

‘Urf Analysis on Electronic Money (E-Money) Use

(Study Case: Lecturer of Economics and Islamic Business UIN North Sumatra Medan)

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Abstract

Circulating government regulations regarding the use of e-money, people began to obey them by using e-money until finally the use of e-money has become a habit for the majority of Indonesian people. The basic law of muamalah in Islam is permissible until there is a proposition that prohibits it, so with this shift in habit, whether custom or in ushul fiqh science is called ‘urf. This study aims to analyze ‘urf on the use of electronic money (e-money) at the lecturers of the Islamic economics and business faculty of UIN North Sumatra Medan, this qualitative research uses the case study method. The researcher conducted observations on all permanent lecturers of the undergraduate program and of the sixty-two lecturers of the Faculty of Economics and Islamic Business, State Islamic University of North Sumatra Medan, the researcher will conduct interviews only with ten representatives of lecturers of the Faculty of Economics and Islamic Business, State Islamic University of North Sumatera, Medan with criteria ranging from 25-40 years old and the lecturer understands about electronic money and has used electronic money (e-money) outside of campus mandatory transactions. This study results that the use of e-money is included in the ‘urf sahih category, which means that the use of e-money is a habit that does not conflict with the arguments of the Qur’an and Hadith, the use of e-money also includes ‘urf ‘amm which means e-money known, known, agreed upon and applied by the majority of the community, the use of e-money also provides benefits to the community. So the use of e-money is an ‘urf that can be used as the basis for legal determination.

Keywords: Electronic Money (E-Money), ‘Urf, al-‘Addah Muhakkamah

Abstrak

Beredarnya aturan pemerintah tentang penggunaan e-money, maka masyarakat mulai mematuhi dengan menggunakan e-money sampai akhirnya penggunaan e-money sudah menjadi kebiasaan mayoritas masyarakat Indonesia. Kebiasaan masyarakat akan selalu bergeser karena adanya perubahan zaman. Hukum dasar muamalah dalam Islam adalah mubah sampai ada dalil yang melarangnya, maka dengan adanya pergeseran kebiasaan ini, apakah kebiasaan atau dalam ilmu ushul fiqh disebut dengan ‘urf. Apakah kebiasaan ini merupakan ‘urf yang dapat menjadi dasar dalam penetapan hukum atau tidak. Penelitian ini bertujuan untuk menganalisis ‘urf terhadap penggunaan electronic money (e-money) pada dosen fakultas ekonomi dan bisnis Islam UIN Sumatera Utara Medan, penelitian kualitatif ini menggunakan metode case study. peneliti melakukan observasi kepada seluruh dosen tetap program sarjana dan dari enam puluh dua dosen Fakultas Ekonomi dan Bisnis Islam Universitas Islam Negeri Sumatera Utara Medan, peneliti akan melakukan wawancara hanya kepada sepuluh perwakilan dosen Fakultas Ekonomi dan Bisnis Islam Universitas Islam Negeri Sumatera Utara Medan dengan kriteria rentang usia

25-40 tahun dan dosen tersebut memahami terkait uang elektronik dan telah menggunakan electronic money (e-money) diluar transaksi wajib kampus. Penelitian ini menghasilkan bahwa penggunaan e-money masuk pada kategori 'urf shahih yang artinya penggunaan e-money merupakan kebiasaan yang tidak bertentangan dengan dalil al-Qur'an dan Hadis, penggunaan e-money juga termasuk 'urf 'amm yang artinya e-money diketahui, dikenal, disepakati dan diaplikasikan oleh mayoritas masyarakat, penggunaan e-money juga memberikan kemashlahatan kepada masyarakat. Maka penggunaan e-money merupakan 'urf yang dapat dijadikan dasar penetapan hukum.

Kata kunci: Electronic Money (E-Money), 'Urf, al-'Addah Muhakkamah

Introduction

Indonesia is one of the developing countries. So by becoming a developing country, Indonesia has a demand to give birth to an intelligent society amid in today's developments. The entry of the development of the current technological era, has an extraordinary effect in all aspects of human activity, especially in transaction payment activities.

