

GOODBYE CURRENCY (IN THE APPROACH TO ECONOMIC LAW AND SHARIA ECONOMIC LAW)

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Keywords	Abstract. The rapid progress of science and technology in today's digital era has brought revolutionary changes in transactions, no need to queue up to make a savings book, wait for the issuance of an ATM card, now all of that is no longer needed, just install the application, top up the balance already can directly transact, therefore it is necessary to formulate two things, the first is how the government's policy is to appreciate the progress of electronic money (e-money) and secondly how is the perception of electronic money from a sharia perspective. This study uses a descriptive analysis method, namely "a method that functions to describe or give an overview of the object under study through data or samples that have been collected as they are without conducting analysis and making general conclusions". The four electronic money products above (Sakuku BCA, Link Aja, OVO and Go Pay), represent their existence in Indonesia which needs attention from a regulatory perspective and also needs attention from the aspect of shari'ah studies, bearing in mind that the majority of users of these electronic money products are religious. Islam. The presence of electronic money, something that cannot be denied, due to the rapid advances in science and technology, the law in this position is forced to be able to adjust and meet the demands for progress in this millennial era, which is digital, fast and accurate. some can be left out.
e-money, currency, digital, law	

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1. INTRODUCTION

From an economic point of view, money is a stock of assets used for transactions. Money is something that is accepted/trusted by society as a means of payment/transaction. Case and Fair explain that, money is anything that is commonly accepted in payment for goods. Money is an asset that can be used as a transaction tool. Money acts as a store of value, unit of account and medium of exchange. It can be concluded that, money is a medium of exchange that is considered practical for carrying out various transactions without being limited by geographical space, all that remains is to adjust it to the currency of any country, then transactions can be carried out.

The circulating money in the hands of the public consists of currency and demand deposits (Bank Indonesia, 2007). Currency is paper and metal money in the hands of the public (same as cash). Demand deposits are the balance of the community's checking/giro accounts that are in the bank and the owner has not used it for shopping, and has not been used by the owner for payment activities where the money can be withdrawn at any time by using a check.

The Central Bank is a bank that is authorized to print money and distribute it to the public. Usually the type of money circulating in the community consists of currency in the form of banknotes and coins and demand deposits in the form of checks. Part of the currency circulating in the community is for savings in banks or investments in non-bank financial institutions. The function of the bank is to receive funds from the public and distribute them to third parties.

In current economic developments, what is actually meant by money is not in the narrow sense, namely money created by Indonesian banks only, but in a broader sense which includes other liquid tools. This type of money is:

1. Primary Money. This base money is also often known as core money (high powered money), or base money (base money). Primary money is coins, paper money or checks printed by the central bank. In the Indonesian monetary system, this base money consists of: currency, liquid assets of

- commercial banks consisting of commercial bank cash and commercial bank current accounts with Bank Indonesia, as well as non-bank private current accounts with Bank Indonesia.
2. Full bodied money. The value of money is said to be full money if the value stated above the money is the same as the material used. In other words, the nominal value listed is the same as the intrinsic value contained in the money. If the money is made of gold, then the value of the money is equal to the value of the gold it contains. In order for the value of money to be the same as its material value, there are at least 2 conditions that must be met, namely the public is given the freedom to make currency at the government-owned money factory and the public is free to sell, buy and store the coins they own. If these two conditions are met, the value of money will be equal to the value of the material used.
 3. Token money (sign money). What is meant by sign money is if the value printed on the money is higher than the value of the materials used to make money or in other words the nominal value is greater than the intrinsic value of the money. For example, to make IDR 1,000.00 the government pays IDR 750.00. Token money is a currency whose nominal value is higher than the material. Paper money and coins in circulation are now included in token money.

Money in the form of metal was used for the first time in Indonesia in 1951-1963 with denominations of 5 Sen, 10 Sen, 25 Sen and 21/2 Sen. Experiencing some developments as we see today. Apart from coins, they are also known as Bank Money.

Bank money, also known as demand deposits, namely, money "bank customer deposits that can be withdrawn at any time and can be transferred to another person to make payments. Checks and current accounts issued by any bank can be used as a means of payment for goods and services. Demand deposits are widespread in developed countries where banking awareness or banking traditions have increased."

We also know paper money, the first paper money used in Indonesia in 1783 – 1811, was the Rijksdaalder letter of credit originating from the VOC (Dutch East India Company). This was followed by the Dutch East Indies Gulden.

