

The Correlation of International Free Trade With E-Commerce Transactions in Indonesia in the Perspective of Islamic Economic Law

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Abstract— This study examines the correlation between international free trade and e-commerce transactions in Indonesia from the perspective of Islamic Economic Law (HEI). The focus of the study includes the implementation of WTO-based free trade principles, the development of cross-border e-commerce, as well as emerging sharia challenges, such as *riba*, *gharar*, and *maysir*. The results of the analysis show that e-commerce as a modern form of *muamalah* is allowed as long as the transaction meets the principles of *maslahah*, justice (*al-adalah*), and property protection (*hifz al-mal*), and does not harm local businesses. This study emphasizes the need for sharia-based *maqasid* regulatory interventions to ensure economic balance and sharia compliance in cross-border digital trade.

Keywords— Free Trade, E-Commerce Transactions, Islamic Economic Law.

I. INTRODUCTION

The current development of the global economy is characterized by two main forces that influence each other, namely the liberalization of international trade and the advancement of information technology. Trade liberalization was strengthened through the establishment of the World Trade Organization (WTO), an organization that encourages its member countries to remove or reduce trade barriers in order to achieve efficiency and equality in the global economy. Meanwhile, advances in information technology have given birth to a new business model in the form of e-commerce, which changes the way goods and services are traded across countries quickly and practically. These changes show that the relationship between globalization and technology is now the dominant factor shaping the direction of modern economic activities.

As a member of the WTO based on Law Number 7 of 1994 concerning the Ratification of the Agreement Establishing The World Trade Organization, Indonesia is juridically bound by the principles of free trade which demand market openness and smooth flow of goods and services. Consequently, national policies must adapt to the principle of liberalization, including in the digital sector, which is now one of the main pillars of the modern economy. This regulatory adjustment is important so that Indonesia is able to maintain competitiveness in the midst of global competition, while ensuring that national policies remain in line with international commitments without neglecting domestic interests.

The e-commerce phenomenon is a tangible manifestation of the application of free trade principles in the digital era. E-

commerce can be interpreted as the activity of buying and selling or exchanging data and funds through an electronic network that allows cross-border transactions without time and distance. Global e-commerce platforms are now the main entrance for foreign products to the domestic market, bringing together international manufacturers with Indonesian consumers directly without going through conventional distribution chains. This shows that there is a close relationship between international trade policy and national digital economy practices. This condition requires the government to ensure that this rapid development remains within the limits of healthy and fair regulations.

As a country with a majority Muslim population, economic activities in Indonesia should ideally also refer to the principles of Islamic Economic Law (HEI). HEI has a different philosophical foundation from the conventional economic system because it emphasizes justice, balance, and the benefit of society. Therefore, it is important to examine the relationship between free trade practices and e-commerce within the framework of Islamic law in order to be in line with sharia values. This review is also needed to ensure that the development of the digital economy still reflects business ethics that are in line with the social needs of the Muslim community.

In practice, there is a potential clash between the principle of free trade which is oriented towards economic efficiency and profit, and the principle of distributive justice (*al-adalah*) which is the main goal of Islamic Economic Law (HEI). The flow of imported products through e-commerce can give rise to unfair business competition, monopolies, and *zulm* (unfair) practices that are detrimental to domestic business actors. Phenomena such as predatory pricing are a form of market inequality that needs to be controlled so that they do not conflict with the values of *maqasid shari'ah*. This condition confirms that from the perspective of HEI, the correlation between free trade and e-commerce must be critically analyzed because it has the potential to cause structural injustice for local business actors.

In addition to the problem of business competition, transactions in e-commerce also need to be studied from the aspect of the main prohibition in Islamic law as the basis for the formulation of regulations that are in line with the sharia *maqasid*. Digital payment systems such as PayLater or online credit can contain elements of *riba* (interest) that are prohibited in sharia. In addition, the character of online transactions that do not involve a direct meeting between the seller and the buyer

has the potential to cause gharar (ambiguity) regarding the object of the contract or the mechanism for the delivery of goods. Thus, cross-border e-commerce regulations must be designed to be able to ensure that digital transactions are free from the elements of riba, gharar, and maysir, in order to protect the public's *hifz al-mal* (property protection). The presence of comprehensive regulations will provide legal certainty for all parties in the cross-border digital ecosystem.