Before this, payment for each transaction used cash. However, in the current era of technology, the circulation of transaction payments using electronic money or called electronic money (E-Money). In terms of the use of E-Money, it has been stated in Bank of Indonesia Regulation No. 20/6/PBI/2018 the Year 2018 concerning Electronic Money.¹ With government regulations regarding the use of e-money, people began to use it in transactions. Although the initial use of e-money was not fully accepted by all levels of Indonesian society, gradually this can become a community tradition. E-Money can be used for payment transactions via the internet or through collaborating merchants. The use of E-Money has gone viral when the program uses non-cash toll road payments using e-tolls. After that, the use of e-money was increasingly in demand by various groups of people, so its use was expanded such as paying for parking, shopping at supermarkets, or eating at restaurants.

E-Money has been released since 2009 marked by the issuance of Bank of Indonesia regulations regarding the use of e-money. The following is data on the number of e-money in circulation from 2018 to 2021 example : Mobile banking and e-wallet like OVO, Gopay, ShopeePay, QRIS, and other.

2018	2019	2020	2021
167,205,578	292,299,320	432,281,380	575,323,419

Source : Bank of Indonesia

By looking at the data above, the use of e-money is in great demand by the public. It is proven by the increase in the amount of electronic money circulating from 2018 to 2021. With e-money, people feel the ease of making transactions. With e-money, people don't have to bother holding a lot of money

¹Bank Indonesia, "Peraturan Bank Indonesia Nomor 20/6/PBI/2018," no. 184 (2018): 1-47, https://www.bi.go.id/licensing/helps/PBI_111209-Emoney.pdf.

in their wallets, they only need to bring a cellphone that already has a digital wallet application or a mobile application and internet banking to make transaction payments.

The use of e-money has been in great demand from urban communities to rural communities. Payment of transactions with electronic money has become a lifestyle for Indonesians for now, because there are already many merchants and/or buy and sell platforms that offer payments with electronic money so this activity has become a habit for Indonesians today.

Everything that becomes a habit and is agreed upon in society, both words and deeds are called *'Urf* in the science of Usul Fiqh. People's habits will always shift, for example in this case, there is a shift in people's habits in payment transactions. In the past, paying traditionally, namely by cash, has now shifted to payment through a modern method, namely payment by electronic money.

This habitual phenomenon (*'Urf*) of using e-money is found in a lecturer from one of the faculties at the Islamic State University of North Sumatra, Medan, namely the Faculty of Islamic Economics and Business. Lecturers at the Islamic economics and business faculty who focus on teaching related to economics and business in Islam, and understand the working mechanism of electronic money and the laws contained in electronic money, they also use electronic money in terms of mandatory monthly transactions such as payment of salaries, meal allowance, remuneration, and social assistance collected by the faculty. In addition, the use of electronic money in the payment of several applications and platforms is also utilized by several lecturers. The existence of the use of electronic money has also been investigated by Rifqy. In his research, Rifqy said that business developments in Indonesia affected electronic money to increase, to increase convenience for electronic money users, BI continues to make improvements to the system or the rules for electronic money transactions so that electronic money continues to be part of people's lifestyles going forward, and in his research, Rifqy also describes some of the obstacles found in non-cash transactions.² And in Serepina's research, the culture of public spending using electronic money also illustrates that technological sophistication has facilitated every community activity, it can be seen from the value of e-money transactions that flow from year to year. So with this convenience consciously, people consume too much, although it should depend on the self-control of each individual.³

In the current situation where the whole country is hit by the COVID-19 pandemic, some lecturers feel the ease and security of using electronic money as a transaction tool. As Rohmah and Tristiarini research, in their research, they stated that the convenience variable is the most influential variable among the benefits, trust, and risk variables on interest in using e-money during the

²Rifqy Tazkiyyaturrohman, "Eksistensi Uang Elektronik Sebagai Alat Transaksi Keuangan Modern," *Muslim Heritage* 3, no. 1 (2018): 23, <https://doi.org/10.21154/muslimheritage.v3i1.1240>.

