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Contemporary Financial Transactions as Emerging Legal Cases in the Context of Artificial Intelligence and Maqāṣid-Based Ijtihād: Virtual Currencies as a Case Study

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Abstract

This study examines contemporary financial *nawāzil* (emerging financial issues) in the context of accelerating digital transformations, focusing on virtual currencies as a case study of the novel challenges facing contemporary Islamic jurisprudence. It seeks to clarify the role of *maqāṣid*-based *ijtihād* (juristic reasoning informed by the objectives of *Sharīʿah*) in establishing their legal foundations and evaluating their implications. The study addresses the central question of how an integrated approach combining *fiqh* characterization, verification of the effective legal basis (*taḥqīq al-manāt*), and *maqāṣid*-based reasoning can accommodate the technological and economic characteristics of virtual currencies and determine the rulings governing their use in light of the objectives of Islamic law. It adopts a descriptive-analytical approach, supplemented by inductive and comparative methods, to examine differing juristic positions, analyze their supporting evidence, and assess their arguments in light of relevant *Sharīʿah* principles, particularly *gharar* (excessive uncertainty), *jahālah* (lack of adequate knowledge), blocking the means to prohibited practices (*sadd al-dharāʾiʿ*), consideration of consequences (*iʿtibār al-maʿāl*), and the objective of preserving wealth. The study demonstrates that the legal assessment of virtual currencies cannot be based solely on their apparent form; rather, it requires an understanding of their technological structure, economic functions, degree of acceptance, value stability, and associated risks and safeguards. It also highlights the importance of *maqāṣid*-based reasoning in balancing the benefits and harms arising from their use and determining how their characteristics affect their classification as assets or money and the



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Shari‘ah rulings governing transactions and currency exchange. Based on the circumstances examined, the study favors the position that dealing in virtual currencies in the forms under consideration is impermissible, given the material gharar, uncertainty, and financial risks that may be associated with them. However, this conclusion is contingent upon the legally relevant characteristics underlying the ruling and may be reconsidered if the factual basis changes and the necessary Shari‘ah-compliant and regulatory safeguards are established. The study concludes that maqāṣid-based ijtihād, when integrated with accurate fiqh characterization, taḥqīq al-manāṭ, and a sound understanding of digital realities, provides an important methodological framework for addressing emerging financial issues and realizing the Shari‘ah objective of preserving wealth amid contemporary technological transformations.

Keywords: Contemporary financial nawāzil; artificial intelligence; maqāṣid-based ijtihād; virtual currencies; taḥqīq al-manāṭ; preservation of wealth.

Introduction

Praise be to Allah, whose Shariah is underpinned by universal objectives that preserve the order of creation and safeguard people's interests in both the present life and the Hereafter. He has made it suitable for every time and place and capable of accommodating emerging cases and new developments. May peace and blessings be upon our master Muhammad, who was sent as a mercy to all worlds, established the fundamental principles, clarified the rules, and guided people to consider the consequences of actions, and upon his family, his Companions, and all those who follow them in righteousness until the Day of Judgment.

To proceed, one of the most prominent characteristics of Islamic jurisprudence is its capacity to engage with civilizational transformations and accommodate economic and technological changes through its well-established foundations and universal principles. Foremost among these are the objectives of Shariah (*maqāṣid al-shari‘ah*), which represent the spirit of Islamic legislation and the standard governing its application. The modern era has witnessed profound transformations in the structure of financial transactions, most notably the shift from the material economy to the digital sphere and artificial intelligence, alongside the emergence of what are known as digital currencies. These currencies have established an increasingly significant presence in financial transactions while simultaneously raising complex jurisprudential questions concerning their legal classification, the determination of their rulings, and the assessment of their implications in the context of artificial intelligence.

The significance of this topic lies in its examination of a contemporary financial case characterized by complexity and multiple interrelated dimensions. Technological, economic, and legal considerations converge within it, making a conventional, narrowly focused approach insufficient and necessitating the activation of *maqāṣid*-based reasoning, particularly with regard to the consequences of actions. This approach seeks to determine legal rulings in light of their anticipated outcomes, with a view to safeguarding benefits and preventing harm, especially in relation to the objective of protecting wealth, which constitutes one of the five essential objectives of Shariah.

The research problem addressed in this paper is formulated in the following question: To what extent can the objectives of Shariah, particularly the consideration of consequences (*i'tibār al-ma'ālāt*), be employed to establish the jurisprudential foundations for emerging cases in digital financial transactions and determine the rulings governing digital currencies in a manner that reconciles the demands of artificial intelligence and financial innovation with the requirements of preservation and stability?

This study aims to clarify the conceptual framework of emerging financial cases in the digital context and establish the methodological foundations of *ijtihād* in addressing them. It then seeks to highlight the role of the objectives of Shariah in analyzing digital currencies by considering their anticipated consequences and effects, ultimately developing a sound jurisprudential framework that balances the realization of benefits with the prevention of harm in this field.

The research is organized into two main sections. The first establishes the methodological foundations for contemporary emerging financial cases by explaining their concept and development in the digital context of artificial intelligence and clarifying the methodology of *ijtihād* in addressing new cases.

The second section examines the effectiveness of the objectives of Shariah in establishing the jurisprudential foundations for emerging digital cases. It does so by investigating the consequences of digital currencies, explaining their rulings in light of the objectives of Shariah, and concluding with the principal findings.

Section One: The Methodological Foundations of Contemporary Emerging Financial Cases in the Context of Artificial Intelligence

Establishing the methodological foundations of contemporary emerging financial cases is an essential starting point for understanding the transformations that the financial sector has undergone amid rapid technological development. Financial transactions are no longer confined to traditional forms; rather, they have expanded to include new digital arrangements that raise complex jurisprudential questions. Accordingly, defining emerging financial cases in their digital context and understanding their characteristics and development constitute the first step toward developing an accurate scholarly understanding of them.

Accommodating these developments also requires the activation of a rigorous methodology of *ijtihād* grounded in the principles of Shariah, attentive to its objectives, and capable of appropriately applying legal rulings to changing circumstances.

Accordingly, this section seeks to establish the conceptual framework for contemporary emerging financial cases, explain their development in the digital environment, and identify the methodology of *ijtihād* capable of addressing them in a manner that ensures compliance with Shariah principles while accommodating the demands of contemporary reality

Subsection One: The Concept of Emerging Financial Cases and Their Development in the Digital Context (Artificial Intelligence)

First: The Concept of Emerging Financial Cases in Terms of Its Constituent Elements

A. The Meaning of *Nawāzil* (Emerging Cases)

1. Linguistically

Nawāzil is the plural of *nāzilah*. In its original linguistic sense, the term denotes descending and occurring. It subsequently came to be used for severe hardships that befall people. Ibn Fāris explains that the Arabic root nūn-zāy-lām denotes the descent or occurrence of something. Thus, one may speak of dismounting from an animal or rain descending from the sky, while a *nāzilah* refers to a severe calamity that befalls people over the course of time (Ibn Fāris, 1979, Vol. 5, p. 417).

In *Lisān al-‘Arab*, a *nāzilah* is likewise defined as a severe calamity among the hardships that befall people (Ibn Manẓūr, 1414 AH, Vol. 11, p. 659).

2. Terminologically

Muslim jurists have used the term *nawāzil* in several senses, all of which share the underlying meaning of something new that occurs after not having existed previously.

One usage refers to general hardships that befall the Muslim community and in response to which the supplication of *qunūt* is prescribed. Imam al-Shāfi‘ī states: “There is no *qunūt* in any of the prayers except the dawn prayer, unless a calamity befalls the community, in which case the imam may perform *qunūt* in all the prayers, if he so wishes” (al-Shāfi‘ī, 1990, Vol. 1, p. 236).

Another usage encompasses questions and events requiring a legal ruling, whether they have already occurred or are anticipated. This meaning can be inferred from al-Shāfi‘ī’s use of the term in various contexts, where it refers both to a question on which a ruling has been issued and to an event for which a ruling is sought. He states, for example: “No calamity befalls anyone among the people of God’s religion without there being guidance concerning it in the Book of God” (al-Shāfi‘ī, 1940, Vol. 1, p. 19).

A further usage encompasses all matters concerning the rulings of religion that may arise until the Day of Judgment. Ibn Ḥazm makes this point while affirming the completeness of Shariah, stating: “It is sufficient for us to be certain that Allah Almighty has clarified for us everything concerning the rulings of religion that may arise until the Day of Judgment. How much more so when we present to you a single text containing every case that has occurred or will occur until the Day of Judgment” (Ibn Ḥazm, n.d., Vol. 8, p. 6).

The most specific and widely recognized meaning among scholars of Islamic legal theory (*uṣūl al-fiqh*) is that *nawāzil* refers to new cases for which no specific textual ruling or established individual juristic determination previously exists and which therefore require the examination and inferential reasoning of qualified jurists. Imam Mālik alluded to this meaning when he stated: “I found the people of this town adhering only to the Book and the Sunnah. Whenever a new case arose, the ruler gathered the scholars who were present to consider it, and whatever they agreed upon, he implemented” (al-Qurṭubī, 1964, Vol. 6, p. 332).

Ibn ‘Abd al-Barr similarly states that this account demonstrates that when a case arises for a ruler or judge for which no basis exists in the Qur’an or the Sunnah, the ruler must gather scholars and people of sound judgment and consult them (Ibn ‘Abd al-Barr, 1387 AH, Vol. 8, p. 368).

It therefore becomes clear that, terminologically, *nawāzil* refers to newly arising events that affect legally accountable persons and require juristic reasoning to determine their rulings. This is the meaning that became established in the terminology of scholars of Islamic legal theory, given its frequent occurrence in their writings (Ibn al-Samʿānī, 1999, Vol. 1, p. 29; Vol. 2, pp. 302, 312).

