



COMPARATIVE ANALYSIS OF THE CONCEPTS OF JU'ĀLAH AND MAISIR FROM THE PERSPECTIVE OF FIQH MUAMALAH

Budan Sani^{1*}, Ayi Yunus Rusyana², H. M. Fauzan Januri³

UIN Sunan Gunung Djati Bandung

buldansani@iaipersisgarut.ac.id, ayiyunus@uinsgd.ac.id, januri@uinsgd.ac.id

Abstract

The development of the digital economy has given rise to various new forms of transactions that often blur the boundaries between permissible contracts and prohibited practices in Islam. This situation raises the need for a more comprehensive analysis to differentiate the concepts of ju'ālah and maisir, especially in contemporary economic practices that combine elements of effort and opportunity. This study aims to comparatively analyze the concepts of ju'ālah and maisir from the perspective of muamalah fiqh by examining their ontological, normative, and applicative differences. The study uses a qualitative approach through library research, utilizing primary sources in the form of the Qur'an, hadith, classical fiqh books, and contemporary Islamic economic literature. The analysis is conducted descriptively and comparatively using the maqā approach. *ṣid al-syarī'ah* as an evaluation framework. The results of the study indicate that although both gambling and maisir contain elements of uncertainty (*gharar*), they have fundamental differences in the objectives of the contract, transaction mechanisms, value orientations, and implications for economic justice. Gambling is a contract that encourages productive activities and is in line with the objectives of sharia, while maisir is dominated by speculative elements that contradict the principle of asset protection (*ḥifẓ al-māl*). This study confirms that the maqā-based approach *ṣid al-syarī'ah* is able to become a normative framework to distinguish digital economic practices that are in accordance with sharia principles from practices that contain elements of maisir, thus providing a conceptual contribution to the development of contemporary muamalah fiqh.

Keywords: Ju'ālah; Maisir; Fiqh Muamalah; Maqāṣid al-Syarī'ah

Abstract

The rapid development of the digital economy has generated various forms of transactions that increasingly blur the boundary between permissible contracts and prohibited practices in Islamic law. This phenomenon highlights the need for a comprehensive analysis to distinguish between ju'ālah and maisir, particularly within contemporary economic activities that combine elements of effort and chance. This study aims to comparatively examine the concepts of ju'ālah and maisir from the perspective of fiqh muamalah by exploring their ontological, normative, and practical distinctions. A qualitative approach was employed using a library research method based on primary sources, including the Qur'an, Hadith, classical works of Islamic jurisprudence, and contemporary Islamic economics literature. The data were analyzed through descriptive-comparative analysis using maqāṣid al-sharī'ah as the analytical framework. The findings reveal that although both ju'ālah and maisir involve elements of

uncertainty (gharar), they differ fundamentally in contractual objectives, transaction mechanisms, value orientation, and implications for economic justice. Ju'alah represents a legitimate contract that promotes productive economic activities and aligns with the objectives of Islamic law, whereas maisir is characterized by speculative gain that contradicts the principle of wealth protection (ḥifẓ al-māl). This study proposes a maqāṣid-based normative framework for distinguishing Sharia-compliant digital economic practices from transactions containing elements of maisir, contributing to the development of contemporary fiqh muamalah and Islamic economic jurisprudence.

Keywords: Ju'alah; Maisir; Fiqh Muamalah; Maqāṣid al-Sharī'ah

INTRODUCTION

The global economic transformation driven by digitalization has fundamentally altered society's production, distribution, and consumption patterns. The development of financial technology (fintech), digital marketplaces, reward-based applications, the gamification economy, and even artificial intelligence-based transaction systems have given rise to a variety of new and increasingly complex economic models. While these innovations increase efficiency and financial inclusion, they also raise various legal issues, particularly regarding the boundaries between Sharia-compliant economic activities and practices that involve elements of speculation and gambling (Ahmed, 2012; Usmani, 2002).

In the perspective of Islamic economics, every economic activity must be built on the principles of justice (al-'adl), welfare (maṣlaḥah), transparency (al-bayān), and avoidance of usury, gharar, and maisir (Chapra, 2000; Kamali, 2008). These principles are the main foundation of Islamic jurisprudence (fiqh muamalah) in regulating economic relations so that they not only generate financial profits but also create social balance and economic sustainability. Therefore, the development of digital transaction models requires a reinterpretation of classical Islamic jurisprudence concepts to remain relevant in responding to the dynamics of the modern economy without neglecting the primary objectives of sharia (maqāṣid al-sharī'ah).

One issue gaining increasing attention is the emergence of various digital transaction models that combine effort with chance. This phenomenon can be found in various digital applications that offer reward systems, online games, app-based competitions, challenge-based cashback, and promotional programs that use lottery mechanisms. In practice, these various models often give rise to legal ambiguity because they have characteristics that at first glance resemble gambling contracts, but at the same time contain characteristics of gambling (maisir). This condition indicates that the development of the digital economy has created a gray area that cannot yet be fully explained through a classical fiqh approach.