³Serepina Tiur Maida, "PENGARUH E-MONEY TERHADAP BUDAYA BELANJA INDIVIDU," *VISIONER* 1, no. 2 Oktober (6 November 2019): 180–89, <http://ojs.mputantular.ac.id/index.php/vis/article/view/322>.

COVID-19 pandemic.⁴ In addition, Setyo, Usep, and Rosmauli in 2015 also researched e-money. The results of their research are that the convenience factor affects an interest in using electronic money cards, then the trust factor also affects the interest of commuter line users in Jakarta.⁵ And also Ni Made Dwi and I Made in their research "Analysis of Interest in Using E-money Services to the society of the city of Denpasar", in their article, the convenience and security factors have a positive and significant effect on people's interest in using e-money as a means of payment.⁶ Furthermore, in the Scientific Research Journal of Management Research and Scientific Writing, there was a research of Yuki Reza related to the Analysis of the Success Factors of the E-Payment System, in his research, Yuki explained the results of the Efficiency factor, in this factor there are five indicators, namely faster, cheap, paperless, efficient transactions and enhanced procedures. The efficient factor in this research is one of the factors that influence the success of using E-payment.⁷

From the phenomena and several studies that have been studied above, this study was conducted to find out the results of the 'Urf analysis on the use of electronic money (e-money) at the lecturers of the Faculty of Economics and Islamic Business, Islamic State University of North Sumatra, Medan by looking at several factors, namely knowledge factor, convenience factor, security factor, and social factor.

Literature Review

The 'Urf Analysis of the Use of E-Money

1. Knowledge Factor

From this factor, researchers conducted interviews with research subjects by asking several questions based on indicators of knowledge.

This interview was conducted with ten lecturers with different age ranges. Interview with lecturer I with an age range of 25-30 stated that:⁸

"When I first learned about electronic money, it wasn't theoretical. I know because I used it right away, such as using ATM and mobile banking. However, in the long run this electronic money developed until it entered the toll road. Then now there is OVO, Shopeepay, all of these are also very easy to use, it seems like, we don't need a tutorial on how to use it, we can learn self-taught. So, now it's no longer complicated if you want any transactions."

⁴Yasinta Maulida Rohmah et al., "Jurnal Akuntansi dan Pajak Pengaruh Sistem Pembayaran E-Money Dalam Era Digital Di Tengah Wabah Covid- 19 : Studi Kasus Pada Masyarakat Semarang" 22, no. 5 (2019): 1–11.

⁵Setyo Ferry Wibowo, Dede Rosmauli, dan Usep Suhud, "Pengaruh Persepsi Manfaat, Persepsi Kemudahan, Fitur Layanan, Dan Kepercayaan Terhadap Minat Menggunakan E-Money Card (Studi Pada Pengguna Jasa Commuterline Di Jakarta)," *JRMSI - Jurnal Riset Manajemen Sains Indonesia* 6, no. 1 (2015): 440–56, <https://doi.org/10.21009/jrmsi.006.1.06>.

⁶Ni Made Dwi Aksami dan I Made Jember, "Analisis Minat Penggunaan Layanan E-Money pada Masyarakat Kota Denpasar," *E-Jurnal EP Unud* 8, no. 9 (2019): 2439–70.

⁷Reza Yuki, "Analisis Faktor-Faktor Sukses Sistem E-Payment," *Jurnal Riset Sains Manajemen* 3 (2019): 31–48, <http://ejurnal.id/index.php/jsm/article/view/234>.