The Relationship Between the Linguistic and Terminological Meanings

Closer examination reveals that the relationship between the two meanings is one of origin and derivation. Because new events confront jurists unexpectedly and make the search for their rulings demanding, they have been likened to the hardships that befall people. In terms of their unexpected occurrence and the need to address them through investigation and juristic reasoning, they resemble calamities in the linguistic sense. Accordingly, the term has been extended to this field to encompass any new occurrence requiring a legal ruling, with particular consideration given to the notions of descent and occurrence.

B. The Meaning of *Māl* (Wealth or Property)

1. Linguistically

Ibn al-Athīr states that *māl* originally referred to gold and silver that a person owns, before being extended to encompass anything tangible that can be acquired and possessed. Among the Arabs, the term most commonly referred to camels because they constituted the largest part of their wealth.

This definition illustrates the semantic shift from a specific to a general meaning. Whereas wealth among the Arabs was initially associated primarily with the two monetary metals, its meaning subsequently expanded to include everything that could be owned and used for benefit. This development is confirmed by customary usage in the Arab environment, where camels constituted the principal source of wealth and the basis of prosperity (Ibn al-Athīr, 1979, Vol. 4, p. 373).

2. Terminologically

Ibn ʿĀbidīn states that wealth refers to something naturally desired and capable of being stored for a time of need, and that its status as wealth is established when people, whether all of them or some of them, regard it as such.

He also states that wealth is an existing thing toward which human nature inclines and in respect of which giving and withholding occur. By specifying an existing thing, this definition excludes mere utility or benefit (Ibn ʿĀbidīn, 1992, Vol. 4, p. 501).

According to the Mālikī school, al-Shāṭibī defines wealth as that over which ownership may be established and which its owner may exclusively control (al-Shāṭibī, 1997, Vol. 2, p. 32).

This definition indicates that, in the Mālikī understanding, the determining criteria of wealth are ownership and exclusive control. It is a legal-theoretical definition that connects wealth with the objectives of establishing ownership and exclusive entitlement rather than with the tangible object alone.

ʿAbd al-Raḥmān al-Jazīrī reports a disagreement among jurists concerning the use of benefits, such as teaching the Qurʾān, occupying a house, or providing a service, as a dowry. Mālik held that such benefits could not initially be designated as a dowry. Ibn al-Qāsim considered them permissible as a dowry, though disliked. Some Mālikī authorities

permitted them without disapproval. According to the relied-upon position, however, if a person designates one of these benefits as a dowry, the marriage contract is valid and the woman becomes entitled to the specified benefit. This is the well-known position (al-Jazīrī, 2003, Vol. 4, p. 99).

This indicates that Mālikī jurists generally tend to recognize benefits as having financial value, although they disagree over the extent to which such benefits should be legally recognized.

As for the Shāfi‘ī school, al-Suyūṭī reports Imam al-Shāfi‘ī as stating: “The designation of wealth applies only to something that has a value for which it can be sold and for which whoever destroys it becomes liable, even if that value is small, such as a *fals* or something similar” (al-Suyūṭī, 1990, p. 327).

According to the Ḥanbalī school, wealth is that which provides a lawful benefit without a necessity or emergency, such as real estate, a camel, silkworms, and worms used for fishing, including insects. Something that provides a prohibited benefit, such as wine, something that is permissible only in cases of necessity, such as carrion, or something whose possession is permissible only when required for a particular need does not qualify as wealth (Ibn Qudāmah, n.d., p. 439; al-Buhūtī, 1993, Vol. 2, p. 7).

This definition clearly highlights that, according to the Ḥanbalī school, the determining criterion of wealth is the existence of a benefit that is lawful under Shariah, while excluding things whose use is prohibited or whose possession is permitted only in cases of necessity. Taken together, these positions indicate that the juristic conception of wealth revolves around three principal dimensions: human inclination and utility; ownership and exclusive entitlement; and permissibility under Shariah. Differences among the schools concern the extent to which benefits are included, the role of customary practice, and whether tangibility is a necessary condition.

Nevertheless, the common ground among these positions is that wealth is something possessing legally recognized value that can be used for a lawful purpose and is capable of ownership and circulation among people. This composite definition brings together linguistic meaning, grounding in Shariah, and customary recognition within a framework informed by the objectives of Shariah that regulates the circulation of wealth in Islamic law.

Second: The Concept of Emerging Financial Cases as a Composite Technical Term

An examination of the linguistic and terminological meanings of *nāzilah* shows that it refers to an unforeseen event that befalls people and requires clarification of its legal ruling. When this meaning is combined with the juristic meaning of wealth, namely, something naturally desired, capable of being stored, and customarily usable for benefit in accordance with the standards recognized by Islamic law, emerging financial cases can be understood as new events relating to the disposition, acquisition, and circulation of wealth for which no specific textual ruling or established individual juristic determination previously exists. Such cases therefore require juristic examination to derive their rulings in light of the foundations and principles of Shariah.

Accordingly, emerging financial cases are newly arising events in financial transactions that affect legally accountable persons, for which no specific textual ruling or prior individual

juristic determination exists, and whose rulings must therefore be derived in accordance with the objectives of Shariah and its universal principles.

The components of this definition can be explained as follows.

The expression “newly arising events” indicates the element of novelty. It excludes matters explicitly addressed by authoritative texts and those concerning which an established body of earlier juristic disagreement already exists.

The expression “in financial transactions” confines the scope of the cases to matters involving wealth, including sales, leases, partnerships, financing, and similar transactions.

The expression “that affect legally accountable persons” highlights the general applicability of these cases or the practical need that makes investigating their rulings necessary.

The expression “for which no specific textual ruling or established individual juristic determination exists” clarifies that the basis for *ijtihād* is the absence of a directly applicable, specific piece of evidence, while the universal principles of Shariah remain applicable.

The expression “whose rulings must be derived” emphasizes the jurist’s role in applying legal principles to concrete circumstances.

Finally, the expression “in accordance with the objectives and principles of Shariah” regulates the process of *ijtihād* so that it remains grounded in foundational principles, including the realization of justice, the prevention of injustice, and the protection of wealth.

In sum, emerging financial cases constitute a practical field for contemporary *ijtihād*. They demonstrate the capacity of Islamic jurisprudence to accommodate changing circumstances by connecting newly arising particular cases with universal principles and realizing the objectives of Shariah through the protection of wealth, the prevention of injustice, and the establishment of justice in financial transactions.

Third: The Concept of Virtual Currencies

A. The Meaning of the Composite Expression

1. The Linguistic Meaning of Currency

The Arabic term *‘umlaḥ* refers to the remuneration assigned to a worker for the work entrusted to them; *al-‘umlaḥ* also denotes the payment for work performed (Ibn Fāris, n.d., Vol. 4, p. 145).

Lisān al-‘Arab explains that *naqd* denotes immediate payment, in contrast to deferred payment. It also refers to examining coins and removing counterfeit or defective ones, as well as handing something over and receiving it immediately. The term thus encompasses the meanings of discrimination, verification, immediacy, and receipt. These meanings point to the establishment of financial value, the completion of the exchange process, and the capacity to discharge payment obligations (Ibn Manẓūr, n.d., Vol. 3, p. 427).

2. The Technical Meaning of Currency

Currency is a unit of commercial exchange established by states and generally accepted as a means of payment for goods and services. It may also refer to anything that people conventionally recognize as a medium of exchange, a measure of value, and a store of

wealth, whether gold, silver, or something that serves as their substitute and that people have agreed to accept as a price (Muḥammad Zakī, n.d., p. 20).

3. The Linguistic Meaning of "Virtual"

The Arabic term translated as "virtual" is a derived verbal noun formed from the concept of supposition or assumption, which itself derives from the root meaning estimation or positing something as given (Muḥammad Zakī, n.d., p. 20).

4. The Technical Meaning of "Virtual"

In technical usage, "virtual" derives from the notion of supposition and refers to something based on an assumption or theory rather than on direct experience or practical knowledge. An example is virtual reality, defined as a computer-generated simulation of three-dimensional scenes representing an environment or a sequence of events. This simulation enables a viewer using a specialized electronic device to see the scenes on a display and interact with them in a manner that appears realistic (ʿAbd al-Ḥamīd, n.d., entry "Faraḍ," no. 3736).

B. Definitions of Virtual Currencies (Virtual Money) as an Established Technical Term

Several definitions of virtual currencies have been proposed.

1. One definition describes a virtual currency as "a digital currency that exists in computer programs and is traded over the Internet" (al-ʿUryānī, 2021, p. 114).
2. In 2012, the European Central Bank defined virtual currency as "a type of unregulated digital money that is usually issued and controlled by its developers and used and accepted among members of a specific group within virtual communities."
3. In an updated definition published in 2015, the European Central Bank revised its description as follows: "A virtual currency is a digital representation of value that is neither issued by a central bank, a credit institution, nor an electronic money institution and which, in some circumstances, can be used as an alternative to money" (Laʿwar & Kabūṭ, 2021, p. 10).

Based on the foregoing, a virtual currency can be defined as a digital monetary value representing electronic money that is stored and exchanged through computer programs and Internet networks. It is not issued by a central bank or public authority and is not necessarily linked to paper or metallic currencies. It is generally controlled by its developers or technological entities and accepted by a specific group of users as a means of payment, exchange, or electronic investment. Under certain circumstances, it may also be used as an alternative to traditional money.