Paper money used today was originally in the form of bank notes or bank promises in the form of paper, namely the bank's promise to pay coins to the owner of the bank note when there is a request. Because this paper is supported by the ownership of gold and silver, the general public accepts the existence of this paper money as a medium of exchange. Historically, paper money was used in 910 AD in China. At first, the Chinese population used banknotes on the basis of 100% gold and silver support. In the 10th century AD, the Chinese government issued banknotes that were no longer supported by gold and silver.

The existence of money that continues to evolve starts from the intrinsic value of money such as the gold dinar to the nominal or extrinsic value of money such as the rupiah. The assumption that currency in Islam must always be in the form of gold or silver turns out to be incorrect.

Nurul Huda in his book mentions that there was one of the Prophet's companions, namely Caliph Umar ra., who argued that money as an exchange value was not limited to these two forms. He even mentioned that he once wanted to make camel skins as currency. This is due to his awareness that the value of gold and silver is very dependent on market laws, namely the law of supply and demand.

It was different before, it's different now, at this time the medium of exchange is no longer evolving, but a revolution has occurred, it is even possible that currency is left behind and it is very possible that it will no longer sell, because when its position was replaced by electronic money (e-money).

Electronic money is money that is used in transactions through electronic internet networks and digital price storage systems. In electronic money there is stored-value or prepaid where there is a money value that is stored in a chip or server-based electronic media. The value of money contained in electronic money will automatically decrease when the user makes a payment. Electronic money is used for various types of payments (multi-purpose payments) so it is different from single-purpose instruments such as those found in telephone cards.

In this position, the customer is no longer preoccupied with procedural matters, queuing at the bank just to fulfill administrative requirements, no longer preoccupied with waiting for the publication of books and ATM cards (automatic teller machines). The user (customer) only has to do the install process from a smart phone, so the electronic money facility (e-money) can be activated. Starting from incoming mutations (balance keeping) to outgoing loading (transactions) can be done automatically. Everything can be done easily, quickly and at no cost.

Based on the description above, it is quite interesting for the author to trace the existence of electronic money (e-money) which is formulated in two ways, 1) how does government policy appreciate the progress of electronic money (e-money) 2) how is the perception of electronic money from perspective syari'ah.

2. METHOD

Legal research is a process to find legal rules, legal principles, and legal doctrines in order to answer the legal issues at hand".As Soerjono Soekanto explained that "Legal research is a scientific activity, which is based on certain methods, systematics and thoughts, which aims to study one or several specific legal phenomena, by analyzing them..

This study uses a descriptive analysis method, namely "a method that functions to describe or give an overview of the object under study through data or samples that have been collected as they are without conducting analysis and making general conclusions".

The approach method that the author uses is a normative juridical approach. According to Ronny Hanitidjo Soemitro, Normative juridical is an approach that is carried out by considering that the problem to be investigated is based on statutory regulations where there is a relationship between one regulation and another in real conditions in practice.

3. RESULT AND DISCUSSION

E-money or commonly known as stored-value products (SVPs) nor is it a new kind of money. However, it is only a product that provides payment access services, where the user uses instructions determined by the product provider company either by tapping, swiping, or entering a login account and password to transfer funds from the product owner's account to the merchant. Electronic money can also reduce the need for paper cash, checks, credit or debit cards as a means of payment, as well as being an ownership asset such as deposits or bonds, money supply, and even being an instrument in monetary policy practices. According to its type, digital payments (virtual currency) consist of 2 types:

1. Electronic or digital money that is often used in computer and smartphone-based applications such as Telkomsel Cash, Paytrend, Indosat Dompotku and several other digital payment instruments. This type of virtual currency is centralized, regulated and managed by an institution or company;
2. *Virtual currency which* uses cryptographic technology commonly known as cryptocurrency where for each transaction, data will be encoded using a certain cryptographic algorithm.

Some electronic money products that are often used by Indonesian people today are:

1. my pocket bca

SAKUKU is an e-Wallet or electronic money application issued by BCA to make it easier for its users to carry out digital and banking transactions without carrying cash. By using my pocket application, users can carry out various types of transactions such as shopping payments, topping up pulses, and other banking transactions.

The main features of this e-money include allowing a limit or maximum balance of up to IDR 2 million, and up to IDR 10 million for Sakuku Plus. To refill or top up Sakuku, it can be a minimum of IDR 10,000 and up to IDR 10 million maximum a month. In addition, this e-money has an unlimited validity period.