Based on this description, this research is important to be carried out. This analysis seeks to answer three main questions, namely: first, how international free trade in the perspective of Islamic economic law in Indonesia; second, how e-commerce transactions in Indonesia are from the perspective of Islamic economic law; third, how is the correlation between international free trade and e-commerce transactions in Indonesia from the perspective of Islamic economic law.

II. RESEARCH METHODS

The method used in this research is a normative research method using a legislative approach, a case approach, and a theoretical approach related to the title *The Correlation of International Free Trade with E-Commerce Transactions in Indonesia in the Perspective of Islamic Economic Law* and analyzed using a qualitative descriptive method.

III. RESULTS AND DISCUSSION

1. *International Free Trade in the Perspective of Islamic Economic Law in Indonesia*

The study of the relationship between international free trade and the practice of e-commerce transactions in Indonesia cannot be separated from the philosophical review of Islamic Economic Law (HEI). Free trade is rooted in a liberal economic view that prioritizes efficiency, capital accumulation, and *laissez-faire*, while HEI is based on a universal, divine, set of values, which place justice and collective well-being above the interests of the individual. The difference in principle between free inflammation and Islamic Economic Law is an important basis for assessing cross-border e-commerce practices. This difference of view demands careful analysis to ensure that modern digital commerce remains in accordance with the basic principles of sharia.

Islamic Economic Law is based on two main principles, namely *maslahah* (public welfare) and *al-is* (justice). Both principles reject economic practices that only provide benefits to certain parties. In Islam, every *muamalah* activity must benefit the wider community and without causing harm, because *maqasid shari'ah* aims to protect the benefit of the *ummah*. Thus, any modern economic instrument including cross-border e-commerce must be judged on its ability to maintain social balance and avoid practices that are detrimental to weaker groups.

The WTO focuses on increasing international trade volumes and market efficiency which often strengthens the dominance of large economic actors over smaller parties. In HEI's perspective, this kind of orientation can be contrary to the principles of economic justice. If free trade only benefits the capitalist without regard to balance, then it is contrary to the *maqasid* of the *shari'ah*. Therefore, a critical analysis is needed

to see whether the WTO mechanism really guarantees equitable distribution of benefits or actually widens the economic gap between business actors.

Indonesia's commitment to free trade is regulated through Law Number 7 of 1994 which ratifies the WTO. This regulation requires Indonesia to open the market and reduce trade barriers. Consequently, global competition is entering the domestic market, and this phenomenon is accelerating as digital platforms develop. This puts Indonesia in a position to continue to adapt its national policies to the flow of global trade liberalization, including in the e-commerce sector.

E-commerce, as an electronic network-based buying and selling activity, has become the main means of accelerating the practice of free trade across countries. Foreign products can enter Indonesia faster and cheaper, thereby changing consumption patterns and affecting the structure of national business competition. The rapid development of cross-border e-commerce not only changes people's consumption behavior, but also has a direct impact on the structure of business competition in the country, including the position and competitiveness of local business actors. This condition is a serious challenge for the government to regulate the flow of digital and physical goods that move so fast without adequate control.

From the point of view of Islamic Economic Law, one of the main risks that must be anticipated is the emergence of *zulm*, namely injustice in economic practices that can harm the weaker parties. Local products often lose competition with imported products that enter through e-commerce due to differences in capital, technology, and production efficiency. Practices such as predatory pricing can undermine the sustainability of small businesses, and this is contrary to the principles of justice in Islam. This situation shows that without proper regulation, small business actors can fall victim to an unbalanced market structure.

Indonesia has Law Number 5 of 1999 concerning the Prohibition of Monopoly Practices and Unfair Business Competition to prevent monopolies and unfair competition. The purpose of this law is in line with the prohibition of *zulm* in Islam. However, in practice, cross-border digital transactions are still not optimal. In addition, this positive law has not accommodated sharia principles as a whole, especially with regard to the ethics and morality of transactions. Thus, the enforcement of business competition law in the digital realm needs to be adjusted to be based on substantive justice which is the core of Islamic economic principles.

One of the main goals of *maqasid sharia* that must be maintained is the protection of property (*hifz al-mal*). In the digital context, this includes capital protection and the sustainability of local businesses. The government, as the *waliyul amri*, is obliged to formulate a policy that reduces the negative impact of free trade, for example through import restrictions or price stabilization policies. Thus, digital economy policies must be designed not only to pursue growth, but also to maintain the stability and resilience of the national economy.

E-commerce transactions are basically allowed because they are included in the category of *muamalah* whose original law is *mubah*, but must be limited by sharia prohibitions.