Conceptually, ju'alah is a permissible contract in muamalah jurisprudence because it provides a reward for the successful completion of a task whose outcome is uncertain from the outset (Al-Zuhayli, 1989). The uncertainty inherent in this contract remains at a tolerable level (gharar yasir) because the success of obtaining the reward still depends on the actual effort made by the person performing the task. Conversely, maisir is a practice that is expressly forbidden because the profit is obtained through speculation and luck without any commensurate productive activity (Al-Qaradawi,

1994; Al-Ghazali, n.d.). Thus, although both concepts contain elements of uncertainty, they have very different normative orientations and legal consequences.

This conceptual distinction becomes increasingly important when confronted with contemporary digital economic practices. Many modern transactions can no longer be simply classified as *halal* (permissible) or *haram* (forbidden), as they combine elements of productivity, incentives, probability, and digital algorithms within a single transaction mechanism. Consequently, legal assessments cannot be based solely on the formal form of the contract (a form-based approach), but require an analysis that considers the transaction's substance, economic purpose, and social impact. It is in this context that the *maqā* (lawful) approach comes into play. *ṣid al-syari'ah* offers a more comprehensive perspective for assessing the suitability of a transaction with the objectives of Islamic law (Auda, 2008).

Although numerous studies have been conducted on both gambling and gambling (*maisir*), most previous research has addressed the two concepts separately. Research on gambling generally focuses on the legal aspects of contracts and their implementation in Islamic financial institutions, while research on gambling (*maisir*) has focused more on gambling, speculation, and prohibited transactions in Islamic economics. Studies specifically comparing the two concepts within the framework of *muamalah* jurisprudence (*fiqh muamalah*) to explain their normative boundaries in digital economic practices are still relatively limited. This limitation has resulted in the lack of a conceptual framework capable of systematically explaining how to distinguish digital transactions that can be categorized as gambling from those that fall under the category of gambling.

Based on these conditions, this study identifies a research gap in the absence of a comparative analysis that integrates the concepts of *ju'ālah* and *maisir* through the perspective of *fiqh muamalah* with the *maqā* approach. *ṣid al-syari'ah* has an analytical instrument for contemporary digital economic practices. Most research still uses a partial, normative approach, thus failing to explain operational indicators to differentiate the two concepts across the ever-evolving range of digital transaction models.

On that basis, the novelty of this research lies in the preparation of a comparative analysis framework based on *muamalah fiqh* and *maqā.ṣid al-syari'ah* used to identify the normative distinction between gambling and gambling. This framework not only explains the conceptual differences between the two contracts but also offers normative indicators in the form of dominant business elements, levels of uncertainty, the presence of economic added value, benefit distribution mechanisms, and welfare orientation as a basis for evaluating digital economic practices.

Based on the above description, this study aims to comparatively analyze the concepts of *ju'ālah* and *maisir* from the perspective of *fiqh muamalah* by identifying the ontological, normative, and applicative differences between the two in contemporary economic practices. In addition to contributing to the development of the *fiqh muamalah* treasury, this study is expected to serve as a conceptual reference for academics, regulators, sharia economic practitioners, and digital industry players in formulating transaction models that align with sharia principles and the objectives of *maqā.ṣid al-syari'ah*.

RESEARCH METHODOLOGY

This study employed a qualitative approach with a library research design. This approach was chosen because the research object focuses on a conceptual and normative analysis of the differences between the contracts of *ju'alah* and *maisir* from the perspective of *muamalah fiqh* (Islamic jurisprudence). The library study enabled the researcher to examine Islamic legal concepts in depth through primary and secondary literature, as well as interpret the views of various classical and contemporary scholars in response to the development of digital economic practices (Creswell & Poth, 2018; Kamali, 2008).

The research data sources consist of primary and secondary data. Primary data include the Qur'an, hadith, and classical *fiqh* literature that specifically discusses the contracts of *ju'alah*, *maisir*, *gharar*, and *fiqh muamalah*, such as *Al-Fiqh al-Islāmī wa Adillatuhu* by Al-Zuhayli (1989), *Al-Mughnī* by Ibn Qudāmah (1997), *Iḥyā' 'Ulūm al-Dīn* by Al-Ghazali (nd), as well as *Al-Muwāfaqāt* by Al-Shātibī (nd). Meanwhile, secondary data was obtained from Islamic economics books, scientific journal articles, and academic publications discussing contemporary *muamalah fiqh*, *maqāṣid al-sharī'ah*, digital economy, and Islamic finance (Auda, 2008; Chapra, 2000; Usmani, 2002).

Data collection was conducted through documentation studies, namely by identifying, selecting, classifying, and organizing various literature relevant to the research focus. The literature search process was carried out systematically based on the suitability of the theme, the authority of the source, relevance to the development of the digital economy, and its contribution to the discussion of the concepts of *ju'alah* and *maisir*. The selected literature was then categorized into several main themes, namely: (1) the concept and characteristics of *ju'alah*; (2) the concept and characteristics of *maisir*; (3) the principles of *muamalah fiqh*; (4) the *maqāṣid al-sharī'ah*; and (5) implementation of both concepts in contemporary economic practice.