⁸I, *Interview*, Kamis, 18 November 2021 at 11.00

The same thing was also expressed by lecturer A with the same age range. He said that understanding electronic money was very easy because many scientific articles explained the laws and mechanisms for using electronic money. In addition, there are government policies on the use of electronic money. Analysis of other knowledge can also be seen from the researcher's interview with the second lecturer interviewed, namely lecturer N with an age range of 30-35:⁹

“Electronic money that I know are credit cards, debit cards, mobile banking, e-tolls, and so on. Besides that, I can also get information about this electronic money from various sources. And many shops use electronic money in their payment methods. The one I use the most is mobile banking because I need to do transfers every month.”

The same thing was also expressed by lecturer R with the same age range stated that he can know and understand information related to electronic money from various media, and studies published on social media. Lecturers A and L are also in line in knowing information related to electronic money (e-money).

And what is more interesting is the lecturers with an age range of 35-40, which is an age that is not included in the technology generation. They are also not inferior in understanding electronic money, as proven by the results of interviews with lecturer K who described electronic money as a flexible transaction method.¹⁰

“Honestly, I like new things and also like to find out about new things. When this electronic money began to develop in the community, even though on campus I also used electronic money to pay salaries and so on, I also learned to understand electronic money in other forms such as OVO, Shopee Pay, and so on. Besides that, because I often travel by crossing toll roads, I inevitably have to know how the electronic money mechanism is currently used in toll payments. And also this e-money application is not too complicated, for example like mobile banking, we only need a cellphone and an internet package for the application. Without the hassle of going to an ATM, we can transfer anywhere, even if from mobile banking, it's better to transfer to the same bank so as not to incur administrative fees. However, now there are other applications such as Flip that can transfer to any bank without any administration fees”

It's different with lecturer W where he is a consumptive person. He also felt the need to learn the mechanics of electronic money because various shops have started using electronic money in their payment method.¹¹

“I love shopping. Shop for home needs or my children and personal needs. I understand the changes that are happening and we as a society must be able to balance our life activities with these changes. Now, many shops give discounts if we use electronic money as the method of payment and that is very tempting. I can't give up the existing discount. So, I also have to follow the changes that occurred. Even though I am not young anymore, I also have to be able to follow

⁹ N, Interview, Jum'at, 19 November 2021 at 10.00

¹⁰ K, Interview, Jum'at, 10 Desember 2021 at 15.00

¹¹ W, Interview, Kamis, 16 Desember 2021 at 10.00

it to teach it to my children. Well...I could say, I don't want my children to think that I'm a tech stutter. I would be ashamed."

This is also in line with the expression given by lecturer M who is also a consumptive. Besides that, there is also a lecturer R with the same age range, besides being a lecturer, he is also an entrepreneur as an addition to family finances.¹²

"Besides teaching, I also sell clothes like praying clothes for woman. Because it's easier for consumers to pay via transfer, that's why I started using electronic money for the convenience of consumers as well. It also helped me not to bother carrying cash and going to the bank or ATM to pay the producer."

Of all the lecturers who are the subjects of this research, they know the benefits of electronic money for now, where the era has changed to an era that is more active with technology. They know that this benefit is not only felt by one or two people but also all levels of society, although there are still some people who have not been able to get up from their old habit of using cash. They believe that in the future this electronic money will be a priority for transaction methods in Indonesia.

2. Convenience Factor

Electronic money will be made a tradition or habit (*'urf*) by the whole community if it is easy to use it. So from various indicators, it is said to be easy if it is easy to learn, easy to use, easy to understand, and can be an expert in using it. So the results of interviews from all research subjects about the ease of using electronic money, said by lecturers I and A who were 25-30 years old, that is:¹³

"This electronic money is very easy to use, we are already used to using smartphones and we are also not tech stutter, so when the development of this electronic money in Indonesia, God willing, we will still be able to adapt to its use. Its use does not require a tutorial like using other digital applications. That's why electronic money makes it very easy for us to transact and we don't have to worry if we forget to bring money. Just pay using the OVO application, Dana, Gopay, or so on. So, now it's rare to carry a lot of cash, at least the cash is prepared to fill up the motorbike's gasoline. I hope that one day in Medan, we can also refill motorbike gasoline using e-money so that it is more flexible and don't bother to bring small change to pay or change for the gas station operator."