2. Just Link

Just Link is an application-based electronic money service for making various non-cash transactions easily and practically. This one service can be used like other digital-based financial services, which makes various financial transactions easy and fast. Previously, LinkAja was a TCASH digital wallet service. However, the name has changed as of February 21, 2019. The main features owned by LinkAja include a maximum balance of up to Rp. 2 million for a basic account, and up to Rp. 10 million for a full account. The LinkAja top up amount can be a minimum of IDR 10,000 and has an unlimited validity period.

3. OVO

OVO is a smart application that provides online payment and transaction services (OVO Cash). Users can also have the opportunity to collect points every time they make a payment transaction via OVO. In general, OVO Cash can be used for various types of payments that have worked with OVO. Meanwhile, OVO Points are loyalty rewards for those who make transactions using OVO Cash at OVO partner merchants. For OVO Points themselves, they can be exchanged for various attractive offers to be exchanged for transactions at OVO partner merchants.

OVO's main features include a limit of up to IDR 2 million for unverified accounts and up to IDR 5 million for OVO Premier. The minimum top up amount is IDR 10,000, with a maximum monthly top up of IDR 1 million for OVO Club and IDR 10 million for OVO Premier. OVO has an unlimited validity period.

4. GoPay

GoPay is an e-money service included in the Gojek Indonesia application. GoPay can be used for payments for all Gojek services (GoRide, GoCar, GoSend, and others) to non-cash transactions at offline and online business partners. To top up your GoPay balance it's quite easy by transferring through Gojek partners, One Click, ATM, Internet Banking, Alfamart, and others. GoPay has the latest security technology that ensures all user data and transactions are always safe.

GoPay's main features include a balance limit of IDR 1 million for Unverified accounts and up to IDR 5 million for Verified accounts. Meanwhile, the minimum top up amount is IDR 10,000. Maximum top up per month IDR 1 million for GoPay Unverified and IDR 10 million for GoPay Verified. The validity period of GoPay is unlimited.

The four electronic money products above represent their presence in Indonesia which need attention from a regulatory perspective and also need attention from the aspect of shari'ah studies, bearing in mind that the majority of users of these electronic money products are Muslims.

From a regulatory standpoint, this electronic money will certainly lead to the lofty ideals of "Indonesian leaders who drafted word for word, sentence by sentence and article by article so that the 1945 Constitution was formed, the nation's founding fathers believed that the ideals of social justice in the economic sector can achieve equitable prosperity, namely social justice for all Indonesian people.

This is what underlies the formation of the 1945 Constitution, Article 33 which is in Chapter XIV with the title "Social Welfare". That is, Article 33 of the 1945 Constitution is an economic system whose ideals aim to achieve social welfare. Article 33 of the 1945 Constitution is the main basis for the economic and social politics of the Republic of Indonesia. This can be interpreted that, based on mature considerations after conducting hearings among members of the Indonesian Independence Preparatory Investigation Agency (BPUPKI) on 16 July 1945 up to the Indonesian Independence Preparatory Committee Meeting on 18 August 1945.

In the BPUPKI Session it was explained that: "...The economy of an Independent Indonesia will be based on the ideals of mutual help and joint efforts which will be carried out gradually by developing cooperatives. Basically, large corporations that control the lives of many people, where thousands of people depend for their fate and livelihood, must be under the

government where thousands of people depend for their fate and livelihood, must be under the government.

It is against social justice. If the company is bad or bad and the fate of the thousands of people who work in it are decided by certain people, who are guided solely by profit. The government must be the supervisor and regulator, supervised and also accompanied by capital by the government is the best building for large companies. This indicates that, all business activities in Indonesia that involve the needs of the people cannot be separated from the government's monitoring, meaning that the government must be present in every step of the community's business activities and be able to cover it legally. Included in this case must be able to overshadow the business of electronic money.

As explained in Prof.'s theory. Mochtar who stated that:

Law is part of social norms, but not the only one. In addition to law, human life in society is also guided by human moral principles, religion, decency, decency, and customs. Between law and other social norms, he said, there is a close intertwining relationship, one strengthening the other. However, in fact there is a distinctive difference between the law and other social norms, namely the arrangement of legal provisions can be enforced in an orderly way. Coercion which is intended to guarantee the arrangement of legal provisions itself is subject to certain rules, both regarding the form, method, and means of implementation.

Here it emphasizes that the law is not alone, but side by side with other social problems, even so the law still places itself as a fence for all social activities including in the economic field, especially in terms of electronic money.

According to Ibn Khaldun, the relationship between the government and its people is a relationship of ownership. The government belongs to the people and the people belong to the government. If the ownership relationship and the consequences it causes are good and not oppressive, then the government's goals are fulfilled and the interests of the people are guaranteed and vice versa. Thus there is no small business interest that cannot be separated between the community and the state.