Fourth: The Concept of Artificial Intelligence

Despite the circulation of the term "artificial intelligence" since 1956 and the expansion of its applications in recent years, the scientific literature still lacks a comprehensive and universally agreed-upon definition. This disagreement is attributable to the difficulty of fully understanding human intelligence itself, as well as to the multiplicity of intellectual perspectives through which this technology is approached. The concept of "intelligence" represents the fundamental basis of the ability to achieve goals, and its degrees and types vary among living organisms and machines. At the outset of the development of such software, researchers sought to replace the human expert with machines in highly

specialized fields. However, experience demonstrated the difficulty of doing so, leading to a shift toward designing assistive systems that enhance the expert's efficiency and increase the speed of task completion (Khalid Nasser Al-Sayyid, p. 14).

In definitional terms, researchers have proposed multiple approaches. Copeland and Proudfoot (1993) defined it as "the process of developing computer systems capable of performing tasks that normally require the use of human intelligence, such as visual perception, speech recognition, decision-making, and translation" (Hiba Abdel Moneim & Mohamed Ismail, 2021, p. 7).

Marvin Lee Minsky, by contrast, approached the definition from the perspective of developing computer software capable of performing tasks that humans perform efficiently because they require higher-level mental processes, such as perceptual learning, memory organization, and critical thinking (Mousa & Habib Bilal, 2019, p. 20).

Furthermore, artificial intelligence is defined as a system of behaviors and software characteristics that emulate human mental abilities, most notably the ability to learn, infer, and deal with situations that have not been previously programmed into the machine (Abdel Rahman Osama, 2018, p. 17).

The concept also encompasses technological systems capable of analyzing their environments and making relatively autonomous decisions in order to achieve specified objectives.

According to the nature of its design, artificial intelligence is viewed as a technology for developing computers and robots that emulate the ways of thinking characteristic of highly capable human beings. In contemporary applications, however, its nature is manifested in intelligent systems that collect data and employ it for prediction, the provision of recommendations, and decision-making with varying degrees of autonomy.

Fifth: The Development of Digital Transactions

The world has witnessed a radical transformation in patterns of commercial and financial exchange over recent decades, moving from traditional tangible transactions to an open digital space. This transformation was not accidental; rather, it resulted from an accumulation of technological and cognitive developments that began with the emergence of the first Internet networks and culminated in the development of monetary systems that are entirely independent of traditional centralization (Asmaa Salmin Al-Aryani, 2021, p. 114; Salima Al-Omari, 2024, p. 473).

A. Historical Roots and Emergence, 1969–1990

The earliest beginnings of digital transactions date back to the late 1960s, specifically to 1969, with the launch of ARPANET. This coincided with the first attempts to provide commercial services through the Internet by engineering students at Ohio State University through the CompuServe service.

At the beginning of the 1980s, specifically in 1982, the first market for the online exchange of goods was established, paving the way for the emergence of the major digital marketplaces that we know today, such as Amazon and eBay, in the mid-1990s. This stage was crucial in building consumers' digital trust.

B. Stages of the Development of E-Commerce

E-commerce passed through four fundamental stages that shaped the features of the modern digital economy:

1. **The stage of information abundance:** Information became the primary raw material on which companies relied to market their products and understand customers' needs.
2. **The stage of electronic transactions:** This stage was characterized by the elimination of barriers of time and distance, making it possible to conclude contracts and exchange documents and financial transfers instantaneously.
3. **The stage of global commercial exchange:** The abundance of information flows increased global competition, enabling consumers to access higher-quality goods at lower prices.
4. **The stage of abandoning paper currency:** This is the current stage, characterized by increasing reliance on mobile payments and digital wallets, together with the establishment of international rules to ensure the protection and confidentiality of these transactions.

C. Factors Driving Digital Development

Several factors contributed to accelerating the pace of this transformation, most notably:

1. **Artificial intelligence and technological development:** Technological advancement and the emergence of sophisticated generations of computers, smartphones, and highly precise software.
2. **Economic globalization:** The communications revolution and satellites facilitated international advertising and marketing operations.
3. **The English language:** As a dominant global language in business and programming, English contributed to standardizing the conventions of digital transactions.
4. **Global crises:** Events such as the COVID-19 pandemic led to substantial growth in e-commerce as a result of complete or partial lockdowns.
5. **The monetary revolution and the emergence of virtual currencies:** As part of the natural development of digital transactions, there emerged a need for a monetary system that could transcend the authority of central banks. In 2008, Satoshi Nakamoto proposed the idea of Bitcoin, a cryptographically secured digital currency based on direct peer-to-peer transactions without a financial intermediary.

Accordingly, the development of digital transactions represents a success story of human innovation in adapting technology to serve the economy. From the simple exchange of data in the 1960s, we have reached an integrated digital economy that today relies on artificial intelligence, blockchain, and cryptocurrencies, thereby creating new challenges related to legislative frameworks and cybersecurity to ensure the sustainability of this growth.

Section Two: Methodology of Juristic Reasoning in Emerging Financial Issues

Emerging financial issues in the context of accelerating digital transformation constitute one of the most intricate areas of contemporary juristic reasoning because of their complexity and multifaceted nature, which require a disciplined scholarly methodology combining sound foundational grounding with precision in application. This is particularly

important as financial transactions have moved beyond their traditional forms toward patterns in which economic and technological dimensions intersect.

Accordingly, juristic reasoning in this field cannot be based merely on formal analogy or the invocation of previous rulings. Rather, it must follow a gradual methodological process that begins with *fiqhī characterization* in order to establish the precise nature of the emerging issue, followed by *verification of the operative cause* through examining the causes underlying legal rulings and applying them to particular cases, while taking into account the objectives of Islamic law as a criterion for weighing benefits against harms, particularly in changing digital environments.

Through the integration of these approaches, a rigorous framework of juristic reasoning emerges that connects textual jurisprudence, jurisprudence of reality, and jurisprudence of consequences. This enables contemporary financial issues to be accommodated while fulfilling the objectives of Islamic law in preserving and developing wealth in a legitimate and balanced manner.

First: Fiqhī Characterization

Juristic reasoning is a dynamic process that does not cease as long as new issues continue to emerge and life continues to evolve. In light of the complex interconnections among contemporary financial systems, the importance of “*fiqhī characterization*” emerges as a necessary bridge between the newly occurring case and the relevant Islamic legal ruling. Characterization is not merely a formal procedure; rather, it constitutes the essence of the juristic process, ensuring accurate application and the realization of the objectives of Islamic law.

A. The Concept of Fiqhī Characterization and Its Methodological Dimensions

Contemporary scholars have used various formulations to define *fiqhī characterization*, all of which converge on “establishing the precise nature of an issue and demonstrating its affiliation with a recognized foundational principle.” The researchers have selected Qutb Al-Raysuni’s definition as the most comprehensive and profound, according to which *fiqhī characterization* is “a rigorous conceptualization of the reality of a case in order to relate it to a recognized *fiqhī* principle after verifying the correspondence between the two” (Qutb Al-Raysuni, 2014, p. 288).

This definition can be broken down into four fundamental components:

- 1. Rigorous conceptualization:** This requires complete understanding in order to prevent an “incomplete conceptualization” that may lead to a legal ruling being applied outside its proper context.
- 2. The reality of the case:** This entails understanding the temporal and spatial particularities of the emerging financial issue.
- 3. Relating the case to a principle:** This is the objective of characterization and is achieved through “deriving the ruling from the specific foundational principle on the basis of juristic attributes.”
- 4. Verification of correspondence:** This is the essential condition for ensuring the validity of the application and preventing a “breakdown of correspondence” between the emerging case and the foundational principle.

B. Fiqhī Characterization between Simplicity and Complexity in the Financial Field

Fiqhī characterization can be divided into two types, whose effects are particularly evident in emerging financial issues (Ahmed Lashhab, 2019, p. 250):

1. **Simple fiqhī characterization:** This occurs when an emerging issue can readily be traced back to a clear fiqhī principle because the operative cause is apparent. An example is relating lottery tickets to the operative cause underlying the prohibition of gambling (*gharar*).
2. **Complex fiqhī characterization:** This characterizes most newly emerging financial contracts, in which an issue may be associated with more than one foundational principle. Maintenance contracts, for example, may oscillate among *ijārah* (lease/hire), *ju‘ālah* (reward-based contract), and guarantee, requiring considerable precision in determining the most appropriate foundational principle.

C. The Importance of Fiqhī Characterization in Regulating Emerging Financial Issues

The importance of fiqhī characterization in contemporary methodology is manifested through the following:

1. **Accuracy of conceptualization:** A financial issue, such as cryptocurrencies or financial derivatives, requires a precise understanding of how it operates before it can be related to the rules governing *ribā*, sales, or gambling.
2. **Consideration of motives and objectives:** Jurists emphasize that characterization must take into account “the motive and intention of the legally responsible person,” because many financial forms resemble one another externally while differing in their legal ruling on the basis of intention, as in the distinction between *bay‘ al-najash* (deceptive bidding) and legitimate competitive bidding.
3. **Capacity for juristic derivation:** Mastery of the “art of similarities and counterparts,” as mentioned by Al-Suyuti, enables the jurist to relate financial issues for which no explicit ruling exists to established principles resembling them, on the basis of changes in the nature of things or the interaction of attributes, such as the principle of transformation in substances added to food and medicine.

Accordingly, fiqhī characterization constitutes a “safety valve” in the methodology of contemporary juristic reasoning. Without it, jurisprudence would either become rigid texts incapable of apprehending reality or an unregulated reality unconstrained by textual principles.

The necessity of characterization in emerging financial issues arises from the need to develop Islamic legal solutions that respond to the complexities of the contemporary era without compromising foundational principles, while continuously taking consequences and objectives into account. This ensures that Islamic law remains a mercy to all peoples and governs the actions of legally responsible persons in every time and place.