Lecturers N and R aged 30-35 years have also felt the ease of using electronic money, they said:¹⁴

"At first, I was worried about using this electronic money, for example, I wanted to transfer from mobile banking, I was worried that the money would not be sent, but later using this electronic money became very easy to learn. It's true

¹² R, *Interview*, Kamis, 16 Desember 2021 at 14.00

¹³ I dan A, *Interview*, Kamis, 18 November 2021 at 11.00

¹⁴ N dan R, *Interview*, Jum'at, 19 November 2021 at 10.00

what people say, it will be normal if you get used to it. With repeated use, I understand more about how to use it and I no longer have to worry about the money not being sent. If there is a network problem, we can report it to the party responsible for the e-money. Finally, now I have started to use electronic money more often than cash."

Lecturers A dan L also expressed the same thing, they said:¹⁵

"The use of electronic money is not difficult and efficient as well. In the past, we had to pay for water and electricity bills manually, but now we only have to pay them via e-money. Lots of promos too. So more often I save electronic money in the application than cash."

The same thing was also expressed by four lecturers aged 35-40 years. At a relatively young age, these four lecturers are also still very adaptable to changing times. Lecturers K, W, and M expressed the same thing:¹⁶

"Before this electronic money developed as it is today, what was often used was mobile banking, if for credit cards I never used it. Debit cards are also used occasionally when shopping at Brastagi supermarkets or other places. Of course, what is more often is mobile banking for transfers and other payments. Now, because I am used to using mobile banking. When the development of electronic money such as OVO, Flazz, Gopay, Shopepay, Qris, and so on, I have been very easy to use those. It's not too much of a hassle to learn how to use the e-money again. And again, now it's very easy to pay electricity and water bills, no need to bother leaving the house anymore."

The same ease is felt by lecturer R as an entrepreneur:¹⁷

"I think this electronic money makes my job easier. It's just a matter of checking your cellphone if the transfer was sent in or not, so I don't have to bother checking at an ATM. Then for shopping for products on the marketplace, there are also many discounts that we could get if we use electronic money. In addition, the use of e-money is not complicated to understand. All the info you need is already in the app. It is quite efficient and flexible to use e-money instead of using cash.."

From this ease of use, all research subjects began to apply the tradition of using electronic money in various transactions.

3. Safety Factor

In terms of safety, Lecturer K feels safe because of the security system in electronic money..¹⁸

"Electronic money does have a security system, so we can protect electronic money with existing security systems such as a PIN or if a cellphone that

¹⁵ A dan L, *Interview*, Jum'at, 19 November 2021 at 14.00

¹⁶ K, *Interview*, Jum'at, 10 Desember 2021 at 15.00 , W dan M, *Interview*, Kamis, 16 Desember 2021 at 10.00

¹⁷ R, *Interview*, Kamis, 16 Desember 2021 at 14.00

¹⁸ K, *Interview*, Jum'at, 10 Desember 2021 at 15.00

supports fingerprints can use fingerprints. However, for e-toll, I think it is still lacking in security because the card can be used by anyone without a security system in it. Besides that, this e-money is safe.."

The same was felt by other research subjects. There is no concern about the use of electronic money. However, it is different with lecturer A who is not sure about the security of electronic money. He still sounded worried.¹⁹

"E-Money is indeed very easy to apply. But for safety, I'm still not completely sure. Well... even though there is a security system such as a PIN, I'm still not completely sure. Especially now, there is a lot of news related to data leaks that have resulted in lost electronic money deposits. Even though there is a guarantee from the government, not everything can be covered by the government if it happens to many people. Especially for e-tolls, which have no security, where everyone can use the same card. That's why for e-tolls I usually only top-up as much as needed."

So, for the interview results on the safety factor, there are still statements that are worried about saving electronic money in the application.