Data analysis was conducted in three stages. The first stage was descriptive analysis, identifying and explaining the conceptual characteristics of each contract based on classical and contemporary *fiqh* literature. The second stage used comparative analysis to compare *ju'alah* and *maisir* based on several key dimensions, namely the purpose of the contract (*maqāṣid al-'aqd*), transaction mechanisms, levels of uncertainty (*gharar*), the relationship between effort and reward, distribution of benefits, and its implications for economic justice. The third stage is an interpretive analysis using the *maqāṣid al-sharī'ah* as a normative evaluation framework to assess the suitability of digital economic practices with the objectives of Islamic law, particularly the protection of property (*ḥifẓ al-māl*), justice (*al-'adl*), and welfare (*maṣlaḥah*) (Auda, 2008; Kamali, 2008).

To enhance the credibility of the analysis, this study employed source triangulation, comparing arguments from the Qur'an, hadith, classical *fiqh* texts, and contemporary academic literature. This strategy was used to gain a more comprehensive understanding of the development of the concepts of *ju'alah* and *maisir* while minimizing interpretive bias that might arise from using only one reference group (Denzin & Lincoln, 2018).

The research analytical framework is based on the assumption that the differences between gambling and gambling cannot be sufficiently explained through a textual approach to contracts, but must be substantively analyzed based on the objectives of Islamic law. Therefore, this study uses the *maqā* approach. *ṣid al-sharī'ah* has a primary instrument for identifying normative boundaries between permitted and prohibited transactions. This approach allows for evaluation of digital economic practices not only from a legal-formal perspective, but also from the perspectives of fairness, productivity, distribution of benefits, and protection of the public interest.

With this methodological design, this research is expected to be able to produce a systematic, argumentative, and contextual comparative analysis regarding the distinction between *ju'alah* and *maisir*, so that it can provide a conceptual contribution to the development of contemporary *muamalah fiqh* in responding to the dynamics of the digital economy.

RESULTS AND DISCUSSION

4.1 Main Findings of the Research

The results of a comparative analysis of various classical and contemporary *fiqh* literature show that *ju'alah* and *maisir* are two concepts that both contain elements of uncertainty (*gharar*), but have fundamentally different normative characteristics, legal objectives, and economic implications. The similarity in the aspect of uncertainty often creates difficulties in classifying the various forms of digital economic transactions that are developing today, especially transactions that combine elements of effort (effort-based activities) with elements of chance (chance-based mechanisms). Therefore, distinguishing between the two concepts is not sufficient based on the formal form of the contract, but must be analyzed based on the substance of the transaction and its legal objectives.

This study found that the distinction between *ju'alah* and *maisir* can be explained through five main normative dimensions, namely: (1) the orientation of the contract's objectives; (2) the relationship between effort and reward; (3) the characteristics of uncertainty (*gharar*); (4) the creation of economic added value; and (5) its suitability with the objectives of *maqāṣid al-syarī'ah*. These five dimensions form an analytical framework that can be used to evaluate contemporary economic practices that often exist in a gray area between permissible contracts and prohibited practices.

Table 1.
Normative Distinction between *Ju'alah* and *Maisir* in the Perspective of *Fiqh Muamalah*

Dimensions of Analysis	<i>Ju'alah</i>	<i>Maisir</i>
Orientation of the contract	Oriented towards completing work and achieving benefits	Oriented towards gaining profit through opportunity or luck

Dimensions of Analysis	Ju'ālah	Maisir
Business relationship with rewards	Rewards are earned as a consequence of real effort.	Profits obtained without direct connection to productive efforts
Characteristics of gharar	Contains gharar yasir which is still tolerable	Contains gharar fāhish which is dominant and prohibited
Economic added value	Generating productive activities and creating economic value	Doesn't generate added value, just transfers wealth
Distributive justice	Distribution of benefits is based on work contribution	One party's gain comes from another party's loss
Maqā orientation sid al-syarī'ah	Supporting asset protection (<i>ḥifẓal-māl</i>) and welfare	Contradicts property protection and the principles of justice
Legal status	Mubah (allowed) by fulfilling the terms and conditions of the contract	Haram based on the Koran, hadith and ijmak ulama

Source: Author's synthesis results based on Al-Zuhayli (1989), Ibn Qudāmah (1997), Al-Ghazali (nd), Al-Qaradawi (1994), Auda (2008), and Usmani (2002).

These findings indicate that the distinguishing factor between gambling and maisir is not simply the presence of uncertainty, but rather the causal relationship between effort and results. In gambling, uncertainty relates only to the successful completion of the task, while rewards are based on the actual contribution of the person performing the task. Conversely, in maisir, uncertainty is the primary mechanism of the transaction, so profits are determined more by probability than by effort.

Furthermore, this study found that the orientation toward creating economic value is an important indicator in distinguishing the two concepts. The Ju'ālah contract encourages productivity by providing incentives for achieving certain outcomes, thus generating economic benefits for all parties. Conversely, gambling (maisir) does not create new economic value but merely transfers wealth from the party experiencing losses to the party gaining profits. This distinction demonstrates that Ju'ālah aligns with the principle of productivity in Islamic economics, while gambling (maisir) contradicts the principle of distributive justice.

