



Research Paper

Paradigm Shift in Digital Economic Law: Revitalizing Islamic Economic Law - Challenges and Opportunities

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ABSTRACT

The development of digital technology has significantly transformed the global economic landscape. In this context, the paradigm of economic law has also undergone profound changes. This literature review investigates the paradigm shift in digital economic law, with a specific focus on revitalizing Islamic economic law in this era. The main objective of this research is to identify the challenges and opportunities presented by these changes and to explore how Islamic economic law can be applied in the increasingly complex digital economic context.

The research methodology employed is a literature review using a descriptive-analytical approach. Data are obtained through the analysis of scholarly literature, journal articles, books, and other relevant sources discussing digital economic law and Islamic economic law. The data analysis involves a deep understanding of the paradigm shift in digital economic law and the challenges that arise, such as regulation, consumer protection, and transaction security. On the other hand, the research also explores the potential of Islamic economic law in providing a framework that aligns with the principles of Islamic economics within the digital economic ecosystem.

The results of this research indicate that despite significant challenges in adapting Islamic economic law to the digital economy, there are substantial opportunities to promote ethical principles and economic justice. In this increasingly interconnected digital era, Islamic economic law can play a crucial role in shaping a more inclusive, sustainable economy aligned with ethical values. The implications of this research include the importance of developing regulatory frameworks that align with the digital economy while considering the values of Islamic economic law. It also underscores the need for greater awareness and understanding of the potential and contributions of Islamic economic law in the evolving digital economic context.

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Introduction

The development of digital technology has become a hallmark of the 21st century, significantly altering the global economic paradigm (Margono, 2004). The digital era has created an economic ecosystem vastly different from the past, with transactions, businesses, and innovations increasingly intertwined with information and communication technology (Hafid & Maulana, 2023). In this context, economic law has also undergone profound changes to accommodate the complex reality of the digital economy (Ariani, 2012). Moreover, in an increasingly interconnected global environment, legal and regulatory challenges have become more intricate, one of which is finding ways to integrate the principles of Sharia economic law into the digital economic landscape. Sharia economic law has the potential to provide an ethical framework aligned with Islamic principles in the ever-connected global economy (Nurlani, 2022). Therefore, it is necessary to consider the revitalization of Sharia economic law in this digital era.

This research identifies and elaborates on a number of problem specifications that are the focus of this study (Atsani & Nasri, 2021). First, the issue of paradigm shifts in economic law in response to digital technology and the digital economy (Ambarwati, 2013). Second, the problems that arise in facing these changes, including regulatory challenges, consumer protection, and transaction security in the digital economy (Atsani, Nasri, & Walad, 2023). Third, the issue of revitalizing Sharia economic law in the context of the increasingly complex digital economy, involving the adaptation of Sharia economic principles in a changing digital ecosystem.

The main problem to be solved in this research is how to integrate Sharia economic law with the growing digital economy. This includes a deep understanding of the legal challenges that arise in the digital economy, as well as finding solutions and opportunities to promote Sharia economic principles in this context. Additionally, this research aims to identify innovations and concrete steps that can be taken to revitalize Sharia economic law in the digital era.

The theoretical framework of this research will encompass a profound understanding of the fundamental concepts of digital economic law, Sharia economic law, as well as relevant regulatory and ethical issues (Tampongangoy, 2015). This research will also refer to existing scholarly literature related to the paradigm of digital economic law and efforts to revitalize Sharia economic law in the digital era (Sutopo, 2015). The novelty of this research lies in a deeper understanding of how Sharia economic law can be adapted and applied in the evolving context of the digital economy (Tektona, 2013). Furthermore, this research will contribute to identifying concrete solutions that can help

address challenges and leverage opportunities in the revitalization of Sharia economic law in the digital era (Tobing, 2015).

The main objective of this research is to identify the challenges and opportunities in responding to the paradigm shift in economic law in the digital economy and to investigate how Sharia economic law can be applied in this context (Qardhawi, 1988). Additionally, this research aims to provide practical recommendations and guidance that can assist in the revitalization of Sharia economic law in an increasingly interconnected digital era (Al-Kaaf, 2002). Thus, this research is expected to make a valuable contribution to the understanding and development of economic law in the dynamic digital economic ecosystem.

Method

This research (Ahmadi, 2005) employs a literature review as its research method (Khatibah, 2011). This method is chosen because the research aims to investigate the development of the paradigm of digital economic law and the revitalization of Sharia economic law in this era by referring to relevant scholarly literature (Zed, 2004). In conducting a literature review, the search, selection, and analysis of relevant literature will be performed to address the research questions (M. Sari & Asmendri, 2020).

