

## ***Analysis of Fiqh Muamalah in Sharing Economy Practices: Case Study of Grab, Gojek, and AirBnB***

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### ***Abstract***

*This research aims to analyze the sharing economy in the perspective of fiqh muamalah, focusing on digital economic practices such as ride-sharing services (Grab, Gojek) and application-based accommodation (Airbnb). The phenomenon of sharing economy has changed the pattern of ownership into a pattern of sharing access to assets, which raises various legal consequences in transactions. This research method uses a descriptive qualitative approach with literature study and analysis of relevant DSN MUI fatwas. The results show that most of the sharing economy practices are acceptable in the muamalah perspective, as long as they fulfill the principles of justice, transparency, and do not contain elements of gharar and usury. However, there are still gaps in the aspects of contracts and ownership that need legal clarity. This research is expected to contribute to the development of contemporary fiqh muamalah concepts.)*

**Keywords :** *Sharing economy, fiqh muamalah, digital economy, contracts, sharia transactions.*

## **1. INTRODUCTION**

The development of digital technology has encouraged the emergence of various innovations in the economic sector, one of which is the sharing economy business model. Unlike the traditional economic system that emphasizes ownership, the sharing economy focuses on access to goods or services. In practice, individuals do not need to fully own assets to be able to use them. This is evident in ride-sharing services such as Grab and Gojek, as well as accommodation services such as Airbnb, which bring together service providers and users through the intermediary of a digital platform.

Sharing economy offers high efficiency in the use of assets, as it allows optimal utilization of previously less productive goods. According to Rifai (2021), the sharing economy is "a transaction that allows the utilization of assets together through digital intermediaries, with the potential for high efficiency but still requires clarity of the shar'I contract". This model is considered to reduce waste, increase economic inclusion, and open up additional income opportunities for the community. However, the practice of sharing economy also raises new legal issues, especially in the context of ownership, responsibility, and the form of contract used.

In the perspective of Islamic economics, sharing economy has not been studied in depth. In fact, the existence of this business model is increasingly massive and targets all levels of society, including Muslims. Therefore, it is important to examine the practices of the sharing economy through the lens of fiqh muamalah, in order to ensure that the contracts and transactions carried out are in accordance with sharia principles. Principles such as justice (adl), willingness (ridha), openness (transparency), and avoidance of gharar (uncertainty), riba (interest), and maisir (gambling) should be the main benchmarks in assessing the validity of this system. The urgency of this study is even higher considering that there is no special fatwa from DSN-MUI that specifically discusses sharing economy. Although

several fatwas related to *iijarah* (leasing) and *ju'alah* (reward for services) contracts can be used as references, the digital context and the complexity of modern business models demand a more contextual and comprehensive interpretation. Without the clarity of sharia law, there is a concern that Muslims will be trapped in transactions that contain nonhalal elements unknowingly.

Thus, a multidisciplinary approach between Islamic law, technology and the digital economy is needed to address this new challenge. This research is not only theoretically useful in enriching the contemporary fiqh muamalah literature, but also practically in helping businesses, platform providers, and regulators to design a fair and Islamic sharing economy system.

## 2. METHODOLOGY

This research uses a qualitative approach with a library research method. Data were collected through literature related to digital economy, fiqh muamalah, and fatwas of the National Sharia Council of the Indonesian Ulama Council (DSN-MUI). Searches were conducted on various sources such as scientific journals, books, regulations, and news articles. The analysis is done descriptively with a normative-theological approach.