From the perspective of *maqāsid al-syarī'ah* This study also found that evaluating digital economic transactions can no longer be done solely through a legal-formal approach to the type of contract. Instead, an analysis is needed that considers the purpose of the transaction, the mechanism for distributing benefits, the degree of dominance of the opportunity element, and its impact on asset protection (*ḥifẓal-māl*) and public welfare (*maṣlaḥah*). Thus, the *maqāsid al-syarī'ah* provide a more adaptive evaluation framework in facing the development of various digital transaction models that continue to experience innovation.

Based on the overall findings, this study proposes that the classification of contemporary economic transactions should be carried out using a multidimensional approach, namely by assessing the relationship between the objectives of the contract, the dominance of business elements, the characteristics of *gharar*, the creation of economic value, and the orientation of *maqāṣid al-syari'ah*. This approach allows for more accurate identification of economic practices that can be categorized as either gambling or gambling, while strengthening the relevance of *muamalah* jurisprudence in responding to the development of the digital economy.

4.2 Conceptual Distinction of Ju'alah and Maisir from the Perspective of Fiqh Muamalah

The research findings indicate that the difference between gambling (*ju'alah*) and gambling (*maisir*) cannot be understood solely through the presence of uncertainty (*gharar*), but must be analyzed based on the structure of the contract, the relationship between effort and results, economic objectives, and the orientation of Islamic law. Thus, the two concepts represent two different transaction paradigms in *muamalah* jurisprudence. Gambling is built on the principle of respect for productive efforts, while gambling relies on speculative mechanisms that generate profits without a proportional relationship between contribution and results.

4.2.1 Distinction Based on the Purpose of the Contract (*Maqāṣid al-'Aqd*)

The first conceptual difference lies in the purpose of forming a contract (*maqāṣid al-'aqd*). In *muamalah* fiqh, *ju'alah* is a contract which aims to provide incentives for the successful completion of certain work. The promised rewards function as motivation for someone to carry out activities that produce benefits for the employer and society more broadly (Al-Zuhayli, 1989). Therefore, the main orientation of *ju'alah* is the creation of productivity and economic benefits.

In contrast, gambling (*maisir*) lacks a productive orientation. Profits derived from gambling do not originate from value creation, but from the transfer of wealth through chance or betting mechanisms. From a fiqh perspective, this characteristic contradicts the principle of distributive justice, as one party's profit is derived from another's loss without any tangible economic benefit (Al-Qaradawi, 1994).

The results of this analysis indicate that the purpose of the contract is the initial indicator that distinguishes permissible transactions from prohibited ones. As long as the contract's orientation is directed toward creating benefits through productive endeavors, the transaction tends to fall within the characteristics of *ju'alah*. Conversely, if the primary purpose of the transaction is to gain profit through probability and luck, then the characteristics are closer to *maisir*.

4.2.2 Distinction Based on the Relationship between Effort and Reward

The second dimension that is the main difference is the causal relationship between effort and reward. An analysis of various Islamic jurisprudence literature shows that in the *Ju'alah* contract, there is a direct link between the results of the work and the compensation received. Although the success of the work cannot be guaranteed from the outset, the right to receive compensation remains contingent on the successful execution of the work by the person executing the contract (Ibn Qudāmah, 1997).

In contrast, gambling does not require a relationship between effort and profit. Chance is the dominant factor determining the outcome of a transaction, so the effort of participants does not have a proportional impact on the profits received. In such conditions, profits are more influenced by random mechanisms than by the actual contributions of the parties (Usmani, 2002).

This difference demonstrates that Islamic jurisprudence (fiqh) in transactions does not reject the existence of risk or uncertainty in economic activity. What is prohibited is when economic success is completely separated from productive endeavors, thus encouraging speculative behavior.

4.2.3 Distinction Based on Gharar Characteristics

The research also shows that the existence of gharar cannot be used as the sole basis for determining the legal status of a transaction. In muamalah jurisprudence, a distinction is made between gharar yasir (mild uncertainty), which is still tolerable, and gharar fa (absolute uncertainty). *hish* (excessive uncertainty) which causes the contract to become invalid (Al-Zuhayli, 1989).

In a ju'alah contract, uncertainty arises because the outcome of the work is unknown at the time the contract is made. However, this uncertainty remains within acceptable limits because all parties understand the object of the work, the value of the reward, and the implementation mechanism. Thus, gharar in ju'alah does not negate the principle of justice.

In contrast, in gambling, uncertainty is at the heart of the transaction. The probability of winning is the primary factor determining profit, so the entire transaction mechanism relies on chance. Therefore, the gharar characteristic in gambling is dominant (gharar *faḥish*) and is one of the main reasons for its prohibition in Islamic law.

This finding confirms that muamalah fiqh does not prohibit all forms of uncertainty, but rather limits uncertainty that has the potential to cause injustice and economic exploitation.

4.2.4 Distinction Based on Economic Value Creation

Subsequent analysis shows that gambling and gambling also differ in their ability to generate added economic value. The gambling contract creates a productive economic relationship because rewards are given after the work produces certain benefits. Thus, a value creation process occurs that increases efficiency, innovation, and economic productivity (Chapra, 2000).