There will be a relationship between the government belonging to the people and the people belonging to the government. If the ownership relationship and the consequences it generates are good and not oppressive, then the government's goals are fulfilled and the interests of the people are guaranteed and vice versa. In the end, an anti-poverty strategy, orientation towards employment opportunities and equitable development will be easily realized. So that social justice for all Indonesian people will be achieved.

In its development, economic development is realized in an effort to eliminate, at least reduce poverty, unemployment and inequality. This is motivated by the fact that the implementation of anti-poverty strategies, orientation towards employment opportunities and equitable development often only stops as political rhetoric from those in power.

according to Leonard J. Therbege, an Advocate from Distirist Colombia, United States of America, having reasons to assess the predictability and stability, implementation of anti-poverty strategies, orientation to employment opportunities and equitable development often only stops as rhetoric of political rulers (stability); such as competing interests between workers and employers, between consumers and producers.

Max Weber's argues that if law is to play a role in economic development, law must have five qualities, as Burg said in his study of Law and Development, namely: 1. Stability; 2. Predictability; 3. Fairness; 4. Education; 5. The special development abilities of the lawyer.

Dalam fungsinya sebagai sarana pembangunan, maka hukum itu menurut Michael Hager dapat mengabdikan dalam 3(tiga) sektor yaitu:

1. Law as a means of regulation (ordering).

Within the framework of this order, law can create a framework for making political decisions and resolving disputes that may arise through a good procedural law. It can also lay down a legal basis (legitimacy) for the use of power;

2. Law as a means of maintaining balance (balancing).

The function of law is to maintain balance and harmony between state interests/public interests and individual interests.

3. Law as a catalyst

As a legal catalyst, it can help facilitate the process of change through law reform with the help of creative staff in the legal profession.

The achievement of national economic development cannot be separated from the role of the legal sector. It cannot be denied that there are demands in the economic sector for the legal sector which can be used as a useful contribution to support economic growth. Law in its existence in society has a role and influence on economic activity in accordance with the function of the law itself. Law in its function contains instructions for human behavior, tools for resolving conflicts and tools for socio-economic engineering.

In this case the law of existence in society has a role and influence on economic activity in accordance with the function of the law itself. Law in its function contains instructions for human behavior, tools for resolving conflicts and tools for economic social engineering

Legal positivism holds that law must be seen in statutory provisions, because only then can legal provisions be verified. As for what is outside the law cannot be included as law because it is outside the law.

The above description accompanies the birth of regulations on electronic financial services and can form the basis for the need for development of economic law for society in general in Indonesia for business actors in electronic financial services in particular. It is very reasonable if Indonesia through the Indonesian Ulama Council issues Fatwa No: 116/DSN-MUI/IX/2017 concerning Sharia Electronic Money and Fatwa Fatwa No: 117/DSN-MUI/II/2018 concerning Information Technology-Based Financing Services Based on Sharia Principles

Fatwa on Sharia Electronic Money (Fatwa No: 116/DSN-MUI/IX/2017); among others regulating legal relations between parties involved in electronic money transactions and general principles that must be obeyed when conducting electronic money transactions.

The fatwa emphasizes that the contract between the issuer and the holder of electronic money is a wadi'ah or qardh contract; Contracts that issuers can use with parties in the operation of electronic money (principals, acquirers, merchants, clearing operators, and final settlement providers) are ijarah contracts, ju'alah contracts, and wakalah bi al-ujrah contracts; and Contracts between publishers and digital financial service agents are ijarah contracts, ju'alah contracts, and wakalah bi al-ujrah contracts.

Next, the operation and use of electronic money must be avoided from transactions that are ribawi, gharar, maysir, tadhlis, risywah, and israf; and transactions on objects that are unlawful or immoral. Then, the nominal amount of electronic money that is at the issuer must be placed in an Islamic bank; and in the event that the card used as a medium for electronic money is lost, the nominal amount of money in the issuer may not be lost.

He is All-Knower of all things."

In the perspective of sharia economic law, this electronic money must be studied from a philosophical aspect, this is based on Surah An-Nisa' Verse 29, which means:

"O you who believe, do not eat each other's wealth in a vanity way, except by way of trade that applies with mutual consent between you. And do not kill yourselves; verily Allah is Most Merciful to you."

Ibn Katsir explains that Allah Ta'ala has forbidden His believing servants from consuming other people's wealth in a vanity way. Namely all forms of business to bring in assets that are not prescribed, such as investigations with all its variants, gambling, and all forms of transactions that contain fraud and speculation. Even though from the outward appearance of the syar'i law, only Allah knows that the transaction was carried out by the perpetrators in order to avoid acts of usury.