## 3. RESULT AND DISCUSSION

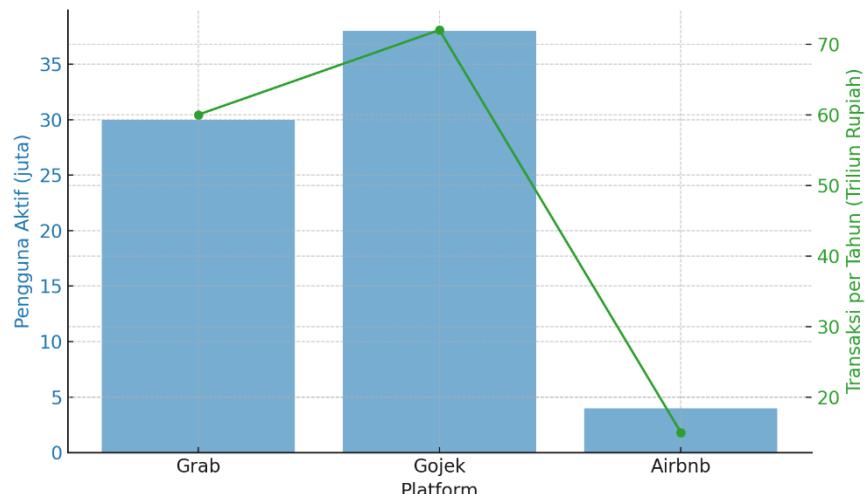
### 3.1. Result

The sharing economy business model is a digital innovation that changes people's paradigm in accessing goods and services. This system allows individuals to share the use of assets without having to permanently own them. Users simply pay an access fee or rent through a digital platform that connects service providers and users. This practice is very different from the traditional economic system that relies on ownership as the basis for economic transactions.

Platforms such as Grab, Gojek, and Airbnb are clear representations of the implementation of the sharing economy in Indonesia. These services facilitate transportation needs, delivery of goods, and short-term accommodation with an application-based payment system. People can easily access these services only through smartphones and internet connections, making economic activities more practical, fast and flexible.

Based on 2024 data, the number of active users of the three platforms in Indonesia shows a significant number. Grab is recorded to have more than 30 million users, Gojek as many as 38 million users, and Airbnb around 4 million users. Estimated transactions per year also show a large economic contribution, with Grab amounting to Rp 60 trillion, Gojek Rp 72 trillion, and Airbnb Rp 15 trillion. This figure shows the large role of sharing economy in the national economy.

**Figure 1. Comparison Chart of Active Users and Estimated Transactions**



The graph comparing the number of users and estimated transactions illustrates that the growth potential of the sharing economy is very high. Not only does it create new jobs, but it also promotes economic inclusion for people who previously did not have access to flexible sources of income. The data indicates that the sharing economy has developed into a significant alternative system outside the conventional economic system.

From the perspective of Islamic economics, it is important to look at how business activities in this sharing economy are carried out. Although the transactions are based on modern technology, the economic structure formed still needs to be in accordance with the principles of fiqh muamalah, both in terms of contracts, justice in the distribution of benefits, and protection for the parties involved. This is the basis for the need for further discussion in the context of Islamic law.

### **3.2. Discussion**

In fiqh muamalah, every form of transaction carried out by Muslims must fulfill the conditions for the validity of the contract. In the context of sharing economy, the most commonly used types of contracts are ijarah (rental) and ju'alah (reward for services). For example, Grab users rent travel services for a fee (ijarah), while driver-partners can receive bonuses based on targets (ju'alah).

The ijarah agreement in Islam requires clarity on the benefit, price, and time period. Platforms such as Grab and Gojek generally set the fare, route, and time digitally. However, this contract is not done verbally or in writing, but implied through the application, which raises the question: does this digital contract meet the legal requirements according to fiqh?

In muamalah fiqh, ijab qabul does not have to be done verbally, but simply in a way that both parties understand as an agreement. Therefore, digital consent done through clicking the "message" or "agree" button on the application can be categorized as a form of ijab qabul if it meets the elements of willingness and clarity of the contract object.

However, in practice, there are some weaknesses that need to be examined. For example, in the unilateral cancellation system, sometimes users are charged a cancellation fee that is not clearly stated in advance. This can contain elements of gharar (uncertainty), which in Islamic law is something that must be avoided in transactions.