Second: Applied Juristic Reasoning (Verification of the Operative Cause)

Juristic reasoning through verification of the operative cause is one of the most precise and consequential approaches in *uṣūl al-fiqh* and in the formulation of Islamic legal rulings, particularly in the field of emerging financial issues characterized by complexity, composite structures, and rapid change. In such cases, merely invoking textual evidence or

established analogies is insufficient. Rather, the ruling depends on the ability to apply the legally recognized operative causes to their particular instances after establishing their conditions and excluding their impediments. Verification of the operative cause therefore constitutes the pivotal link through which rulings move from theoretical foundationalization to practical application, making it a central pillar of the methodology of juristic reasoning in emerging issues and a measure of its soundness or deficiency.

A. The Nature of Applied Juristic Reasoning in Light of the Foundational Meaning of Verification of the Operative Cause

Legal theorists have differed in defining the concept of verification of the operative cause according to their differing views regarding its scope and applications. Nevertheless, despite variations in formulation, these definitions ultimately converge on a common meaning: examining whether the operative cause exists in the subsidiary case after it has been established in the original case. Şafī al-Dīn al-Hindī defined it as “examining whether the operative cause exists in the particular case in which the ruling is to be established after it has already been known either through a text or consensus” (Şafī al-Dīn al-Hindī, 1996, vol. 7, p. 3044). Al-Ghazālī, whose definition was transmitted by Ibn al-Humām, expressed a similar meaning, defining it as “examining whether the operative cause exists in individual cases after knowing it in itself through a text or consensus” (Ibn al-Muwaqqit, 1983, vol. 3, p. 193).

A group of authoritative scholars, including Ibn al-Subkī, expressed it as follows: “that the causal status of an attribute is established by a text or consensus, and that its existence in the disputed case is then investigated” (Al-Subkī & Tāj al-Dīn, 1995, vol. 3, p. 82).

This examination demonstrates that verification of the operative cause is not merely a simple mental process. Rather, it is a complex construction that combines knowledge of the operative cause, understanding of reality, and the ability to establish a disciplined connection between the two. In this respect, it goes beyond formal analogy toward a profound understanding of actual circumstances.

Accordingly, applied juristic reasoning is defined as “the exertion of the jurist’s utmost effort to apply an Islamic legal ruling to a particular case in a manner whereby such application leads to the Islamic legal objective underlying the ruling being applied” (Abdelrazzaq Warqiyah, p. 30).

This type of juristic reasoning goes beyond merely knowing the ruling, that is, foundational juristic reasoning, to examining **verification of the operative cause**, which, according to legal theorists, refers to “examining and verifying the individual things, persons, and actions and determining whether they are covered by and fall within the scope of the Islamic legal ruling intended to be applied to them, or whether they do not” (Qutb Al-Raysuni, 2013, p. 58).

In financial issues, it is not sufficient to know the ruling on *ribā* or *gharar* theoretically. Rather, juristic reasoning lies in examining newly developed contracts, such as cryptocurrencies and financial derivatives, to determine the extent to which those attributes apply to them within their contemporary functional context.

B. The Contemporary Necessity of Applied Juristic Reasoning in Emerging Financial Issues

The necessity of verification of the operative cause in emerging financial issues arises from the fact that such issues often take new forms that do not correspond to traditional juristic models. They may appear similar to permissible forms while differing from them in reality, or conversely, they may appear different while sharing the same underlying reality. Ibn al-Qayyim drew attention to this by stating: "Sometimes two issues are presented to him whose forms are identical but whose rulings differ ... and sometimes two issues are presented to him whose forms are different but whose reality is the same and whose ruling is the same" (Ibn al-Qayyim, 1991, vol. 4, p. 147).

This is particularly evident in contemporary financial transactions, especially digital transactions, in which interest-bearing contracts may be presented under the guise of "financing" or "investment," while forms involving *gharar* may be presented as "financial innovation." This makes verification of the operative cause indispensable for uncovering the realities behind the labels.

Verification of the operative cause is also the practical application of the principle that "the ruling revolves with its operative cause, existing when it exists and absent when it is absent." Thus, cryptocurrencies, smart contracts, or decentralized finance platforms cannot be judged until the presence or absence of the operative causes of *ribā*, *gharar*, or uncertainty within them has been established.

In sum, the need for this type of juristic reasoning in the present era can be summarized in several considerations:

1. The complexity of emerging scientific and technological issues: Contemporary financial reality has generated issues that were unknown to earlier jurists, requiring the jurist to "bring into consideration the issues arising from this new reality in order to enable him to apply Islamic legal rulings to them in a manner that realizes the recognized benefit and the objective that Islamic law seeks through their application."

2. Consideration of prevailing circumstances: A financial *fatwa* does not operate in a vacuum but within an environment governed by economic and political circumstances. Applied juristic reasoning is therefore what takes into consideration "the prevailing circumstances at the time of application and consideration of what this application may lead to, under the influence of existing or anticipated circumstances, in terms of an expected outcome."

C. Controls Governing Verification of the Operative Cause and Their Impact on the Soundness of Applied Juristic Reasoning

Verification of the operative cause rests upon a set of rigorous controls that serve as criteria for regulating juristic reasoning. The most important include (Bilqasim ibn Dhakir ibn Muhammad Al-Zubaydi, 2014, p. 278):

1. Complete and accurate conceptualization of the case: This constitutes the primary foundation upon which the ruling is built, since "judgment on a thing is a branch of its conceptualization." This principle is also reflected in Umar's letter to Abu Musa al-Ash'ari: "Then understanding, understanding, regarding what is presented to you of matters that have come before you for which there is neither Qur'an nor Sunnah" (Ibn al-Qayyim, 1991, vol. 1, p. 68).

Ibn al-Qayyim further explained this by stating: "The mufti and judge cannot issue a fatwa or judgment according to the truth except through two types of understanding: understanding of reality ... and understanding of what is required within that reality" (Ibn al-Qayyim, 1991, vol. 1, p. 69).

In digital emerging issues, this requires technical familiarity with the nature of the transaction, such as understanding the algorithms underlying cryptocurrencies, the mechanisms of smart contracts, or the nature of decentralized platforms.

2. Consideration of differences in circumstances, times, and customs: Ibn Abidin established that "many rulings differ according to changes in time ... because of changes in the customs of its people" (Al-Zuhayli, 2006, vol. 1, p. 353).

This is a highly important principle in digital transactions, whose environments change rapidly, thereby requiring consideration of the economic and technological context.

3. Consideration of the consequences of actions: This is one of the most important controls governing verification of the operative cause. Al-Shatibi established that "consideration of the consequences of actions is recognized and intended by Islamic law" (Al-Shatibi, vol. 5, p. 177).

A transaction may appear permissible, for example, while ultimately leading to monopolization, exploitation, or financial collapse; in such a case, a ruling permitting it may be precluded.

4. Consideration of the objectives of the legally responsible persons: Ibn al-Qayyim stated that "intentions in contracts are taken into consideration, and they affect the validity and invalidity of the contract and its permissibility and prohibition" (Ibn al-Qayyim, vol. 3, p. 89).

In digital applications, this is manifested in financial stratagems, such as the use of forms that outwardly appear to constitute sales but are, in substance, interest-bearing loans.

5. Reference to experts: It is established as a legal principle that "in every matter, reference is made to the person who has expertise in it" (Muhammad Sidqi Al-Borno, 2003, vol. 8, p. 43). This is a fundamental principle in digital financial issues, whose true nature cannot be adequately understood by the jurist without recourse to experts in economics and technology.

A. The Impact of Deficient Verification of the Operative Cause on Emerging Financial Issues

Deficient verification of the operative cause leads to serious consequences, the most prominent of which are:

1. Legitimizing prohibited practices: This may occur when contemporary interest-based transactions are characterized as legitimate investments.

2. Prohibiting permissible practices: This may result from misunderstanding or confusion between different forms of transactions.

3. Inconsistency in *fatwas*: This may arise from hastiness in issuing rulings without adequately understanding the underlying reality.

4. Undermining the objectives of Islamic law: This includes objectives such as preserving wealth and preventing injustice.

Al-Hajwi drew attention to the danger of this approach, stating: "Most errors in *fatwas* arise from conceptualization" (Al-Hajwi, 1995, vol. 2, p. 571).

B. Verification of the Operative Cause in Emerging Digital Financial Issues

In the digital environment, verification of the operative cause assumes a more complex dimension, as technological, economic, and legal elements intersect. Accordingly, the jurist needs to:

1. Understand the technical structure of the transaction, such as blockchain.
2. Analyze the nature of the financial consideration.
3. Determine whether a guarantee or risk exists.
4. Examine the impact of the transaction on the market and the economy.

In this way, Islamic legal rules, such as the prohibition of *ribā* and *gharar*, can be applied to these newly emerging forms.

Hence, it becomes evident that juristic reasoning through verification of the operative cause constitutes the essence of the juristic process in emerging financial issues. Through it, the connection between textual sources and reality, and between the general and the particular, is established. It is also what ensures that Islamic law remains applicable to every time and place.

While foundational juristic reasoning establishes the general ruling, verification of the operative cause identifies the circumstances in which that ruling is applicable. Hence, mastering it is a condition for attaining the rank of juristic reasoning, a pillar of sound *fatwa* issuance, and a safeguard for realizing the objectives of Islamic law in a world characterized by accelerating transformations and increasingly complex transactions, particularly in the digital sphere.

