of the sharia economy are distributed inclusively across society.

In light of these issues, this study focuses specifically on the legal opportunities and challenges of Indonesia's sharia financial sector in the post-pandemic context, particularly in relation to digitalisation. Accordingly, the research addresses the following questions: (1) What are the legal arrangements involved in the implementation of the Sharia economy in Indonesia, and how effective are the existing regulations in ensuring legal certainty and protecting businesses and consumers within the Sharia economic system?

and (2) What is the impact of the pandemic and post-pandemic on the sharia economy in Indonesia from a legal perspective, and what is the role of policies and legal regulations in supporting the recovery and strengthening of the sharia economy after the crisis?

B. Method

This study employs a **normative legal research method**, focusing specifically on the analysis of **regulations governing Islamic finance in Indonesia** in the context of post-pandemic digital transformation. The normative method is used to examine the consistency, adequacy, and adaptability of the legal framework to the evolving needs of sharia-compliant financial services, with emphasis on the challenges and opportunities arising from digitalisation. The analysis concentrates on two primary legal sources: **Law No. 21 of 2008 on Islamic Banking**, which provides the foundation for the operation of Islamic financial institutions, and **fatwas issued by the National Sharia Council of the Indonesian Ulema Council (DSN-MUI)**, which serve as authoritative legal opinions that guide the implementation of Islamic financial transactions in accordance with sharia principles (Qamar et al., 2017).

To maintain a clear and focused scope, the study applies the **statutory approach** to examine the normative content of these regulations, identifying their strengths and limitations in responding to the structural changes caused by the COVID-19 pandemic, particularly in the financial technology sector. In addition, the research integrates a **doctrinal-evaluative dimension**, allowing for a deeper analysis of the alignment between national law and Islamic legal values such as *'adl* (justice), *tawazun* (balance), and *maslahah* (public benefit), especially as these values are tested in the digital economy (Taufiqurrohman et al., 2024).

To assess the **implementation** of these legal instruments, the study adopts an analytical framework based on **the theory of legal effectiveness**, which evaluates four main factors: (1) the **substance of the law**, including its normative clarity and internal consistency; (2) the **quality of human resources** in law enforcement agencies and regulatory institutions, particularly the Financial Services Authority (OJK), Bank Indonesia (BI), and Sharia Supervisory Boards; (3) **legal culture**, encompassing public awareness, religious compliance, and acceptance of digital Islamic finance; and (4) **supporting facilities and infrastructure**, such as digital platforms, information systems, and the regulatory environment necessary for legal enforcement (Soerjono, 2004).

The discussion is structured into subheadings corresponding to each legal instrument, allowing the analysis to present the **implementation of Law No. 21 of 2008** and the **application of DSN-MUI fatwas** in the post-pandemic Islamic financial ecosystem in a clear and systematic manner. By limiting its object of study to **Islamic financial regulations** and excluding broader areas such as the Halal Product Assurance Law (UU JPH), the study avoids thematic dispersion and maintains coherence with the research title, abstract, and research questions. Ultimately, this methodological approach enables the study to offer a **precise and critical legal evaluation** of how Indonesian sharia finance law has responded to the demands of digitalisation and the challenges of economic recovery in the aftermath of the pandemic.

C. Result and Discussion

Theoretical and Legal Foundations of the Sharia Economy in Indonesia

The Islamic economy in Indonesia is more than an alternative financial system—it represents a normative framework derived from Islamic teachings aimed at promoting justice, balance, and sustainability. Philosophically, sharia economics is grounded in the principles of *maqāṣid al-sharīʿah*, particularly in protecting religion, life, intellect, lineage, and property (Suryani et al., 2023). Classical and contemporary scholars such as Al-Ghazali, Ibn Khaldun, Baqir as-Sadr, and Nejatullah Siddiqi have emphasized justice and social responsibility as foundational pillars of Islamic economics (Muhtar, Kasim, et al., 2023).

To assess the legal effectiveness of sharia economy regulations in Indonesia, this study applies the theory of legal effectiveness developed by Soerjono Soekanto and refined by Lawrence M. Friedman. According to these scholars, regulatory effectiveness is determined by four interrelated elements: the substance of the law, human resources (law enforcement and institutions), legal culture, and supporting infrastructure (Soerjono, 2004) (Friedman & Hayden, 2017). These elements provide the analytical basis for assessing the consistency between legal norms and their implementation.

Islamic economic thought evolved from classical jurists like Ibn Taymiyyah, who emphasized justice and rejected hoarding (*ihtikār*) and economic exploitation, to contemporary thinkers such as Nejatullah Siddiqi, who proposed banking systems devoid of interest (Azizah et al., 2022). Mannan added a developmental perspective, stressing the welfare dimension through *zakat* and *waqf*, while Syed Nawab Haider Naqvi focused on distributive justice (Naqvi, 2018). Umer Chapra synthesized Islamic principles with moral economics, advocating for a balance between economic freedom and social equity (Mulyadi, 2016). Similarly, Akram Khan and Yusuf Qaradawi promoted the regulatory role of the state and effective wealth redistribution (Khan, 2013). In this case, the concept of Islamic economics intersects with the thinking of Adam Smith in the *Wealth of Nations*, which emphasizes the importance of economic freedom in creating the welfare of society, but still prioritizes moral values in economic practice, as emphasized in Islamic teachings (Gauthier, 2019).