4. Social Factor

Social factors in this case can be interpreted as conditions in the environment around individuals that affect the use of electronic money such as the influence of family, friends, work environment, or policies. Based on the results of interviews with lecturers I and A who are 25-30 years old, it is illustrated that this social factor is one of the reasons they use e-money.²⁰

"Initially, I used this e-money because the salary on campus was given through a bank account, then the government policy issued again about paying tolls using e-toll, so I had to use e-toll. But during this covid pandemic, it was difficult for me to leave the house but I also needed to do transactions, so I started forcing myself to start consumptive via the marketplace and the payment was using e-money. After using it often, it turned out to be very efficient in how to use it, no longer bothering to have to provide cash. All you have to do is order online, pay online, and the product will be shipped right away. So now if I want to do the shopping and any non-consumptive transactions, I only use digital."

Lecturer R, who is 35-40 years old, uses e-money because he needs to do transactions with consumers and producers.²¹

"For me, I use this e-money because of my business needs. My environment forced me to use this electronic money. I have a business, so to make the transaction easier I use e-money. My consumers and producers are already using e-money, so I have to use it too. In addition, its use is also not difficult and very effective."

¹⁹ A, *Interview*, Kamis, 18 November 2021 at 11.00

²⁰ I dan A, *Interview*, Kamis, 18 November 2021 at 11.00

²¹ R, *Interview*, Kamis, 16 Desember 2021 at 14.00

The same thing was said by lecturer N, who is 30-35 years old, who used electronic money for the first time because friends from his fellow worker recommended it.²²

"In the past I was often told by colleagues, to try using mobile banking so that it's easy to send money, it's also easy to check whether salaries are sent or not. They say that because I've never used it. While my friends, even students, are already proficient in the use of electronic money, I finally followed the advice of my friends. I started to apply for electronic money, and it turns out that using e-money has become a habit and now I don't bother carrying cash anymore."

Lecturers W and M, aged between 35-40 years, use electronic money because the environment around them has used it.²³

"Many of the lecturers have started to minimize cash, so I started also using electronic money. In addition, now for some transactions using electronic money and also using electronic money, it is very easy for me saves time, and does not drain energy."

Likewise with lecturers R, A, and L who are 30-35 years old, in addition to using electronic money because of the convenience and security as well as personal desires, the use of electronic money is also influenced by the surrounding environment. Humans as social beings cannot live without being influenced by the surrounding environment, so if there are changes that occur due to changing times, the environment will change and every individual will follow the changes.

Methodology

This research is qualitative research with a case study method. The researcher made observations to all permanent lecturers of the undergraduate program and from sixty-two lecturers of the Faculty of Economics and Islamic Business, Islamic State of the University of North Sumatra, Medan. The researcher will conduct interviews only with ten representatives of lecturers from the Faculty of Economics and Islamic Business, Islamic State of the University of North Sumatra, Medan with the criteria for an age range of 25-40 years and the lecturer understands about electronic money and has used electronic money (e-money) outside of mandatory campus transactions.

Discussion

The Analisis of 'urf on the Use of E-Money

Allah SWT created humans with two purposes, namely as Servants of *Allah SWT* and as *Khalifah* on earth. With this teleological foundation, humans on earth could become leaders for themselves, their families, the environment, and their country. As a leader, they could keep up with the changing activities caused by the changing times.

²² N, *Interview*, Jum'at, 19 November 2021 at 10.00

²³ W, *Interview*, Kamis, 16 Desember 2021 at 10.00

Before the entry of the era full of technology, all transactions still used cash. And in every economics, we always learn about cash use. However, the development of this science has resulted in changes in human activity. Today, the world knows technology even technology has become part of human life. One of the changes that occurred was the change of cash into electronic money, known as e-money.

E-Money is a payment instrument that uses technology by depositing money to the e-money publisher directly or to agents who have collaborated with the publisher. Then the deposited e-money could be used to make transactions by immediately reducing the value of money in the e-money application.²⁴

This electronic money is now used as a substitute for cash in the payment method. In today's digital era, electronic money is in demand by the public due to its ease of use. In addition, using electronic money can minimize people from carrying too much cash. This electronic money has also been equipped with a security system to maintain public trust and confidence in its use.