Conversely, gambling does not generate new economic value. Transactions merely result in the transfer of ownership from the party experiencing losses to the party gaining profits, without any productive activity. From an Islamic economic perspective, this mechanism does not support equitable economic development because it does not create real benefits for society.

These findings indicate that economic value creation is an important indicator in identifying modern economic practices that are in accordance with sharia principles.

4.2.5 Conceptual Synthesis

Based on these four dimensions, it can be concluded that the difference between gambling and gambling lies not only in the formal legal aspects of the contract, but also in the underlying economic paradigm. Gambling represents a productive incentive system that places effort as the basis for reward, while gambling represents a speculative gain system that places opportunity as the dominant factor in gaining profit.

This synthesis also reinforces the research's main finding: that classifying modern economic transactions requires more than simply identifying the type of contract. It also requires evaluating the transaction's purpose, the relationship between effort and outcome, the nature of uncertainty, and the transaction's ability to create economic value. Therefore, the fiqh approach to muamalah must be understood substantively to respond to the increasingly complex development of digital transaction models.

4.3 Maqā-Based Analysis *ṣid al-Syarī'ah*

The analysis shows that distinguishing between gambling and gambling cannot be done simply by identifying the form of the contract or the existence of an element of uncertainty. In the context of the digital economy, which presents various new transaction models, legal evaluation requires a more comprehensive approach that takes into account the objectives (*maqāṣid*), transaction mechanisms, and the resulting socio-economic impacts. Therefore, this study uses *maqāṣid al-syarī'ah* as a normative analytical framework to assess whether an economic practice supports or contradicts the objectives of Islamic law.

Maqā approach *ṣid al-syarī'ah* based on the assumption that every provision of Islamic law is oriented towards realizing the welfare (*jalb al-maṣāliḥ*) and prevention of damage (*dar' al-mafāsid*). In the perspective of Al-Shāṭibī (nd), the law does not stop at the formal legality of a contract, but is directed towards maintaining the five basic human needs (*al-darūriyyāt al-khams*), namely protection of religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), descendants (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). In the context of fiqh muamalah, the dimensions *ḥifẓ al-māl* become the main basis in evaluating the validity of economic transactions.

4.3.1 Protection of Assets (*Ḥifẓ al-Māl*) as Evaluation Parameters

Research findings show that the *Ju'alah* contract strongly aligns with the goal of asset protection because it encourages the creation of economic value through productive activities. In this contract, the transfer of asset ownership occurs as compensation for the successful completion of a specific task, creating a proportional relationship between effort, risk, and benefits received. Thus, wealth distribution occurs equitably and incentivizes economic productivity (Chapra, 2000).

On the other hand, *maisir* shows characteristics that are contrary to the principles *ḥifẓ al-māl*. Profits are obtained through a probability mechanism that causes the transfer of wealth to occur without the creation of new economic value. From the perspective of *maqāṣid*, this condition not only has the potential to harm individuals, but also disrupts the stability of wealth distribution in society because the accumulation of profits occurs without a legitimate production process (Al-Qaradawi, 1994).

The results of this analysis show that the protection of assets in the fiqh of muamalah is not only interpreted as a prohibition on taking other people's assets unlawfully, but also includes efforts to encourage productive, fair, and sustainable economic mechanisms.

4.3.2 Justice (Al-'Adl) and Benefit (Maṣlaḥah) in Economic Transactions

The following findings show that the concept of justice is the main difference between gambling and gambling. In gambling, the right to receive compensation is based on the actual contribution made by the person performing the work. The relationship between effort and compensation reflects the principle of distributive justice, as each party benefits in proportion to their contribution.

Conversely, gambling (maisir) creates a zero-sum distribution pattern, meaning that the profit gained by one party directly stems from the loss of another. This situation contradicts the principle of justice in Islamic economics because there is no mechanism for creating mutual benefit. Therefore, the prohibition of gambling not only has a moral dimension but also serves as a legal instrument to maintain a balanced distribution of wealth in society (Kamali, 2008).

This analysis reinforces the view that the concept of justice in Islamic economics is not simply understood as equality of rights, but also includes a balance between the risks, efforts, and benefits received by all parties involved in the transaction.

4.3.3 Systems Approach in the Maqā Perspectives

One of the important contributions of the maqā approach is a contemporary perspective is the development of a systems approach, as proposed by Auda (2008). This approach emphasizes that a transaction cannot be evaluated solely on the basis of the form of the contract, but must be analyzed through the relationship between its objectives, mechanisms, processes, and resulting impacts.

The research findings suggest that a systems approach provides a more adaptive framework for addressing the development of the digital economy. Many digital transactions are structured formally similar to permissible contracts, but substantively contain characteristics of gambling (maisir). Conversely, various digital incentive systems, while superficially containing elements of uncertainty, still adhere to the principle of ju'alah, as achieving rewards depends on effort.

Thus, the systems approach allows legal evaluation to be carried out in a more comprehensive manner without getting caught up in the formal legality of a contract.

Table 2.