Data collection (Azwar, 2011) techniques in this research are carried out through the search and analysis of scholarly literature available online and in the form of books, journal articles, research reports, and relevant text sources (Afifuddin & Saebani, 2012). Literature search will be conducted through academic databases, digital libraries, and other trusted reference sources (Nasri, Walad, et al., 2023). The collected data will include information and key concepts related to the paradigm of digital economic law, Sharia economic law, as well as regulatory and ethical issues related to them (Atsani, Nasri, Walad, Haryadi, et al., 2023).

Data analysis in this research involves three main stages (Nasri, Khairi, et al., 2023). First, literature collection will involve identifying sources relevant to the research problem (Atsani, Nasri, Walad, & Nurdiah, 2023). Second, the collected data will be critically analyzed to identify patterns, trends, and key findings related to the paradigm of digital economic law and the revitalization of Sharia economic law (Atsani & Nasri, 2021). Finally, the findings will be synthesized and presented within a coherent conceptual framework relevant to the research objectives (Harahap, 2014).

This research methodology (Tamzeh, 2009) will provide a deeper understanding of the challenges faced in digital economic law and the efforts that can be made to leverage opportunities in the revitalization of Sharia economic law in the digital era (Fatha Pringgar & Sujatmiko, 2020). Furthermore, this method will enable the research to develop a comprehensive conceptual framework that can provide practical guidance to stakeholders in addressing challenges and seizing opportunities within and around

the digital economy (Ali, 2002).

Results and Discussion

Changing Paradigm of Digital Economic Law

This research identifies that the development of digital technology has significantly altered the paradigm of economic law. In this digital era, economic transactions are no longer confined by geographical boundaries or conventional mechanisms (Al-Kaaf, 2002). Technologies such as blockchain, artificial intelligence (AI), and cryptocurrency transactions are examples of digital technologies that enable the global economy to operate in a more decentralized and efficient manner (Margono, 2004). This creates new challenges in regulation, consumer protection, and oversight that need to be addressed within digital economic law (Putra, 2018).

The change in paradigm within digital economic law is one of the significant outcomes of digital technology development that has transformed the global economic landscape. In the past, economic law primarily focused on physical transactions, regulation of conventional businesses, and traditional contract law (Abidin, 2015). However, the digital era has brought about a profound transformation in the way the economy operates (Fuadi & Ichsan, 2022). Digital technology allows economic transactions and activities to be conducted online, resulting in a decentralized and globally connected digital economy. The paradigm of economic law must adapt to address this new reality (Saepuddin et al., 2021).

One of the most notable paradigm shifts is in the realm of digital transactions that utilize blockchain technology and cryptocurrencies (Yuniarti, 2017). Cryptocurrency transactions like Bitcoin have created an alternative financial ecosystem independent of conventional financial institutions (Asmuni, 2013). Economic law must grapple with unresolved legal questions concerning the legal status of cryptocurrencies, taxation, and trade regulation (Sutan, 2018). Moreover, blockchain technology enables smart contracts that execute automatically without intermediaries, raising questions about how economic law governs and enforces such contracts (A. U. Sari et al., 2021).

The paradigm shift is also reflected in other aspects of the digital economy, including electronic trading platforms, app-based financial services (fintech), and the use of artificial intelligence (AI) in economic analysis and decision-making (Al-Qaradhawi, 1988). The entire digital economic ecosystem requires different laws and regulations than those governing conventional economics (Kadir, 2010). This includes consumer protection in the digital ecosystem, data privacy management, and transaction security that is increasingly vulnerable to cyberattacks (Fajar & Achmad, 2019). In this context, the change in the paradigm of economic law becomes essential to ensure sustainability and fairness in the advancing digital economy (Triyanta, 2012).

Regulatory Challenges in the Paradigm of Digital Economic Law

One of the main challenges is developing an appropriate regulatory framework for the digital economy (Al-Qaradhawi, 1994). In conventional economics, economic law has adequately regulated transactions and economic activities. However, in the digital economy, regulations must keep pace with rapid technological advancements (Al-Qaradhawi, 1988). Regulatory disparities across countries and jurisdictions also pose issues, as Sharia economic law may be regulated differently in various nations.

Another major challenge, in addition to those already discussed above, in addressing the change in the paradigm of digital economic law is developing a regulatory framework that is adaptive and responsive to technological developments (Purwaningsih, 2010). The digital economy is evolving rapidly, and the law must be able to keep up with it. Differences in regulations across countries and jurisdictions also create inequalities that need to be addressed (Al-Qaradhawi, 2021). Creating a balanced regulatory framework that protects consumer interests, promotes innovation, and ensures economic fairness is a complex challenge within the paradigm of digital economic law.