Modern Islamic economic theory intersects with Western thought, particularly John Rawls' distributive justice. Rawls emphasized protecting the most vulnerable, which parallels Baqir as-Sadr's concept of *al-'adālah* in economic governance (Cropanzano & Ambrose, 2015). Meanwhile, Gustav Radbruch's legal certainty and Philipus Hadjon's legal protection theory support the need for predictable and preventive regulations in the sharia economy (Yudhanegara et al., 2024). These theories converge on the importance of fairness, clarity, and social functionality in law.

In addition, Roscoe Pound's sociological jurisprudence underlines the importance of harmonizing legal norms with social realities. This is particularly relevant in the sharia economic context, where dispute resolution should align with religious values. Despite Article 49 of Law No. 3 of 2006 mandating religious court jurisdiction over sharia economic matters, many cases are handled by general courts unfamiliar with Islamic legal doctrines (Muhtar, Tribakti, et al., 2023). Therefore, institutions like BASYARNAS (National Sharia Arbitration Board) play a critical role in restoring normative consistency.

In the regulatory framework, Law No. 21 of 2008 provides the foundation for Islamic banking, integrating sharia principles like profit-loss sharing and prohibiting riba. Law No. 33 of 2014 on Halal Product Assurance ensures that goods and services meet Islamic standards, thereby strengthening consumer trust (Wijayanti & Setiawan, 2023). Complementary regulations from the Financial Services Authority (POJK) oversee operational compliance in banking, insurance, and capital markets, often guided by DSN-MUI fatwas.

However, these regulatory structures face implementation gaps. In practice, murabaha contracts sometimes mimic interest-based systems, undermining sharia objectives. Moreover, consumers often lack understanding of their contracts, leading to dissatisfaction and disputes. This highlights the need for clearer regulatory enforcement and more robust financial literacy campaigns.

Another critical challenge is the fragmentation of jurisdiction and the lack of harmonization between DSN-MUI fatwas and formal state regulations. Although fatwas guide financial institutions, their non-binding status creates inconsistencies. Institutional coordination among OJK, DSN-MUI, BI, and the judiciary remains essential.

Sharia financial literacy in Indonesia remains low, particularly in rural areas (Suman et al., 2024). This hampers public engagement and creates barriers to inclusion. Bridging this literacy gap is crucial for strengthening trust in sharia economic institutions and ensuring that legal protections are understood and accessible.

In conclusion, while Indonesia has made considerable progress in codifying sharia economic principles into law, regulatory effectiveness and legal certainty remain hindered by implementation inconsistencies, limited literacy, and institutional misalignment. A holistic approach—grounded in normative clarity, inclusive access, and doctrinal integrity—is necessary for the sharia economy to realize its full potential as a just and sustainable economic system.

The Impact of the Pandemic and Post-Pandemic on the Sharia Economy in Indonesia: Legal and Policy Analysis in Supporting the Recovery and Strengthening of the Sharia Economic System

The COVID-19 pandemic had a profound impact on the Islamic economy in Indonesia, disrupting financial services, Islamic MSMEs, and the halal industry (Bakung et al., 2022). From a regulatory perspective, several measures were adopted to support the Islamic financial sector, such as the issuance of POJK No. 11/POJK.03/2020, which allowed capital relaxation and financing restructuring. This regulation played a crucial role in providing short-term relief to Islamic banks, but its long-term effectiveness is still debatable, particularly in sustaining market discipline and aligning with sharia principles (Dipoyanti et al., 2022). According to data from the Financial Services Authority (OJK), the non-performing financing (NPF) ratio for Islamic banks rose to 3.52% in 2020 but gradually improved to 3.19% in 2021, indicating partial effectiveness of regulatory intervention (Dipoyanti et al., 2022).

A. Legal Substance and Pandemic Regulatory Response

The substantive content of post-pandemic regulations shows a commitment to resilience. However, inconsistencies remain in the harmonisation of Islamic finance policies with national recovery frameworks. For instance, while Law No. 21/2008

outlines the structure of Islamic banking, emergency policies during the pandemic were often rooted in conventional finance models, thus creating a misalignment in operational frameworks.

The halal industry, regulated under Law No. 33 of 2014 on Halal Product Assurance (UU JPH), also received attention. The acceleration of halal certification for MSMEs was intended to enhance competitiveness, but implementation was hampered by high costs and insufficient government incentives (Ilmia & Ridwan, 2023). According to BPJPH data, as of late 2022, only about 23% of MSMEs in the food and beverage sector had completed the halal certification process, primarily due to administrative barriers and cost (Kemenag, n.d.)