In addition to gharar, the risk of usury also needs to be considered in payment transactions through credit cards or in-app installments. If there is interest or a late penalty that is usury, then the transaction can become unsharia-compliant. Therefore, the payment system in the sharing economy needs to be monitored so that it does not conflict with the basic principles of muamalah.

The issue of maisir (speculation or gambling) can also arise in uncertain reward or incentive systems. For example, driver-partners are promised a prize in the form of a lottery without clear criteria. This practice can lead to maisir if the elements of uncertainty and speculation are more dominant than real effort.

In terms of legal liability, the burden-sharing between platforms, users and service providers is not yet fully clear. For example, in the event of an accident or damage to goods during the service process, there is no fair protection or compensation system for both consumers and service providers.

Sundari (2019) notes that many digital platforms have not provided sufficient education to partners and users about the rights and obligations of each party. This is a problem in contracts that rely on the

principles of fairness and transparency, because it can lead to inequality of bargaining position and injustice in the contract.

Furthermore, the absence of direct sharia supervision in the sharing economy system poses a risk that practices that are not sharia-compliant may go unchecked. Therefore, the role of the Sharia Supervisory Board in Shariah-based platforms is important to ensure the fulfillment of Islamic principles.

Currently, there is no specific fatwa from DSN-MUI that explicitly regulates the practice of sharing economy. In fact, this kind of fatwa is urgently needed to provide legal certainty and become a guideline for business actors and service users. The clarity of sharia regulations will increase public trust in sharia digital platforms

Adaptation to the digital context must also be done within the framework of contemporary ijtihad. This includes adapting traditional contracts to automation and information technology systems, including electronic contracts and the use of e-wallets. This aspect must be further examined in order to remain in accordance with the maqashid of sharia.

In facing this challenge, collaboration between academics, scholars and digital practitioners is needed so that the fiqh solutions offered are not only normative, but also applicable. Digital muamalah education and literacy also need to be improved so that Muslim communities are not trapped in transactions that contain haram elements.

Sharing economy, if managed with the correct sharia principles, can actually be an alternative to the Islamic economic system in the modern era. This model allows for wider and more equitable economic participation, in line with the principle of distributive justice in Islam.

Therefore, the discussion of fiqh muamalah on sharing economy is not only important from a theoretical perspective, but also strategic in building a halal, fair and sustainable digital economy ecosystem. With proper sharia supervision and regulation, sharing economy can be part of the ummah's economic solution.

#### 4. CONCLUSION

Sharing economy is one of the economic innovations that has significantly changed the pattern of transactions and interactions in modern society. By utilizing digital technology, the sharing economy allows individuals to share access to goods and services without having to own the assets directly. This model offers efficiency, flexibility, and new economic opportunities, especially for those who were previously less accessible to the conventional economic system. However, the emergence of this system also presents new legal and ethical challenges, including from an Islamic economic perspective.

In the view of fiqh muamalah, the practice of sharing economy is basically acceptable, as long as it does not conflict with the principles of sharia. Some of the main principles that must be met include justice, openness of information (transparency), and free from elements of gharar (uncertainty), riba (interest), and maisir (gambling or speculation). As long as the transaction is voluntary, the contract is clear, and provides halal benefits, then the sharing economy can be an economic solution that is in accordance with Islamic values. However, the complexity of digital transactions demands legal certainty so as not to cause harm in the future.

For this reason, it is very necessary to have more specific and comprehensive regulations and fatwas in regulating the practice of sharing economy in Indonesia. Fatwas from institutions such as DSN-MUI will be an important foundation for Muslim digital entrepreneurs, regulators, and consumers in ensuring that the economic activities carried out are truly in accordance with Sharia. This regulation also plays a role in providing legal protection for all parties involved and encouraging the growth of a digital economy that is not only efficient, but also ethical and blessed according to Islamic teachings.

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