According to Ibn Kathir, all forms of business to bring in wealth that is not prescribed by law, such as surveys with all its variants, gambling, and all forms of transactions involving fraud and

speculation, are all prohibited, but on the contrary, if it is carried out in a commercial way that applies with mutual consent between you, that's recommended.

Al-Māwardī in his book of commentaries explains the meaning of Surah Al-Nisa Verse 29 that in this case there are three opinions about the meaning of consuming human wealth in vanity. First, by means of adultery, gambling, cheating, and tyranny. This is the opinion of Al-Suddī. Second, the meaning is broken transactions, this is the opinion of Ibn 'Abbas. Third, Allah forbids someone from eating food served for guests and ordered to eat it based on a sale and purchase agreement. Then, this Shari'a was erased with the word of Allah Surah An-Nur Verse 61, "There is nothing wrong with you eating food from your home," until His word, "or eating it separately. This opinion was shared by Al-Hasan and 'Ikrimah.

There are three opinions about the meaning of consuming human wealth in vanity. First, by means of adultery, gambling, cheating, and tyranny. Second, it means transactions that are damaged and third, Allah forbids someone from eating food served for guests and ordered to eat it based on a sale and purchase agreement.

Al-Syaukānī's (d. 1250 H) view of the meaning is interchanged. In this verse, the words of Al-Tijārah are mentioned as *istitsnā munqatī'*, namely disconnected exceptions. The point is, but if buying and selling is built on mutual consent between you then the law is permissible. Or what it means, but if the sale and purchase is built on mutual consent between you then the law is lawful. Al-Zuhailī (w. 1436 H) a contemporary scholar whose full name is Wahbah ibn Muṣṭafā Al-Zuhailī in his commentary book entitled *Al-Tafsīr Al-Waṣīṭ* says when commenting on the word of God in the Koran Surah Al-Nisa' Verse 29 that this verse forbids unjust acts or transgresses to property and soul.

It is not permissible for someone to eat other people's property in a vanity way. That is a way that is not prescribed and is taken from types of assets or benefits of a commodity unjustly without any reward.

This also includes any property taken through a transaction that is null and void. Like someone selling something he doesn't own. Assets from the sale of food commodities that cannot be used anymore, such as coconuts, eggs and turnips that are no longer suitable for eating. Likewise, assets from the sale of commodities that according to the Shari'a do not have a price and benefit, such as buying and selling monkeys, pigs, flies, wasps, carrion, wine, wages for the team that cries over the dead, and musical instruments. So whoever does a damaged sale and purchase as mentioned above and he takes the proceeds from the sale or takes his wages, then the proceeds are unlawful and disgraceful, and must be returned to the owner. However, it is permissible to take other people's property based on mutual consent in legal transactions and of course it is permitted by the Shari'a such as borrowing, grants, buying and selling, leasing. This is based on the word of God, "Except buying and selling that is based on mutual consent between you." The point is "eat wealth through trading methods that are built on mutual consent either in the form of buying and selling or leasing."

1. Antonio's view as a well-known expert in the field of Islamic economics in Indonesia stated that;
2. God is the absolute owner of everything, humans are only entrusted with managing and utilizing it according to His provisions;
3. Wealth or money as a deposit, jewelery in moderation, as a test of faith, and only as provisions for worship;
4. Ownership of property must be pursued in a lawful way and not in an illegitimate way; In his search, do not forget, neglect, even leave worship.

The conclusion is that, according to the sharia economic law approach, electronic money (e-money) is permitted with the first condition, not for transactions related to adultery, gambling, cheating, and tyranny. Second, it means transactions that are permitted and for objects or goods that are lawful as well.

4. CONCLUSION

The four electronic money products above (Sakuku BCA, Link Aja, OVO and Go Pay), represent their existence in Indonesia which needs attention from a regulatory perspective and also needs attention from the aspect of shari'ah studies, bearing in mind that the majority of users of these

electronic money products are religious. Islam. The presence of electronic money, something that cannot be denied, due to the rapid advances in science and technology, the law in this position is forced to be able to adjust and meet the demands for progress in this millennial era, which is digital, fast and accurate. Some can be left out. According to the Sharia Economic Law approach, K electronic money (e-money) is legal, with the first condition, not for transactions related to adultery, gambling, cheating, and tyranny. Second, transactions that are permitted and for objects or goods that are prohibited as well.

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