Third: Maqāṣid-Based Juristic Reasoning

Maqāṣid-based juristic reasoning emerges not as a supplementary tool but as a methodological necessity without which the *fiqhī* characterization of an emerging financial issue cannot be properly undertaken. Particularly with the accelerating pace of contemporary life and the proliferation of emerging issues, especially in the financial sphere, the jurist has become required to activate precise methodological tools that ensure an approach capable of relating the textual sources to reality without compromising the essence of Islamic law. When emphasis is placed on *maqāṣid-based juristic reasoning*,

Al-Khadimi defined it as "acting in accordance with the objectives of Islamic law, paying attention to them, and taking them into consideration in the process of juristic reasoning" (Al-Khadimi, p. 26).

It has also been defined as "the exercise of reason to elucidate the objectives of the Lawgiver in all texts and rulings, to probe the depths of their meanings, and to uncover the Lawgiver's purpose in legislation, in order to safeguard the objectives of Islamic law in understanding the text and applying it. These objectives constitute the methodological

framework, cultural depth, and forward-looking vision of the Muslim community in the legislative and civilizational spheres" (Abd al-Salam Ait Said, n.d.).

Both definitions, however, overlook the objectives of the legally responsible persons, which should be taken into consideration in juristic reasoning. Accordingly, it may be defined as a methodological approach to juristic reasoning that goes beyond focusing on the outward forms of cases to examine the underlying causes of rulings, the objectives of legislation, and the motives of legally responsible persons, with the aim of realizing benefits and preventing harms at every stage of juristic consideration.

To implement this approach, the following should be taken into consideration:

A. Fiqhī Characterization as a Gateway to Maqāṣid-Based Juristic Reasoning

The first step in addressing an emerging financial issue is "fiqhī characterization," which Qutb Al-Raysuni defined as "a rigorous conceptualization of the reality of a case in order to relate it to a recognized fiqhī principle after verifying the correspondence between the two" (Al-Raysuni, 2014, p. 288).

This definition places before us the responsibility of "rigorous conceptualization," a condition that cannot be fulfilled through mere outward observation. Rather, it requires examining the consequences of actions and the objectives of legally responsible persons. Fiqhī characterization therefore constitutes the fundamental stage in determining the ruling on an emerging issue. When the characterization is sound, the ruling is sound. In complex financial issues, such as cryptocurrencies and composite contracts, this characterization highlights the necessity of carefully identifying the appropriate legal description, which can only be achieved through maqāṣid-based consideration that establishes the precise operative cause of the case (Lashhab, 2019, p. 258).

B. The Necessity of the Maqāṣid Dimension in Emerging Financial Issues

Contemporary juristic reasoning cannot dispense with the objectives of Islamic law when addressing emerging financial issues for several analytical reasons:

1. Contemporary verification of the operative cause: Contemporary financial issues are characterized by interconnectedness and complexity, and deriving rulings on them requires a comprehensive understanding of "the objectives of Islamic law," as the study indicates. Abandoning the maqāṣid dimension reduces jurisprudence to a "partial perspective" incapable of deriving a general principle or formulating a legal rule, thereby making Islamic law appear incapable of keeping pace with the development and growth of society.

2. Consideration of the consequences of actions: In applied juristic reasoning, which involves exerting effort to apply a ruling to a particular case, the prevailing circumstances at the time of application must be taken into consideration. A financial contract may appear, on the surface, to satisfy all of its essential elements, while its ultimate consequences may lead to economic harm or prohibited exploitation. Here, maqāṣid-based juristic reasoning functions as a safeguard by considering "what this application may lead to in terms of an expected outcome."

C. Maqāṣid-Based Analysis of the Motives of Legally Responsible Persons in Contracts

One of the deepest dimensions of maqāṣid-based juristic reasoning in financial matters is attention to "motive and intention." The outward forms of contracts may be similar, but their objectives distinguish them.

The study emphasizes that many material forms of financial transactions are similar in their external framework, but what distinguishes them is the "motive and intention." Fiqhī characterization therefore requires knowledge of the motive of the legally responsible person, because "the motive and intention of the legally responsible person are taken into consideration on the basis of motive and intention." In light of the reality of people in the contemporary era, in which "faith has become less deeply rooted and the religious deterrent has weakened," the jurist must not overlook people's motives when examining emerging issues.

D. Maṣlaḥah-Based Juristic Reasoning and Its Impact on the Contemporary Economy

"Maṣlaḥah-based juristic reasoning," based on *al-maṣlaḥah al-mursalah* (unrestricted public interest), constitutes a foundation for emerging financial issues for which no specific textual ruling exists. The contemporary need for this type of juristic reasoning is an "undeniable and necessary need" in order to ensure the vitality of Islamic law and its capacity to accommodate people's needs (Al-Khadimi, p. 96).

Applying the principle of *maṣlaḥah* within a maqāṣid-based framework prevents jurisprudence from falling into "rigidity and stagnation" in the face of modern banking and investment developments. It also enables Islamic law to govern reality, contribute actively to its regulation, and anticipate future developments.

E. Integration of Methodological Tools

A sound methodology requires that maqāṣid-based juristic reasoning not operate independently of other tools, including:

1. **Analogical juristic reasoning:** This relates new emerging issues to their textual counterparts on the basis of a shared "operative cause."
2. **Applied juristic reasoning:** This verifies the operative cause and determines whether the ruling applies to individual financial cases.
3. **Maqāṣid-based juristic reasoning:** This connects all of the foregoing to the higher objectives of Islamic law, including the preservation of wealth, circulation, justice, and the prevention of *gharar*.

Accordingly, maqāṣid-based juristic reasoning in contemporary financial issues is not an intellectual luxury but rather the "duty of the time" for the jurist. As Umar Ubayd Hasan stated: "The field of maqāṣid-based juristic reasoning remains an important and open field of inquiry as long as societies continue to develop, grow, expand, and undergo changes and transformations in their interests and in the nature of their problems" (Al-Khadimi, p. 23).

Adherence to this approach is what demonstrates the enduring validity of Islamic law and its applicability to every time and place, while achieving a delicate balance between textual sources and reality, and between particular juristic rulings and overarching objectives.

Section Two: The Effectiveness of the Objectives of Islamic Law in Establishing the Juristic Foundations of Digital Emerging Issues

Digital emerging issues, foremost among them cryptocurrencies, constitute a fertile field for activating maqāṣid-based reasoning as the comprehensive framework within which particular evidence is organized and directed toward realizing benefits for people and preventing harm to them. Addressing these emerging issues can no longer be adequately accomplished through formal characterization or partial analogy alone. Rather, it requires consideration of the overarching objectives of Islamic law, foremost among them the objective of preserving wealth, while taking into account the consequences of actions and the economic and social effects to which they may lead. This section therefore examines the effectiveness of the objectives of Islamic law in establishing the juristic foundations of digital emerging issues by highlighting the consequential dimension in evaluating cryptocurrencies and analyzing their anticipated effects, and then applying legal rulings to them in light of the objective of preserving wealth. This seeks to achieve a balance between enabling legitimate use and preventing forms of harm and disruption within a foundational perspective that connects textual jurisprudence, jurisprudence of reality, and jurisprudence of consequences.

Section One: The Consequential Dimension in Establishing the Juristic Foundations of Cryptocurrencies

Consideration of consequences represents a fundamental pillar of maqāṣid-based juristic reasoning concerning emerging financial issues, as it moves the jurist beyond merely describing forms toward anticipating their consequences in light of the principle of securing benefits and preventing harms. Its importance is particularly pronounced in the case of cryptocurrencies because of their complexity, rapid development, and the interaction between their benefits and risks, making formal consideration or abstract analogy insufficient.

Legal theorists have established that rulings should be based on the consequences of actions rather than their outward appearances. This is particularly relevant to digital emerging issues, which may appear permissible in form while leading to market instability, the spread of *gharar*, or circumvention of the prohibition of *ribā*. Accordingly, their juristic foundation cannot be complete without considering this dimension through an analysis of their risks, volatility, and effects on the objective of preserving wealth and the stability of transactions.

Accordingly, this section examines this dimension from two perspectives: analyzing the actual consequences of cryptocurrencies and then explaining their impact on the formulation of the Islamic legal ruling. This demonstrates that integrating consideration of consequences is a decisive element in developing balanced jurisprudence that combines financial innovation with the controls and objectives of Islamic law.

First: Risks of Cryptocurrencies in Light of Consideration of Consequences

Despite the technological characteristics and functional benefits of cryptocurrencies, their evaluation cannot be complete without considering their anticipated consequences and

predominant effects on individuals and markets. In the field of transactions, the Islamic legal ruling cannot be separated from consideration of the consequences to which actions lead in terms of benefits or harms, as legal theorists have established that “consideration of the consequences of actions is recognized and intended by Islamic law” (Al-Kabisi, 2018, p. 608; Al-Ghoul, 2019, pp. 304–305; Lachab, 2003, p. 32).

Accordingly, the rapid spread of these currencies requires careful consequential analysis capable of revealing their underlying risks and the extent to which they contribute to or undermine the objective of preserving wealth. This requires analyzing their actual effects rather than merely considering their technical form.

A. Risks of Hacking, Theft, and Account Manipulation

In considering the consequences of reliance on open digital infrastructures, it becomes apparent that the susceptibility of these systems to hacking often leads to the loss of funds without the possibility of recovery, owing to the absence of a central guarantor. This consequence leads to the loss of financial property and the spread of insecurity in transactions, which conflicts with the objective of Islamic law to protect wealth and prevent violations against it.

B. Absence of Legally Established Evidence of Ownership

Linking ownership to mere digital keys, without recognized legal documentation, ultimately results in fragility in establishing rights in cases of dispute. The loss of a key may consequently result in the loss of the property without any means of recovery. This is a serious consequence that may obstruct the judicial system’s function of protecting rights and undermine the safeguards established by Islamic law for the protection of property ownership.