Therefore, cross-border e-commerce must be ensured that it does not contain elements of *riba* (especially in digital financing), *gharar* (ambiguity in imported products), or *maysir* (speculation), so that the contract that occurs is valid in Islam. This provision requires a more transparent digital verification system so that the contract carried out does not contain elements of tyranny for the parties.

The biggest challenge in cross-border e-commerce lies in payment and information instruments. Digital financing systems such as PayLater have the potential to contain *riba nasi'ah* (*riba* arising from the suspension of payment time and the addition of fines). In addition, the physical distance that separates the seller and the buyer increases the risk of *gharar* (ambiguity) on the quality of the product, which can invalidate the contract in the *fiqh* of *muamalah*. Therefore, digital regulations must be stricter in ensuring sharia compliance on these two crucial aspects. If not regulated, then cross-border e-commerce can become a space for transactions that damage economic justice and harm consumers.

Seeing the potential for injustice and violation of sharia principles, e-commerce regulations in Indonesia are not enough if they are only based on conventional positive laws. Synchronization with *maqasid sharia* is needed to be able to realize the public benefit. On that basis, the next discussion will further examine how sharia *maqasid* can be used in the preparation of cross-border e-commerce regulations to overcome the issues of *riba*, *gharar*, and *maysir*.

It can be affirmed that Islamic Economic Law views the correlation between international free trade and e-commerce transactions as a relationship that can only be justified if it fulfills the principles of *maslahah*, distributive justice, and protection of vulnerable parties. WTO-based trade liberalization that opens up broad market access does accelerate the growth of cross-border e-commerce, but at the same time has the potential to create inequality through unbalanced competition, predatory pricing, and vulnerability to usury, *gharar*, and *maysir*. Therefore, HEI places a moral and regulatory obligation on the state to ensure that every digital trade activity remains within the sharia corridor and does not cause harm to local businesses and consumers. In essence, cross-border e-commerce can only be accepted from an Islamic perspective if the mechanism is able to bring public benefits and maintain economic balance in accordance with the goals of *maqasid sharia*.

In line with this, the role of the state as *waliyul amri* is very important to supervise the flow of e-commerce across countries and establish policies that are in line with *maqasid sharia*. Regulatory interventions can be in the form of restrictions on certain types of goods, regulation of digital payment mechanisms, and enforcement of transparency of product information so that the risk of *gharar* and fraud can be minimized. In addition, support for local business actors through incentives, protection against predatory pricing practices, and strengthening the capacity of local products are concrete steps to uphold distributive justice (*al-adalah*) and ensure the benefits of the entire community. Thus, the sustainability of e-commerce in Indonesia can be achieved without sacrificing the principles of Islamic economic law,

while still promoting inclusive and equitable economic growth.

2. *E-commerce transactions in Indonesia in the perspective of Islamic economic law*

From the perspective of Islamic Economic Law, e-commerce transactions are seen as a form of modern *muamalah* that must still meet sharia principles, such as honesty, justice, and avoidance of usury, *gharar* and fraud. The general principle in *muamalah* is *mubah* (permissible), as long as there are no sharia evidence or provisions that prohibit it. E-commerce, as a system of trading goods or services through electronic networks, is allowed in principle in Islam because it facilitates the process of exchanging values and meeting the needs of the community. However, e-commerce practices must still follow the provisions of ethics and sharia law, so that every transaction must be carried out in accordance with the principles of justice, honesty, and certainty of Islamic law.

Although e-commerce is seen as legitimate in Islam, the main focus of the study of Islamic Economic Law is to ensure that the transaction brings benefits to the community and takes place according to the principle of justice (*al-adalah*). Fairness in the context of e-commerce means ensuring that the rights and obligations of both parties (sellers and buyers) are met, without any exploitation or manipulation of information. Therefore, e-commerce that is economically efficient but creates structural injustices, such as harming local products can be contrary to the purpose of the HEI.

The first crucial issue in e-commerce is the prohibition on usury, i.e. interest or additional without real risk reward, which is expressly prohibited in Islamic law. In the practice of e-commerce transactions in Indonesia, this has become relevant along with the increasing use of digital financing instruments, such as the PayLater system. If the PayLater system imposes additional fees or late fines that are cumulative and not based on the correct sharia contract, the practice can be categorized as *riba nasi'ah*, so that the law becomes *haram*.