Comparative Analysis of Ju'alah and Maisir Based on the Maqā Perspectives

Maqā Dimension	Ju'alah	Maisir
Hifẓal-Māl	Maintaining and developing assets through productive activities	Potential to lose assets through speculative mechanisms

Al-'Adl	Proportional distribution of benefits to the business	Disproportionate distribution of profits
MomṣlaḥAh	Generating shared economic benefits	The potential for social harm outweighs the benefits
Productivity	Driving innovation, work and value creation	Does not generate new economic value
Economic Sustainability	Supporting the stability of the sharia economy	Potentially creates inequality in the distribution of wealth
Maqā Statusṣid	In line with sharia objectives	Contrary to the objectives of sharia

Source:The author's synthesis is based on Al-Shāṭibī (nd), Auda (2008), Chapra (2000), Kamali (2008), Al-Qaradawi (1994), and Al-Zuhayli (1989).

4.3.4 Analytical Synthesis

Based on the overall results of the analysis, it can be concluded that *maqāṣid al-syarī'ah* serves not only as a philosophical foundation for Islamic law but also as an instrument for normative evaluation of modern economic practices. This approach allows for a more objective classification of transactions through an assessment of economic objectives, benefit distribution mechanisms, the dominance of business elements, the degree of speculation, and their impact on the protection of property and the welfare of society.

Using this framework, this study demonstrates that gambling and gambling (maisir) differ not merely in legal status but represent two opposing economic paradigms. Gambling reflects a productive economic paradigm based on enterprise and value creation, while gambling represents a speculative economic paradigm based on probability and the transfer of wealth without a productive process. This finding broadens the application of *maqā* (Islamic principles). *ṣid al-syarī'ah* from mere legal theory to an operational analytical framework in evaluating contemporary digital economic practices.

4.4 Implementation of the Distinction between Ju'ālah and Maisir in Digital Economic Practices

The development of digital technology has given rise to various transaction models not explicitly recognized in classical Islamic jurisprudence (fiqh) literature. Innovations such as cashback, task-based rewards, affiliate marketing, play-to-earn games, loot boxes, and even app-based lucky draws demonstrate transaction characteristics that combine elements of effort, incentives, opportunities, and digital algorithms within a single system. This situation has made the boundaries between permissible and prohibited contracts increasingly complex, necessitating an evaluation approach that focuses not only on the form of the contract but also on its purpose, mechanism, and impact on economic well-being.

Based on the analytical framework that has been developed in this research, the implementation of the concept of *ju'ālah* and *maisir* in the digital economy can be done by identifying the relationship between business, risk, economic value creation, and *maqā* orientation. *ṣid al-syarī'ah* Thus, evaluating a transaction should not only

consider the name of the product or digital platform, but rather focus on the substance of the economic mechanism being implemented.

4.4.1 Cashback and Task-Based Reward Programs

Cashback and task-based reward programs are among the most widely used forms of incentives on digital commerce platforms. In these mechanisms, users receive rewards for completing specific activities, such as making purchases, providing product reviews, completing challenges (missions), or reaching predetermined transaction targets.

If the reward is given as compensation for actual activities that benefit the organizer or other users, then its characteristics are closer to a *ju'alah* contract. The relationship between effort and reward is clear, while the element of uncertainty relates only to the user's success in meeting predetermined targets.

Conversely, if cashback is awarded through a random drawing mechanism unrelated to participant contributions, the transaction shifts toward gambling (*maisir*). In such a situation, the chance of winning a prize is determined more by probability than by productive effort, thus contradicting the principle of benefit distribution in Islamic jurisprudence (*fiqh muamalah*).

These findings suggest that the legal status of a reward program is not determined by the term "cashback" itself, but rather by the structure of the incentive mechanism used.

4.4.2 Affiliate Marketing and Digital Referral Programs

The affiliate marketing business model is growing rapidly across various digital platforms. An affiliate earns a commission by successfully directing a consumer to purchase a specific product or service.

From a *muamalah* jurisprudence perspective, this mechanism shares characteristics closely with the *ju'alah* contract. Commissions are awarded as a reward for successfully generating transactions that provide economic benefits to the company. The relationship between effort, results, and compensation can be clearly identified, thus fulfilling the principle of distributive justice.

However, if the affiliate system is combined with speculative mechanisms, such as lottery-based bonuses, random chance, or schemes that prioritize recruitment without real economic activity, a more in-depth legal analysis is necessary because there is the potential for dominant elements of *maisir* or *gharar* to emerge.

4.4.3 Play-to-Earn Games and Digital Gamification

The development of gamification in the digital economy has given birth to various play-to-earn models, namely digital games that provide economic incentives to players.

This study found that not all prize-based games can be directly categorized as gambling. If the prize is based on ability, strategy, skill, or a specific achievement that can be objectively measured, then the transaction characteristics can still be linked to the concept of gambling because success is determined by the player's actual effort.

Conversely, if the outcome of a game relies entirely on random mechanisms (randomized outcome) so that success is unaffected by the player's skill, the

transaction becomes characterized as *maisir*. In this situation, the player is essentially risking a certain amount of assets to gain a profit that depends entirely on probability.

Thus, the existence of the game element is not the main factor that determines legal status, but rather the dominance of the business element and the opportunity element.

4.4.4 Loot Boxes and Mystery Rewards

One of the most debated phenomena in the digital economy is the use of loot boxes, *gacha*, or mystery rewards in digital games.