B. Human Resources and Institutional Capacity

Institutional performance during the crisis highlighted limitations in human capital. Many financial authorities, legal enforcers, and business actors lacked adequate understanding of Islamic economic principles, especially in digital finance contexts. Religious courts, which should handle sharia disputes per Law No. 3 of 2006, are often bypassed in favour of general courts, reducing the effectiveness of dispute resolution mechanisms. Moreover, the limited presence of sharia-competent judges and financial regulators capable of interpreting DSN-MUI fatwas in light of national law contributes to institutional inconsistency.

C. Legal Culture and Financial Literacy

The pandemic underscored the urgency of enhancing public literacy in Islamic finance. Many consumers and MSMEs lacked knowledge of their rights and obligations under sharia contracts, particularly during contract restructuring. This imbalance of information led to disputes and dissatisfaction. Empirical studies (Suman et al., 2024) confirm that financial literacy in Islamic finance remains low in rural and semi-urban areas. According to a 2023 survey by Bank Indonesia, only 18.9% of respondents had a good understanding of Islamic finance principles. This weakens legal culture and hampers the enforcement of otherwise robust sharia economic laws.

D. Infrastructure, Digitalisation, and Inclusivity

Digitalisation emerged as both an opportunity and a challenge. The rapid rise of sharia fintech platforms—offering peer-to-peer lending, crowdfunding, and investment services—has created new pathways for inclusive finance. However, the regulatory environment has not kept pace. Regulatory ambiguity increases the risk of gharar and maysir violations in online transactions. Infrastructure gaps, including low internet penetration and unequal access to digital financial tools, further exacerbate the digital divide. Moreover, many fintech contracts lack transparency, complicating efforts to enforce sharia compliance. To resolve this, collaboration among DSN-MUI, OJK, and fintech developers is critical for building smart contract systems that integrate blockchain technology to ensure accountability and compliance.

E. Strategic Direction for Post-Pandemic Sharia Economic Recovery

For long-term resilience, post-pandemic sharia economic regulation must be better integrated with national economic policies. Regulatory harmonisation should

ensure that Islamic financial norms do not operate in isolation but complement the broader legal and financial framework. Enhancing the role of religious courts, revising POJKs to explicitly accommodate sharia instruments, and integrating DSN-MUI fatwas into regulatory pipelines are essential steps.

Equally important is investing in human capital. Universities, training institutions, and industry must collaborate to enhance curricula that combine Islamic jurisprudence, digital finance, and regulatory compliance. The government should incentivise Islamic financial literacy campaigns and strengthen institutional competence.

In conclusion, the COVID-19 pandemic exposed both the vulnerabilities and the potential of Indonesia's sharia economy. Its recovery and future growth hinge on a legal system that is normatively sound, operationally coherent, and socially inclusive. Regulatory certainty, technological innovation, institutional capacity, and community engagement must converge to realise the vision of a just, resilient, and globally competitive sharia economy in Indonesia.

D. Conclusion

The implementation of the sharia economy in post-pandemic Indonesia presents both legal opportunities and structural challenges, particularly in the domains of Islamic finance and halal product assurance. This study found that legal certainty and regulatory effectiveness remain pivotal for supporting a resilient sharia economy. Law No. 21 of 2008 on Islamic Banking has provided a foundational framework for financial governance, yet its effectiveness is still undermined by regulatory fragmentation, lack of harmonisation with national recovery policies, and limited enforcement in sharia-compliant dispute mechanisms. Similarly, Law No. 33 of 2014 on Halal Product Assurance (UU JPH) faces significant implementation gaps, especially for MSMEs, due to high certification costs, administrative hurdles, and low regulatory literacy among business actors.

From a legal substance perspective, both laws have a strong normative basis but are challenged by operational inconsistencies and overlapping jurisdictions. Human resources in regulatory and judicial institutions often lack the specific expertise to enforce sharia principles adequately, particularly in digital financial innovation. Socio-legal culture also plays a role, where low levels of financial literacy and understanding of sharia economic contracts among the public hinder both compliance and protection. Furthermore, inadequate infrastructure, including digital platforms and access to halal certification facilities, limits inclusivity and scalability of the sharia economy, especially in rural and underserved areas.

To achieve a balanced and inclusive sharia economic ecosystem, it is crucial to strengthen the synergy between financial and halal regulatory frameworks. This includes enhancing the roles of DSN-MUI fatwas and ensuring their integration within national policies, improving the capacity of religious courts and the BPJPH in overseeing sharia compliance, and expanding digital literacy initiatives for halal certification and Islamic finance. The recovery and future sustainability of the sharia economy in Indonesia depends on a comprehensive legal strategy that supports both financial and halal sectors equally, reinforced by institutional capability, social awareness, and technological

infrastructure. Thus, future regulatory policies must holistically integrate financial and halal product frameworks to uphold justice, efficiency, and public trust in the national sharia economy.

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