The second challenge in e-commerce practice is the potential for *gharar*, which is excessive ambiguity or uncertainty in a contract that can harm one of the parties. Transactions that take place virtually, without physical meetings, and involve long distances, especially in cross-border transactions, inherently increase the risk of uncertainty regarding the object of the contract, ranging from product specifications, quality, quantity, to the certainty of the delivery mechanism. This condition can cause the buyer to not obtain the certainty of the goods in accordance with the initial agreement.

From the perspective of Islamic Economic Law (HEI), the situation demands the application of a much higher standard of transparency than the obligations set out in positive law. E-commerce platforms are required to provide complete, accurate, and non-misleading product information, including shipping procedures, return policies, and guarantees of the authenticity of goods. This optimal level of information disclosure is needed to ensure the fulfillment of the legal requirements of the sharia sale and purchase contract, so that digital transactions continue to run fairly, safely, and in accordance with the principles of Islamic *muama*.

The third challenge is maysir, which is gambling or speculation that contains elements of luck, which is prohibited because it can damage the economic order based on real work and the exchange of real value. In the context of e-commerce, the risk of maysir arises in promotional schemes or giveaways that are based on lucky draws or luck without any real business contribution. Although it is rare to buy and sell ordinary goods, e-commerce must ensure that the instruments used involve real underlying assets and are free from the element of pure speculation.

HEI's view of e-commerce is not only limited to the legality or invalidity of the contract, but also to the achievement of the highest goal of Islamic law, namely maqasid sharia. The protection of property (hifz al-māl) is the main objective that must be considered, demanding regulations that not only protect consumer property from fraud (gharar) and exploitation (riba), but also protect the capital of local business actors from unfair competition practices (zulm). Government Regulation Number 80 of 2019 concerning Trade Through Electronic Systems (PP PMSE) functions as a positive effort by the government to minimize gharar by requiring information transparency in e-commerce. However, from HEI's perspective, these provisions must be refined and strengthened by the DSN-MUI fatwa so that sharia compliance in crucial aspects of e-commerce, such as financing, insurance, and disputes, can be ensured comprehensively.

The Islamic Economic Law Review concluded that the free trade mechanism accelerated by cross-border e-commerce has the potential to give birth to zulm by triggering unfair business competition that is detrimental to local businesses. This phenomenon is caused by the influx of foreign products with minimal regulatory barriers. Therefore, the principle of HEI requires the government to activate its role as waliyul amri by implementing a policy to ensure the realization of al- is and the guarantee of hifz al-mal (property protection) for the people's business capital.

In addition to the financial aspect, e-commerce in Indonesia, which has a majority Muslim population, is required to comply with halal product provisions. HEI's perspective demands a strong and transparent verification mechanism regarding the halal status of traded products, especially imported products that enter through cross-border e-commerce. This obligation is part of the protection of religion (hifz al-din) which is a collective responsibility. In the event of a dispute in e-commerce transactions, the view of Islamic Economic Law prioritizes a quick and fair settlement. Disputes concerning sharia contracts should be directed to sharia arbitration (e.g. BASYARNAS) or Religious Courts. This approach serves to ensure conflict resolution in line with the principles of sharia justice and provide the necessary legal certainty.

E-commerce transactions in Indonesia are allowed from the perspective of Islamic Economic Law because they are included in the category of muamalah that is efficient and beneficial to the community (maslahah). However, it must be tied to three main conditions:

- a. Free from usury, gharar, and maysir (especially in digital financing and product information);

- b. Uphold al-is and do not cause zulm (especially in local businesses);
- c. Based on maqasid sharia (protection of property, religion, and soul)

Synchronization between positive law and sharia fatwas is key to achieving a fair and sustainable e-commerce ecosystem.

Thus, e-commerce regulations in Indonesia must be able to bridge the dynamics of fast-paced digital trade with fundamental principles of sharia. Governments, financial authorities, and fatwa institutions need to strengthen regulatory frameworks that not only govern the technical aspects of digital transactions, but also ensure ethical compliance and consumer protection comprehensively. Supervision of pricing practices, abuse of market dominance, product authenticity, and digital payment mechanisms must be strictly carried out so as not to open space for unjust practices or exploitation. The integration of sharia guidelines in public policy will ensure that the development of e-commerce not only drives economic efficiency, but also contributes to social justice and the protection of domestic business actors, especially local products which are the backbone of the national economy.

3. Correlation of International Free Trade with E-commerce Transactions in Indonesia in the Perspective of Islamic Economic Law

The main problem in the relationship between free trade and e-commerce policies in Indonesia is the clash between conventional economic values and Islamic Economic Law (HEI) values. Although the WTO encourages free trade and e-commerce to facilitate its implementation digitally, the HEI tests whether the market efficiency that occurs is truly fair (al-is) or actually leads to harmful (exploitative) practices.