In this mechanism, users pay a certain amount of money to receive a prize whose contents and value are unknown in advance. The outcome depends entirely on a probability system designed by the organizer.

Based on the *maqā framework* *ṣid al-syarī'ah* As developed in this study, this mechanism has characteristics that are closer to *maisir* because profits are obtained through opportunity, not through productivity. In addition to containing *gharar faḥish*, this mechanism also has the potential to encourage consumerist, addictive behavior and economic exploitation, thus contradicting the goal of protecting assets (*ḥifẓal-māl*).

4.4.5 Lucky Draw and Prize Promotions

Lucky draw promotional programs are widely used in digital marketing. However, their legal status is not universal.

If prizes are awarded without any additional costs or financial sacrifice specifically intended to increase the chance of winning, the program cannot necessarily be categorized as gambling. Conversely, if participants are required to pay additional fees or purchase specific opportunities to win, the mechanism has characteristics similar to gambling, as profits are derived through probability mechanisms.

Therefore, analysis of lucky draws must consider the overall transaction structure, not just the promotional form.

Table 3.
Implementation of the Ju'alah and Maisir Analysis Framework in Digital Economic Practices

Digital Economy Practices	Dominance of Business Elements	Dominance of Chance Elements	Dominant Classification	Maqā Analysisṣid
Cashbacktarget-based	Tall	Low	Ju'alah	In harmony
Task-based reward	Tall	Low	Ju'alah	In harmony
Affiliate marketing	Tall	Low	Ju'alah	In harmony
Play-to-earnskills-based	Tall	Low	Ju'alah	In harmony
Lucky drawwith additional costs	Low	Tall	Maisir	Out of sync

<i>Loot box / Gacha</i>	Low	Very high	Maisir	Out of sync
<i>Mystery paid rewards</i>	Low	Tall	Maisir	Out of sync

Source: The author's synthesis is based on the analysis of fiqh muamalah and *maqāṣid al-syarī'ah*.

4.4.6 Implementative Synthesis

Research findings indicate that the development of the digital economy does not change the basic principles of Islamic jurisprudence (fiqh) regarding transactions, but rather expands their scope of application. Therefore, evaluating digital transactions cannot be done through a dichotomous approach of "halal" and "haram" based on product name or technological innovation. More crucial is an analysis of the transaction mechanism, the relationship between effort and results, the degree of dominance of the opportunity element, and its contribution to economic well-being.

Using the analytical framework developed in this study, *ju'alah* and *maisir* can be positioned as two normative spectrums in evaluating digital transactions. The greater the dominance of productive endeavors, the creation of economic value, and the equitable distribution of benefits, the stronger the characteristics of *ju'alah* in a transaction. Conversely, the more dominant the elements of speculation, probability, and the transfer of wealth without productive activity, the closer the transaction is to the characteristics of *maisir*. This approach provides a more adaptive conceptual foundation for the development of muamalah jurisprudence in response to the ever-evolving innovations in the digital economy.

4.5 Implications for the Development of Contemporary Fiqh Muamalah

The findings of this study indicate that the development of the digital economy has not changed the basic principles of Islamic jurisprudence (fiqh muamalah) but has expanded the scope for *ijtihad* in identifying forms of transactions unknown in classical times. Digital innovations such as app-based incentive systems, affiliate marketing, reward platforms, gamification, and algorithm-based promotional models have created increasingly complex transaction characteristics, necessitating a legal approach that focuses not only on the form of the contract but also on its purpose, mechanism, and economic impact.

In this context, this study confirms that the *maqāṣid al-syarī'ah* approach provides a more adaptive methodological basis in responding to the dynamics of the digital economy compared to the legal-formal approach which only relies on the classification of contracts.

4.5.1 Theoretical Implications

The primary theoretical contribution of this research lies in the development of the *Ju'alah-Maisir Normative Distinction Model* as a conceptual framework in contemporary Islamic jurisprudence (fiqh muamalah). To date, studies on *ju'alah* and *maisir* have developed more fragmentarily, focusing on the characteristics of each contract. This research expands this discourse by integrating the concepts of Islamic jurisprudence (fiqh muamalah) and *maqāṣid al-syarī'ah* into a multidimensional

analysis model that connects the objectives of the contract, the relationship between effort and results, the level of gharar, the creation of economic value, the distribution of benefits, and the orientation of welfare.

This model demonstrates that legal classification of modern economic transactions is no longer sufficient if it is based solely on contract nomenclature. Instead, evaluation must be conducted through an analysis of the substance of the economic mechanism and its compliance with sharia objectives. Thus, this research expands the application of maqā theory *.ṣid al-syarī'ah* from a philosophical framework to an operational analysis instrument in fiqh muamalah.

4.5.2 Implications for Fatwa and Regulation Development

The research findings are relevant for the development of fatwas and the formulation of sharia economic regulations, particularly in the face of digital economic innovations that are developing faster than positive legal formulations. The analytical framework offered can serve as a conceptual reference in the *istinba* process *.ṭal-aḥkām* towards new transaction models that do not yet have an established legal classification.