C. Severe Price Volatility and Fraudulent Exploitation

An examination of the consequences of severe price volatility reveals that it creates extensive opportunities for unregulated speculation and fraudulent practices. This may lead to the unjust transfer of wealth and produce effects resembling forms of excessive *gharar* and the wrongful appropriation of people’s property, thereby contradicting the objectives of financial stability and fairness in exchange.

D. Privacy, Encryption, and the Possibility of Their Use in Unlawful Activities

The high degree of privacy provided by encryption technologies, together with the absence of oversight, may ultimately enable these means to be used in financial and security-related crimes, such as money laundering and the financing of prohibited activities. This consequence threatens public order and may result in predominant general harms, thereby necessitating the regulation of such privacy through controls that realize benefits and prevent harm.

E. Difficulty of Tracing Transactions and Their Ambiguity

The concealment of the identities of transacting parties and the nature of exchanges may make it difficult to verify the legitimacy of transactions and may facilitate deception and fraud. This consequence undermines the transparency required in financial contracts and negatively affects market confidence, which constitutes a foundation for transaction stability.

F. Absence of Official Recognition and Legal Protection

The lack of legal recognition accorded to many of these currencies ultimately leaves individuals to bear the full consequences of the associated risks without adequate institutional protection. This weakens institutional confidence and destabilizes transactions, contrary to the objectives of Islamic law concerning the documentation of transactions and protection of rights.

G. The Risk of Hacking Despite System Complexity

Despite the relative security suggested by advanced technologies, the consequence of any successful breach can be extremely serious because transactions may be irreversible or incapable of being halted. This magnifies losses and makes the harm either certain or highly probable, thereby reinforcing the characterization of these transactions as involving a high level of risk.

This consequential analysis demonstrates that the risks of cryptocurrencies are neither isolated nor incidental. Rather, they are compound risks involving:

1. Technological consequences that may lead to the loss of wealth or expose it to risk.
2. Legal consequences that may result in weak judicial protection.
3. Economic consequences that undermine stability and fairness in exchange.
4. Security-related consequences that affect public order and open avenues for corruption.

Accordingly, the predominance or prevalence of these consequences requires the jurist to reassess these emerging issues in light of the objective of preserving wealth and to formulate rulings on the basis of balancing benefits and harms, while calling for regulatory frameworks capable of reducing and controlling these risks, so that newly developed financial instruments do not become means of undermining the objectives of Islamic law.

Second: The Consequential Dimension in Establishing the Juristic Foundations of Cryptocurrencies

When considering the consequences of dealing in cryptocurrencies, analysis does not stop at their present form or merely technical characteristics. Rather, it extends to the effects to which they may lead in terms of financial stability, protection of rights, and the regularity of transactions (Rawaq, 2021, p. 492; Qamouci, 2025, pp. 508–523; Lamar, 2022, pp. 215–233). Objectives are considered in light of their consequences, as Al-Shatibi established in treating consideration of consequences as a foundational principle in the application of rulings. From this perspective, evaluating cryptocurrencies cannot be separated from analyzing their structure, comparing them with stable currencies, and anticipating the consequences of their widespread use:

A. The Digital Nature and Its Consequential Impact on Ownership Stability

The fact that cryptocurrencies are based on an intangible existence represented by encrypted data ultimately weakens the established conception of possession, as ownership shifts from being based on tangible or documented possession to being technically dependent and vulnerable to disruption. Although this transformation does not eliminate their basic property status, it introduces a degree of uncertainty and makes ownership

vulnerable to loss or dispute. This negatively affects the objective of preserving wealth in terms of its establishment and stability.

B. Fragmentation of the Issuing Authority and Its Effect on Guarantee and Trust

The separation of cryptocurrencies from a sovereign guaranteeing authority makes their consequences dependent on fluctuating trust among transacting parties rather than on stable institutional guarantees. This leads to fragility in public confidence and exposes the financial system to sudden disruptions, thereby conflicting with the objective of Islamic law to achieve financial stability and prevent disputes, since guarantees are among the most important means through which wealth is protected and transactions stabilized.

C. Absence of Centralized Control and Its Effect on Market Regulation

The absence of an organizing authority capable of controlling the money supply or regulating the course of circulation ultimately leads to severe volatility and disruptions that are difficult to contain, particularly during crises. This creates extensive opportunities for unregulated speculation and may result in the transfer of wealth in ways that lack fairness and transparency, thereby undermining the objectives of Islamic law concerning balance and the prevention of unfairness and harm.

D. Limited Acceptance and Its Effect on the Monetary Function

The limited widespread acceptance of cryptocurrencies makes their status as money unstable, since monetary status in Islamic jurisprudence is based on general acceptance and stability. As long as these currencies remain confined largely to spheres dominated by investment and speculation, they ultimately function as volatile assets rather than standard money. This affects their suitability for performing the functions of valuation and exchange in a recognized manner.

In sum, cryptocurrencies, in terms of their consequences, are based on a financial structure characterized predominantly by instability and volatility because of their reliance on abstract digital recognition and unregulated trust, together with the absence of institutional guarantees and effective regulation. Their effects therefore more closely resemble those of high-risk investment assets than those of stable money through which the objectives of Islamic law concerning the preservation of wealth and the stability of transactions are realized.

Third: Juristic Foundation in Light of Comparative Maqāṣid-Based Analysis

Comparative consequential analysis demonstrates that cryptocurrencies have not yet acquired the essential characteristics of money in Islamic jurisprudence, particularly with regard to stability, general acceptance, and guarantee. These characteristics are legally significant in view of their consequences for protecting wealth and preventing disputes.

Accordingly, treating cryptocurrencies as fully equivalent to paper money would disregard consequentially significant differences. Rather, the more appropriate approach is to regard them as digital assets or emerging nominal assets that occupy an intermediate position between property status and monetary status without having attained the status of fully fledged money, for several reasons:

A. At the level of structure: Paper money is based on an institutional system that provides guarantees and regulation, which ultimately contributes to transaction stability.

Cryptocurrencies, by contrast, are based on an abstract technological structure that lacks such institutional support, making their consequences more vulnerable to disruption.

B. At the level of stability: Paper money achieves a degree of stability as a result of regulatory intervention, thereby protecting wealth from excessive volatility. Cryptocurrencies, by contrast, ultimately exhibit severe fluctuations that make them more suitable for speculation than as a stable medium of exchange.

C. At the level of monetary status: The monetary status of paper money has become established through general acceptance and legal compulsion, making it a reliable standard of value. The monetary status of cryptocurrencies, by contrast, has not yet become established because stable general acceptance has not been achieved, which affects their suitability as a means of valuation.

D. At the level of protection: Paper money benefits from legal protection that safeguards rights and prevents violations, thereby realizing the objective of preservation. Cryptocurrencies, by contrast, ultimately place the burden of risk on individuals without adequate institutional protection, increasing the likelihood of loss and dispute.

Accordingly, paper money represents, in terms of its consequences, the model of fully developed money through which the objectives of Islamic law concerning stability, preservation, and regulation are realized (Al-Salus, 1985, p. 12; Al-Aqil, n.d., p. 14), whereas cryptocurrencies represent a transitional stage in which these objectives have not yet been fully realized. Their legal status therefore varies according to their consequences: the closer they come to stability, the closer they come to the status of money; if they remain within a sphere of volatility, they remain subject to the ruling applicable to volatile assets characterized by *gharar* and risk.

Section Two: Rulings on Emerging Cryptocurrency Issues in Light of the Maqāṣid-Based Dimension

The objective of preserving wealth represents one of the five essential objectives of Islamic law and constitutes a governing objective in regulating and controlling transactions, ensuring the soundness and fairness of exchange and preventing harm and economic disruption. With the development of emerging financial issues, particularly in the digital environment, important questions have arisen concerning the extent to which these transactions conform to this objective in terms of financial stability and protection against loss, *gharar*, and exploitation.

Among the most prominent of these emerging issues is electronic currency exchange, particularly transactions involving cryptocurrencies, which often lack tangible underlying assets and institutional oversight. This raises questions concerning their property status, the extent to which they fulfill the characteristic of monetary status, and the applicability of the rules of currency exchange to them in light of the requirements of mutual possession, the avoidance of *ribā*, and the absence of uncertainty in the transaction.

Accordingly, addressing these issues requires invoking the objective of preserving wealth as a criterion for evaluation and preference, by considering the benefits they realize or the harms to which they may lead, such as volatility, risk, and lack of guarantees. This section

therefore examines the ruling on electronic currency exchange and its controls, followed by the ruling on currency exchange involving cryptocurrencies, within a maqāṣid-based analysis that connects verification of the operative cause with the objective of preserving wealth in its two dimensions: protection against loss and protection against corruption.

First: The Ruling on Currency Exchange through Electronic Payment Cards in Light of the Maqāṣid-Based Approach

The issue of currency exchange through electronic credit cards is governed by the principles of currency exchange, namely *ribā*, possession, and equivalence. The effect of the maqāṣid-based approach is particularly evident here, as the objective of facilitating transactions and removing hardship intersects with the prevention of the harms associated with *ribā* and *gharar*. The issue can be analyzed within the framework of maqāṣid-based application as follows:

First: The view that it is unconditionally permissible

According to this view, currency exchange through such cards is permissible for purchasing gold and silver and exchanging currencies, whether the payment card is covered or uncovered. This position was adopted by Abdullah Al-Manea, Abdul Sattar Abu Ghuddah, and Yusuf Al-Shubaily, as well as by the Shariah Board of Al Rajhi Banking Company (Al-Shubaily, 2004, vol. 2, p. 42).