The understanding and use of electronic money have spread to all corners of the island in Indonesia, and the use of electronic money is also when viewed from Islamic law, this transaction method is not prohibited in Islam. So if we look at its legitimacy, the use of electronic money or e-money can be categorized as "*urf sah*", which means that the use of electronic money has been understood and agreed upon by the entire community as a transaction instrument for now and has been applied and does not conflict with the laws of *The Al-Qur'an* and *Hadith*, does not eliminate benefit and does not bring harm.²⁵ In this case, the researcher had observed on some levels of Indonesian society, namely at the Faculty of Economics and Islamic Business, State Islamic University of North Sumatra, Medan. Moreover, the researcher has conducted direct interviews with several lecturers who use electronic money for various transactions. Of all the interviewees, there is not a single person who refuses to convert cash into electronic money as the current transaction instrument. They understood and felt the ease of using electronic money. And because electronic money does not conflict with Islamic law, they are free to use electronic money or cash as their transaction instrument.

Based on the material aspect of *urf*, the use of electronic money can be included in the category of *urf amali*, which means a series of activities carried out by lecturers of the Islamic Economics and Business Faculty, State Islamic University of North Sumatra, Medan. In addition, based on the scope of *urf*, the use of electronic money is included in the category of *urf amm* or general habits.²⁶ It can be proven by data on the use of electronic continues to flow in Indonesia from year to year, which means that the use of electronic money is not only carried out by lecturers at the Faculty of Economics and Islamic Business,

²⁴Veithzal Rivai, *Bank and Financial Institute Management* (Jakarta: PT. Raja Grafindo Persada, 2007), 1367.

²⁵Muhammad Abu Zahrah, *Ushul al-Fiqh* (Kairo: Dar al-Fikr al-Arabi, 1958), 217.

²⁶Muhammad Mufid, *Ushul Fiqh Ekonomi dan Keuangan Kontemporer dari Teori ke Aplikasi*, Edisi Kedua (Jakarta: Prenada Media Group, 2018), 154.

State Islamic University of North Sumatra, Medan, but also all levels of society agree on the use of electronic money.

In the principle of *ushuliyyah*, Islamic law can change according to changing times, places, conditions or circumstances, different traditions, and intentions or goals. Even so, the law obtained from the results of *ijtihad* must still rely on the laws of the *Al-Qur'an* and *hadith*. The principle is:²⁷

تغير الفتوى واختلافها بحسب تغير الأزمنة والأمكنة والأحوال والنيات والعوائد

It means: Changes and different laws fatwas based on time differences, places, conditions, intentions, and habits (tradition).

In Islam, *'Urf* can be used as a legal *istinbath* or basis in establishing law. However, *'urf* that can be used as a basis in establishing law is *'urf* which does not conflict with the laws of the *Al-Qur'an* and *hadith* (authentic *'urf*). The principle of *ushuliyyah* is:

العادة محكمة

It means: Tradition (habit) can be used as the basis for determining the law.

Accordingly, the Islamic scholars of *ushul* agree that the authentic *'urf* can be used as the basis for determining the law. This is strengthened in the words of Allah SWT in *Surah Al-Baqarah*: 233

.....وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ

It means: And the fathers shall bear the cost of their food and clothing on equitable terms.

In the snippet of the verse above, it explains that the propriety and appropriateness of giving food, clothing, and housing depends on the conditions and habits or *'urf* in a place.²⁸ Thus, the habit can be used as the basis for establishing the law. Another *Hujjah* regarding *'urf* is as explained in *Surah al-A'raf*: 199

خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجَاهِلِينَ

It means: Hold to forgiveness; command what is right; but turn away from the ignorant.

The verse above mentions the word *al-'urf* which is interpreted by good deeds and the previous word is a command sentence, which means that Allah SWT tells humans to get used to doing good.