For institutions such as the National Sharia Council (DSN-MUI), regulators of the Islamic financial services sector, and halal industry supervisory bodies, this model can be used as a preliminary tool to identify whether a digital innovation aligns more closely with the characteristics of gambling (*ju'alah*) or gambling (*maisir*). However, this research is not intended to replace the fatwa-issuing mechanism under the authority of the relevant authorities, but rather to provide an analytical framework that can support a more systematic decision-making process.

4.5.3 Practical Implications for the Islamic Economic Industry

This research also offers practical implications for Sharia economic industry players and digital platform developers. The developed normative distinction model can be used as a reference in designing incentive systems, customer loyalty programs, performance-based reward schemes, and digital promotion mechanisms to ensure they align with Sharia principles.

For Islamic financial technology (fintech) companies, this model can aid the Sharia compliance assessment process by assessing the relationship between business, reward mechanisms, levels of uncertainty, and the economic impact of a digital product. Thus, business innovation is not solely oriented toward technological efficiency but also considers aspects of fairness, productivity, and welfare, the primary goals of Islamic economics.

4.5.4 Implications for Future Research Agenda

The highly dynamic development of digital technology opens up a vast research space in the field of contemporary muamalah jurisprudence. The conceptual model developed in this study still requires further testing through various empirical approaches, such as case studies on digital platforms, policy analysis, and quantitative research that examines the validity of normative distinction indicators across various digital transaction models.

In addition, future research can develop this model by integrating other perspectives in Islamic economic law, such as *sadd al-dharā'i'*, *istiḥsan*, *'urf*, and *fiqh al-ma'ālāt*, thus obtaining a more comprehensive evaluation framework for technology-based economic innovation. This development is expected to enrich contemporary *ijtihād* methodology in responding to the ever-evolving digital transformation.

4.6 Synthesis of Research Implications

Based on the overall results of the analysis, this study confirms that *fiqh muamalah* is a legal system that is dynamic and adaptive, as long as the legal reasoning process remains based on sharia principles and the objectives of *maqāṣid al-syarī'ah*. The distinction between gambling and gambling is no longer sufficient to be understood as a distinction between permissible and prohibited contracts, but must be positioned as a framework for evaluating the economic mechanisms that are developing in modern society.

By developing the Ju'alah–Maisir Normative Distinction Model, this research contributes to strengthening the methodology of Islamic jurisprudence (*fiqh*) analysis in dealing with digital economic innovations. This model allows for more systematic, transparent, and indicator-based legal evaluations, thus bridging the dialogue between classical Islamic jurisprudence and the needs of contemporary digital economic governance. Thus, this research not only enriches the academic discourse on Ju'alah and Maisir but also offers a conceptual framework that can be further developed in Islamic economic research, education, and practice.

5. CONCLUSION

This study aims to comparatively analyze the concepts of *ju'alah* and *maisir* from the perspective of *muamalah fiqh* and explain their application to digital economic practices through the *maqāṣid al-syarī'ah* approach. Based on the analysis of classical and contemporary *fiqh* literature, the study found that the fundamental difference between gambling and *maisir* lies not solely in the existence of an element of uncertainty (*gharar*), but rather in the orientation of the contract, the relationship between effort and reward, the mechanism of economic value creation, the pattern of benefit distribution, and its conformity with sharia objectives. Gambling is a contract that encourages productivity by providing rewards for real efforts, thus aligning with the principle of asset protection (*ḥifẓ al-māl*), justice (*al-'adl*), and welfare (*maṣlaḥah*). On the other hand, *maisir* is a speculative mechanism that relies on chance, results in the transfer of wealth without productive activity, and is contrary to the objectives of Islamic law.

The main contribution of this research is the development of the Ju'alah–Maisir Normative Distinction Model as a multidimensional analytical framework that integrates the principles of *muamalah* and *maqāṣid al-syarī'ah*. This model demonstrates that evaluating digital economic transactions cannot be done solely on the basis of the formal form of the contract, but must also consider the relationship between effort and results, the level of *gharar*, the creation of economic value, the distribution of benefits, and the orientation towards the welfare of the community. This framework expands the application of *maqāṣid al-syarī'ah* (lawful act) from a

philosophical basis to an analytical instrument that can be used to assess various digital economic innovations more systematically and contextually.

Practically, the findings of this study provide a conceptual foundation for the development of fatwas, policy formulation, and the design of Sharia-based digital economic products. The proposed framework can serve as a reference for academics, regulators, fatwa institutions, and industry players in evaluating the conformity of various digital transaction models with Sharia principles. Thus, this research contributes to strengthening contemporary muamalah jurisprudence (fiqh muamalah) so that it remains responsive to technological developments and economic innovation without neglecting the primary objectives of Sharia.

This study has limitations due to its use of a conceptual approach based on literature studies, which has not yet empirically tested the application of the developed model to specific digital economic platforms. Therefore, further research is recommended to test the validity of the Ju'alah-Maisir Normative Distinction Model through case studies, policy analysis, and empirical research in the sharia fintech sector, e-commerce, digital marketplaces, reward-based applications, and other digital economic innovations. Such testing is expected to strengthen the model's relevance and expand its contribution to the development of muamalah jurisprudence and sharia economic governance in the digital era.

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