This view is based on the following approach:

A. The principle of custom: This position is based on broadening the concept of constructive possession on the basis of contemporary banking custom, whereby swiping the card and recording the transaction are regarded as equivalent to fully enabling the seller to receive the price, resulting in its being credited to or firmly established in the seller's account.

Basis of the argument: Islamic law does not restrict possession to physical handover but recognizes relinquishment and enablement as constructive possession. Thus, when general custom recognizes that this means transfers ownership in a regulated manner, this is sufficient. Moreover, the widespread acceptance of payment cards and their function as substitutes for money in circulation establish the meaning of monetary status according to custom, allowing them to be treated similarly to paper currency in many rulings.

B. The objective of facilitation and removal of hardship: The short interval between carrying out the transaction and its final posting falls outside the intention of the contracting parties and is attributable to banking settlement procedures. It is therefore considered an excusable interval incidentally rather than an essential delay.

Basis of this approach: This position is consistent with the objective of facilitation and removal of hardship, because requiring physical possession would disrupt extensive interests once electronic alternatives have become established and widespread.

Second: The view that it is unconditionally prohibited

This position is held by some scholars, including Sheikh Al-Siddiq Muhammad Al-Amin Al-Darir (Murad Belabbas, p. 342).

This view is based on the following approach:

A. The principle of precaution: This is particularly relevant in matters of *ribā*. Those who consider the actual substance of payment rather than its outward form argue that possession has not occurred because the seller does not receive the price immediately; rather, receipt is delayed until settlement. The voucher or electronic authorization is therefore not immediate payment but a promise to pay.

Basis of the argument: Currency exchange requires immediate mutual possession to prevent *ribā al-nasī'ah*, and any delay in transferring the price violates this condition. This view also maintains that analogizing a credit card to a cheque is an analogy with a relevant difference, because a cheque is an instrument of immediate payment, whereas a card involves the bank as an intermediary in deferred payment.

This approach realizes the objective of blocking the means leading to *ribā* and gives precedence to precaution in financial matters.

Third: The differentiated view

This view distinguishes between covered and uncovered cards on the basis of verifying possession and excluding *ribā* (International Islamic Fiqh Academy, n.d., vol. 3, p. 676; Al-Zahrani, n.d., p. 279). The permissibility of currency exchange using a covered card is based on:

A. The objective of facilitation and consideration of general custom: Dealing through a covered card is permissible because the purchaser has an actual balance with the bank, from which the amount is deducted when the transaction is carried out. Constructive possession, which takes the place of actual possession, is thereby achieved because the seller is enabled to receive the price and that price is backed by existing funds.

Currency exchange using an uncovered card is prohibited on the basis of:

B. Blocking the means to *ribā*: An uncovered card is, in substance, a loan provided by the bank to the cardholder, which the bank then uses to pay the seller. Payment is therefore deferred in reality, and the mutual possession of the two countervalues in the contractual session is absent. This may also open the door to *ribā* when the loan is accompanied by an increase.

According to this view, what occurs when the card is swiped is merely a reservation of the credit limit rather than the transfer of existing funds. It therefore does not constitute possession, either actually or constructively. The voucher constitutes a guarantee of the right rather than its actual receipt.

The characterization of the bank as a guarantor is disputed on the grounds that its role extends beyond guarantee to agency in payment. Nevertheless, this does not alter the fact that the money paid does not come from the purchaser's balance at the time of the contract, and the problem of the absence of mutual possession therefore remains.

This differentiated approach combines consideration of the objective of facilitation in secure forms of transaction with the realization of the objective of blocking the means to *ribā* in transactions involving a loan that generates a benefit.

Fourth: Preference in Light of the Maqāṣid-Based Framework

The differentiated view appears more compelling because it combines the objectives of Islamic law without disregarding any of them. Currency exchange through a covered card is therefore permissible because constructive possession, recognized by custom and Islamic law, is achieved, the price becomes established for the seller, and *ribā* is absent. It is prohibited in the case of an uncovered card because possession concurrent with the contract is not achieved and because the transaction entails a loan that generally leads to *ribā*. The regulation of *ribā* is based on precaution.

Thus, it becomes clear that applying contemporary means to the rulings governing currency exchange depends on verifying the operative cause concerning possession and referring it to established custom, while taking into consideration the objectives of Islamic law in facilitating transactions and removing hardship on the one hand and blocking the means to *ribā* on the other, without excess or negligence.

Second: The Ruling on Electronic Currency Exchange Using Cryptocurrencies

The ruling on currency exchange involving virtual currencies is based on the ruling concerning transactions involving them. Scholars have expressed two positions regarding their legal status and permissibility of dealing in them:

First: The view that they are prohibited

This is the position of the Egyptian Fatwa Committee (Egyptian Fatwa Committee, n.d., Fatwa No. 14139), the Iraqi Fatwa Department (Iraqi Fatwa Department, n.d., Fatwa No. 1583), the General Authority of Islamic Affairs and Endowments in the United Arab Emirates (General Authority of Islamic Affairs and Endowments, n.d., No. 89043), and the Palestinian Fatwa Department (Palestinian Fatwa Department, 2017, Decision No. 581/1, No. 297/2017/16).

This position is based on the following maqāṣid-based considerations:

A. Consideration of the objective of preserving wealth: Islamic law seeks to protect wealth from loss and instability, and money must possess a degree of stability through which its function in exchanges can be realized. Ibn al-Qayyim stated: "The price is the standard by which the value of wealth is determined; it must therefore be limited and regulated, neither rising nor falling, for if the price were to rise and fall like commodities, we would have no price by which to evaluate sales" (Ibn al-Qayyim, n.d., vol. 2, p. 105). This highlights that severe volatility in virtual currencies conflicts with the objective of preserving wealth because it exposes wealth to loss and instability.

B. Consideration of the principle of preventing *gharar*: This approach rests on a fundamental principle of financial transactions, namely the prohibition of *gharar* because of its potential to lead to the wrongful appropriation of people's wealth. Material *gharar* is that which leads to dispute or harm. Accordingly, those who prohibit cryptocurrencies consider the uncertainty surrounding their source, the absence of guarantees, and their severe volatility to constitute excessive *gharar*, which is prohibited under Islamic law.

C. Verification of the monetary function and the objective of money: In the fiqh conception, money serves as a standard of value and is not an end in itself. Al-Sarakhsi

established that dirhams and dinars were created to determine the value of wealth and that their only intended function is to serve as a standard for it (Al-Sarakhsi, 1993, vol. 3, p. 20). This requires stability and general acceptance, which those prohibiting virtual currencies argue are not achieved because such currencies are predominantly characterized by speculation rather than monetary function.

D. The principle that the ruler's disposition is contingent upon public interest: Money is connected to the public interest. Accordingly, jurists have assigned its issuance and regulation to the authority of the ruler, with monetary regulation falling within the ruler's responsibility in pursuit of the public interest (Al-Nawawi, 1991, vol. 2, p. 258). Thus, the absence of a guaranteeing and regulating authority for digital currencies places them outside the framework that Islamic law recognizes for the preservation of the financial system.

E. Blocking the means and consideration of consequences: This position proceeds from the recognized principle of blocking the means leading to harm, particularly when such harm is predominant or highly probable. Islamic legal principles establish that means take the rulings of their ends. If virtual currencies facilitate financial crimes and make them difficult to trace, their prohibition becomes more consistent with the objectives of Islamic law concerning the preservation of wealth and financial systems.

The maqāṣid-based features of this position therefore center on preserving wealth, preventing *gharar*, regulating the monetary system, relying on comprehensive consideration, linking rulings to consequences, giving precedence to precaution in financial matters, and prioritizing the public interest over individual freedom of transaction. Nevertheless, the operative causes underlying this position are open to discussion among some contemporary scholars, particularly regarding the extent to which *gharar* is actually present and the degree to which emerging custom should be recognized. This opens the way for balancing this position against the alternative view on the basis of the same principles and rules.

Second: The view that they are permissible

This position is held by some researchers, including Sami bin Ibrahim Al-Suwailem (Al-Suwailem, 2021, p. 497) and Nayef Al-Ajmi (Al-Ajmi, n.d., p. 126), as well as the statement of the Islamic Economics Forum, No. 1/2018, dated 11 January 2018.

This view is based on the following maqāṣid-based considerations:

A. The presumption of permissibility in transactions: This is one of the major legal principles underlying this position and derives from the objective of facilitation, removal of hardship, and preservation of people's interests in their property.

Maqāṣid-based basis of the argument: The permissibility of newly developed financial instruments, including virtual currencies, falls within the realization and development of wealth, provided that they do not contain a legally prohibited element such as *ribā* or excessive *gharar*.

B. The principle of custom in determining property status and monetary status: Monetary status is not purely devotional but rather a customary and conventional attribute. Imam Malik stated: "If people were to approve among themselves the use of skins until they had

a mint and designated value, I would dislike that they be sold for gold and silver on deferred terms.”

Clarification of the implication: His statement indicates that monetary status is not restricted to gold and silver but is based on people’s dealings and conventions, and that the rules of currency exchange may consequently apply, demonstrating recognition of such an instrument as money.

Maqāṣid-based basis of the argument: Islamic law takes the function of money into consideration without making its physical substance an object of ritual prescription. This opens the possibility of recognizing virtual currencies when they fulfill these functions according to established custom.

C. The principle of *maṣlaḥah mursalah* and the achievement of economic efficiency: This position is based on considering the benefits realized through these currencies, which falls within the objective of preserving wealth and facilitating people’s livelihoods.

Maqāṣid-based basis of the argument: Virtual currencies may realize several benefits, such as rapid transfers, reduced intermediation, lower costs, and an expanded sphere of transactions.