Islamic Syari'ah did not come to eliminate the cultures or traditions of the society. Before Islam came, the *jahiliyyah* had cultures or habits that were already inherent in them, so the arrival of Islam did not eliminate all the cultures at that time, but Islam selected related cultures or habits, which habits that must be preserved and be approved, or habits that must be eliminated.

Abdul Karim Zaidan in the Thesis of Nilna Farikhana mentioned several requirements for *'urf* which can be used as the basis for determining law according to the Islamic Scholars, those are: First, *'Urf Sahih*, which is a habit that does not conflict with the laws of the *al-Qur'an* and *hadith*. The use of electronic

²⁷Duski Ibrahim, *Al-Qawa'id Al-Fiqhiyah (Kaidah-kaidah Fiqih)*, vol. 44, 2019, 96.

²⁸Romli SA, *Pengantar Ilmu Ushul Fiqh Metodologi Penetapan Hukum Islam*, Edisi Revi (Depok: Prenada Media Group, 2017), 218.

money as a transaction instrument is an authentic *'urf*, where this habit does not conflict with the laws of the al-Qur'an and hadith. This habit also brings more benefit to society than harm. With electronic money, lecturers at the Islamic economics and business faculty find it easy to transact. Second, *'urf* must be general; This habit must be recognized and practiced by the majority of the community. The use of electronic money has also been recognized and applied by the majority of Indonesian people. This matter can be proven by the data of electronic money which increased from 2018 to 2021. Third, *'urf* must be for the benefit of the community and acceptable to common sense; If we feel that the use of electronic money can facilitate and provide security for the community, it can be said that the use of e-money is worth *mashlahah* and is accepted by the community with common sense. Fourth, there is no assertiveness from the other party that is different from the will of the *'urf*, the meaning is that if both parties have agreed not to carry out the generally accepted habit, then that firmness is applied, not the *'urf*. So the use of electronic money must be agreed upon by both parties who transact. If both parties agree not to use electronic money, then the agreement of both parties will apply.²⁹

So, from the explanation of the requirements above, the use of electronic money or e-money is proven to meet the requirements as *'urf*.

Conclusion

'Urf can be used as the basis for determining the law if the *'urf* can meet the requirements concluded by the Islamic Scholars, those are: First, *'Urf Sahih*, which is a habit that does not conflict with the laws of the al-Qur'an and hadith. The use of electronic money as a transaction instrument is an authentic *'urf*, where this habit does not conflict with the laws of the al-Qur'an and hadith. This habit also brings more benefit to society than harm. With electronic money, lecturers at the Islamic economics and business faculty find it easy to transact. Second, *'urf* must be general; This habit must be recognized and practiced by the majority of the community. The use of electronic money has also been recognized and applied by the majority of Indonesian people. This matter can be proven by the data of electronic money which increased from 2018 to 2021. Third, *'urf* must be for the benefit of the community and acceptable to common sense; If we feel that the use of electronic money can facilitate and provide security for the community, it can be said that the use of e-money is worth *mashlahah* and is accepted by the community with common sense. Fourth, there is no assertiveness from the other party that is different from the will of the *'urf*, the meaning is that if both parties have agreed not to carry out the generally accepted habit, then that firmness is applied, not the *'urf*. So the use of electronic money must be agreed upon by both parties who transact. If both parties agree not using electronic money, then the agreement of both parties will apply. Finally, in this study, the

²⁹Nilna Farikhana, "Analisis 'Urf terhadap Tradisi Upacara Nglangkahi Kakak dalam Pernikahan (Studi Kasus Desa Simo Kecamatan Kradenan Kabupaten Grobongan Provinsi Jawa Tengah)" (Universitas Islam Indonesia, 2020), 72–74.

use of electronic money or e-money is an *'urf* that can be used as the basis for legal determination.

So, from this explanation we know that with changing times, everyone's habits will also change. In this case, people's habits in transacting. This change of habit is permissible in Islam because there is no evidence forbidding it. So, I suggest that future researchers can examine people's habits in paying zakat, infaq and shadaqah and waqf through digital devices.

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