Free trade is based on a liberal economic philosophy that emphasizes capital accumulation, absolute profit, and the laissez-faire principle as the main drivers of economic growth. The main emphasis on maximum profit for the owners of capital can go against the principle of justice that underlies Islamic economics. If the free trade policy only provides benefits to multinational corporations and capitalists without producing economic equality and balance, then it fundamentally violates the highest goal of HEI, namely the sharia maqasid.

E-commerce serves to transform free trade into instantaneous and unrestricted digital transactions globally in the context of this correlation. Its ability to enable access to world products and services to Indonesian consumers, accelerates the implementation of the WTO's policy on market openness regulated in Law No. 7 of 1994 which as a result, the impact of such policies, both beneficial and detrimental, becomes much greater in the domestic market.

The Islamic Economic Law Review identified the potential for the creation of zulm through cross-border e-commerce. Because free trade facilitated by digital platforms allows foreign products to enter without sufficient restrictions, unfair competition arises that is detrimental to local business products. Therefore, the principle of HEI requires the state (waliyul amri) to intervene in regulations. This intervention has a dual purpose: to uphold al-is and implement the principles of hifz

al-mal by protecting the products of local businesses.

Although Indonesia has Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, this legal framework faces jurisdictional constraints in addressing digital crimes originating from foreign entities. The HEI perspective demands that this law enforcement be strengthened with the foundation of sharia morality, which not only prohibits monopolies (ihtikar) but also requires widespread al-is, even at the level of international transactions.

This correlation also expands the use of digital financing instruments that are vulnerable to usury. Free economies tend to use interest-based loans (riba nasi'ah) to finance B2C (Business-to-Consumer) transactions, such as the PayLater system in e-commerce. If this financing is used in cross-border e-commerce transactions, the entire chain of sales and financing contracts is contaminated with haram elements, thus damaging the principle of the sanctity of muamalah.

The market openness accelerated by cross-border e-commerce also significantly increases the risk of gharar (ambiguity) for consumers. The long physical distance between producers and consumers, the complexity of import logistics, and the uncertainty of product quality that is only seen digitally, create excessive gharars. This is contrary to the legal requirements of the sale and purchase contract in Islam which demands full clarity on the object being sold.

Given the potential for zulm and sharia violations arising from this correlation, HEI places an obligation on the state (waliyul amri) to intervene through regulations. This intervention should aim to balance global trade with the protection of the people's economy. Regulations, such as restrictions on the import of certain e-commerce (Permendag No. 31/2023), should be seen as an enforcement of the principle of hifz al-mal in accordance with sharia.

The correlation of free trade and e-commerce is basically a form of muamalah whose original law is mubah. However, in order for this correlation to remain valid, its implementation must be bound by restrictions that prohibit riba, gharar, and maysir. HEI's criticism is not on technology or commerce itself, but rather on the underlying liberal philosophy and the instruments used, which have the potential to undermine al-is.

Overall, the correlation between international free trade and e-commerce transactions in Indonesia from the perspective of Islamic Economic Law is permissible as long as the instrument and its impact does not cause harm and violate sharia prohibition. The main problem lies in the potential for zulm to local business products and the risk of usury in digital financing. Therefore, a regulatory framework is needed that makes sharia maqasid the main guide to correct the imbalance caused by digital globalization.

IV. CONCLUSION

1. International Free Trade in the Perspective of the HEI. International free trade accelerated by the WTO provides opportunities for economic growth, but from the perspective of Islamic Economic Law, this policy has the potential to create inequality and the practice of zulm if it is not balanced with regulations that uphold distributive

justice (al-adalah) and the public good (maslahah).

2. E-Commerce Transactions in Indonesia in the Perspective of HEI.

E-commerce in Indonesia is allowed in Islam because it is a modern muamalah that is efficient and useful, but it must meet sharia principles, namely being free from riba, gharar, and maysir, upholding al-adalah, and protecting the interests of local businesses and consumer rights.

3. Correlation of Free Trade and E-Commerce in the HEI Perspective

The correlation between international free trade and e-commerce is only valid according to Islamic Economic Law if its implementation does not cause harm to local businesses and consumers, and must be regulated through regulations based on sharia maqasid that ensure economic balance, legal certainty, and property protection (hifz al-mal).

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