D. Consideration is given to realities and meanings rather than names and forms: In financial transactions, consideration is not based on physical form but on economic reality and financial function. Accordingly, the fact that a digital currency is not tangible does not prevent it from being regarded as property, because in juristic terminology, property is that which has value and can be beneficially used.

Maqāṣid-based basis of the argument: The operative criterion for property status is value and beneficial use rather than physical substance or tangibility.

The maqāṣid-based features of this position are therefore manifested in the presumption of permissibility of transactions, reliance on custom, recognition of value and utility rather than physical substance, realization of economic benefits, and the absence of an explicit textual prohibition.

Accordingly, the view of permissibility is not absolute but is subject to controls, including the absence of excessive *gharar*, freedom from *ribā*, the achievement of a meaningful degree of acceptance and circulation, and the absence of general harm.

Third: Preference in Light of the Maqāṣid-Based Framework

When the competing views are weighed from a maqāṣid-based perspective, the position of prohibition appears stronger, given the combination of characteristics surrounding virtual currencies that may have a bearing on their legal ruling. Taken together, these characteristics relate primarily to *gharar* (excessive uncertainty), *jahālah* (lack of adequate knowledge), blocking the means to prohibited practices (*sadd al-dharā’i’*), and consideration of consequences (*i’tibār al-ma’āl*).

A. In terms of fulfilling the Sharī’ah objective of protecting wealth:

Transactions involving virtual currencies, in some of their contemporary forms, entail various risks related to uncertainty concerning certain aspects of their origin, the lack of clarity regarding the entity responsible for their creation or issuance, and the absence of a guaranteeing authority to which parties can resort in cases of dispute or collapse. Such

characteristics may increase the likelihood of financial loss or uncontrolled exposure to risk, which may conflict with the objective of preserving wealth when these risks become sufficiently significant to affect the transaction.

B. In terms of gharar and jahālah:

Some virtual currencies are characterized by a high degree of uncertainty concerning their value, together with sharp price fluctuations that may exceed normal market volatility and develop into substantial levels of risk. When such volatility is accompanied by material uncertainty concerning the subject matter or outcome of the transaction, the grounds for prohibition become stronger under the principle of gharar.

C. In terms of consideration of consequences and blocking the means:

Practical experience reveals a number of potentially negative consequences associated with certain uses of digital currencies, including speculation driven largely by expectations of price movements, the possibility of using some forms of digital currencies in unlawful transactions, and difficulties in monitoring transactions in certain contexts, together with limited capacity to trace some transactions. When a particular use is predominantly likely to constitute a means leading to a prevailing harm, such consequences may be taken into consideration in determining the legal ruling under the principles of considering consequences and blocking the means.

D. In terms of the monetary function:

From a functional perspective, money is characterized by a number of features, most notably broad acceptance, relative stability in value, and reliance upon it as a means of valuing assets and settling transactions. These characteristics are not present to the same degree in all virtual currencies. Consequently, classifying them categorically as money remains open to consideration, particularly where the conditions necessary to establish the trust, stability, and acceptance required for the regulated application of the rules of currency exchange are absent.

E. In terms of the convergence of grounds for prohibition:

When several legally relevant characteristics converge in a particular transaction, such as gharar, jahālah, heightened risk, inadequate regulatory safeguards, and the possibility of opening avenues toward prohibited uses, the grounds for prohibition become stronger, as a precautionary approach and in protection of the objective of preserving wealth, provided that these characteristics are demonstrated to have a material effect on the transaction under consideration.

On the basis of the foregoing, the maqāṣid-based preference tends toward the view that dealing in virtual currencies is impermissible in the forms examined in this study, not merely because they are novel, but because they may be accompanied by legally consequential characteristics, most notably gharar, jahālah, heightened risk, inadequate guarantees, and adverse consequences.

Accordingly, the ruling on currency exchange involving virtual currencies follows from the ruling governing transactions in such currencies. If the analysis leads to the prohibition of dealing in them in the form examined in this study, the same ruling extends to currency exchange involving them, in order to preserve wealth, block the means to harmful practices, and prevent public harm. Nevertheless, this ruling need not remain fixed in all

circumstances, since legal rulings are connected to their effective causes. If the relevant characteristics change, material uncertainty is eliminated, transactions become sufficiently stable, and adequate guarantees and recognized regulatory safeguards are established, while their uses are appropriately controlled to limit harmful consequences, the ruling may be reconsidered in accordance with the changed legal factual basis (*manāṭ*).

Conclusion

This study demonstrates that contemporary financial *nawāzil*, particularly those associated with digital currencies, require the renewal of the tools of *ijtihād* and the expansion of its methodological approaches in a manner that combines the authenticity of *Sharīʿah*-based legal reasoning with an accurate understanding of contemporary realities, while maintaining the stability of foundational principles and the flexibility required for their application to emerging circumstances.

The study also demonstrates that the *maqāṣid*-based approach constitutes a fundamental component of contemporary *ijtihād*. It contributes to regulating understanding, directing legal reasoning, and balancing benefits and harms in the context of increasingly complex modern financial transactions and their interconnected technological, economic, and legal dimensions.

The treatment of such *nawāzil* cannot be adequately undertaken without integrating the different modes of *ijtihād*, beginning with *fiqh* characterization, proceeding through verification of the legal effective basis (*taḥqīq al-manāṭ*), and culminating in *maqāṣid*-based *ijtihād*. This integrated approach connects legal rulings with the objectives of *Sharīʿah*, foremost among them the preservation of wealth and the protection of transactions from *gharar*, harm, and corruption.

Accordingly, the study of digital currencies represents a test of the capacity of Islamic jurisprudence to accommodate rapidly evolving economic and technological transformations. This underscores the need to consolidate an integrated methodology that combines textual understanding, contextual understanding, and consideration of consequences, thereby contributing to a sound form of *ijtihād* capable of addressing emerging issues, realizing legitimate benefits, and preventing harm.

Main Findings of the Study

First: The study concludes that digital financial *nawāzil*, including digital currencies, cannot be adequately addressed through a partial or isolated *fiqh*-based approach. Rather, they require a composite *ijtihād*-based framework incorporating *fiqh* characterization, verification of the legal effective basis (*taḥqīq al-manāṭ*), and *maqāṣid*-based reasoning within an integrated methodological framework.

Second: The study demonstrates that some of the difficulties encountered in contemporary legal rulings can be attributed to inadequate conceptualization. The soundness of the *fiqh* characterization of digital currencies depends on understanding their technological structure and economic function rather than merely considering their outward form.

Third: The study shows that taḥqīq al-manāṭ in digital nawāzil has a complex character because such issues are connected to changing technological and economic environments. Consequently, determining their legal rulings requires an accurate understanding of their mechanisms, functions, and effects.

Fourth: The study concludes that the objectives of Shari‘ah, particularly the objective of preserving wealth, constitute a governing framework for evaluating digital transactions. A legal ruling that overlooks the maqāṣid-related implications of a transaction may result in methodological shortcomings in the process of applying the ruling.

Fifth: The study demonstrates that consideration of consequences constitutes a central tool in establishing the legal ruling on digital currencies, as it reveals a range of potential effects associated with value instability, heightened risk, inadequate guarantees, and other factors relevant to the legal assessment.

Sixth: The study concludes that some risks associated with digital currencies are not merely incidental but may be connected to structural characteristics of certain models, particularly decentralization, value volatility, and the absence of a centralized guaranteeing authority.

Seventh: The study finds that the absence of a guaranteeing authority and institutional regulation in some forms of digital currencies may undermine confidence in their use and increase the risks of instability and financial loss. These factors should therefore be taken into account when evaluating such currencies from the perspective of wealth preservation.

Eighth: The study demonstrates that sharp price fluctuations in some digital currencies may affect the objective of preserving wealth, particularly when such fluctuations are accompanied by extensive speculation and risks that are difficult to regulate or control.

Ninth: The study shows that digital currencies do not, in all their forms, achieve the degree of general acceptance and stability required to classify them categorically as money. Their monetary status therefore remains a matter of continuing jurisprudential and economic consideration.

Tenth: The study concludes that digital currencies, in the form examined, do not necessarily possess all the functional characteristics associated with stable money, particularly in terms of stability, broad acceptance, and guarantees. This prevents their unconditional classification as equivalent to fiat currencies.

Eleventh: The study favors characterizing digital currencies as emerging intangible assets possessing varying financial and monetary characteristics. In some forms, they occupy an intermediate position between the status of property and that of money, without necessarily attaining the status of stable money to which the full set of monetary rules applies.

Twelfth: The study demonstrates that electronic currency exchange through payment cards depends on determining the legal status of possession (qabḍ). A differentiated approach, taking into account the type of card, the nature of its coverage, and the settlement mechanism, is therefore considered closer to achieving a balance between facilitation and blocking the means to prohibited practices.

Thirteenth: In light of the maqāṣid-based analysis, the study concludes that dealing in digital currencies in the form examined is preferably regarded as impermissible, given the gharar, jahālah, and predominant risks that may surround certain forms of such currencies.

Fourteenth: The study confirms that this preference is not an immutable ruling but is connected to the legally relevant characteristics upon which the ruling is based. If the underlying circumstances change, and the grounds for prohibition disappear or their effects are reduced to a materially insignificant level, while the conditions necessary for stability, acceptance, guarantees, and effective regulation are established, the ruling may be reconsidered in accordance with the changed legal factual basis.

These findings confirm the centrality of the objectives of Sharī'ah, particularly consideration of consequences, in developing a contemporary jurisprudence of digital financial nawāzil. Such an approach seeks to realize the Sharī'ah objective of preserving wealth, balance benefits against harms, and regulate financial transactions in the context of accelerating technological and economic transformations.

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