Consumer Protection

Consumer protection is a critical aspect of digital economic law. In the digital economy, consumers often interact with online businesses and services that do not always fall under the same regulations as conventional businesses. Therefore, a significant challenge is ensuring that consumers participating in the digital economy are adequately protected from harmful practices (Al-Kaaf, 2002).

One of the major challenges is developing effective consumer protection mechanisms in a highly diverse and dynamic environment (Purwaningsih, 2010). Digital consumers often engage in global transactions and interact with platforms and businesses from various countries (Susanto, 2011). This creates disparities in consumer protection, particularly when foreign companies operate without adequate regulation in the consumer's country. Therefore, economic law must address issues such as cross-border dispute resolution and international data protection (Triyanta, 2012). In facing these challenges, Sharia economic law can provide additional guidance on business ethics that emphasize fairness and consumer well-being, thus encouraging responsible business practices in the digital economy (Kadir, 2010).

Transaction Security

Transaction security is a primary concern in the digital economy, especially regarding the use of cryptocurrency and online transactions (Qardhawi, 1988). The use of cryptocurrencies like Bitcoin has drawn attention to the need for strong security measures (Tobing, 2015). Threats such as fraud, data breaches, and cryptocurrency transaction manipulation are pressing issues. Additionally, targeted cyberattacks

against digital economic platforms and online businesses are becoming increasingly common and detrimental (Talimah, 2001). The protection of consumers' personal data is also a significant concern.

Addressing these challenges requires adequate regulations and robust security infrastructure (Zuhdi, 2010). Economic law must consider regulations that mandate transparency in cryptocurrency use, as well as consumer protection against fraudulent practices. Strong efforts are needed for preventing cyberattacks and protecting personal data. Transaction security is a key element in building trust in the digital economy, which is vital for sustainable growth and development within the evolving paradigm of digital economic law (Bertens, 2000). In this context, Sharia economic law can offer guidance on security and fairness principles in digital economic transactions, which can be integrated into the applicable regulatory framework.

Digital Economy from the Perspective of Sharia Economic Law

The digital economy, encompassing online transactions, e-commerce, fintech, and cryptocurrencies, presents various aspects that need to be understood from the perspective of Sharia economic law. Sharia economic law is a branch of law based on Islamic economic principles, involving ethics, justice, and accountability in every economic activity. Here are some key points about the digital economy from the perspective of Sharia economic law (Mannan, 1997): Prohibition of Riba (Usury) and Speculation: Sharia economic law explicitly prohibits riba or usury. In the digital economy, especially in the context of online banking and lending, it is essential to ensure that financial transactions do not involve usurious elements. Additionally, excessive speculation in cryptocurrency transactions needs to be monitored, as it can contradict Sharia economic principles of economic justice.

Transparency and Fairness: Sharia economic law emphasizes transparency and fairness in every economic transaction. In the digital economy, this includes consumer protection, providing clear information in transactions, and ensuring that online business practices do not harm any party. Avoidance of Haram (Prohibited) Practices: The digital economy must ensure that no haram (prohibited) practices are involved in its activities. This includes refraining from transactions involving alcohol, gambling, or products that go against Islamic principles. Zakat and Infaq: Sharia economic law encourages the practice of zakat (mandatory giving) and infaq (voluntary giving) as a means to distribute wealth fairly and assist those in need. In the digital economy, platforms and companies can consider ways to integrate zakat and infaq into their business models (Farkhani et al., 2022). Privacy and Data Security: Principles of privacy and data security are also crucial in Sharia economic law. Customers and users must be assured that their personal data will not be misused, and all transactions must be

adequately protected (Karim, 2022). Sustainable Economic Development: Sharia economic law promotes sustainable and ethical economic development. In the digital economy, this can translate into investing in sustainable technology, promoting eco-friendly business practices, and avoiding the exploitation of unsustainable resources (Firmansyah et al., 2023).

Overall, Sharia economic law provides an ethical framework that can guide and regulate the digital economy in alignment with Islamic values. This creates a strong foundation for building an inclusive, sustainable, and just digital economy in the ever-evolving paradigm of economic law.

Conclusion

This research underscores the complexity and importance of addressing the changing paradigm of economic law in the digital era. The revitalization of Sharia economic law can be a valuable step in promoting ethical principles and justice within the rapidly evolving digital economy. To succeed, it requires collaboration between governments, regulatory bodies, technology companies, and the academic community. With the right approach, Sharia economic law can offer valuable guidance in creating an inclusive, sustainable, and ethically aligned digital economy.

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