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Reconstruction of the Concept of Kafalah in Sharia Buy Now Pay Later (BNPL) Transactions: A Normative Fiqh Analysis of Digital Guarantees in Islamic Finance

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Abstract

The development of Islamic financial technology has created innovations in Buy Now Pay Later (BNPL) services that provide flexible payment options (ta'jil ad-dayn), but this has raised many normative issues regarding the compatibility of contracts with digital guarantee systems and the principles of fiqh muamalah. This study aims to reconstruct the concept of kafalah as a form of guarantee in Islamic law so that it is relevant to digital guarantee practices in the Sharia BNPL system without neglecting sharia values such as justice, transparency, and the prohibition of usury and gharar. The method used in this study is qualitative with a normative-fiqhiyah legal approach, supplemented with conceptual, comparative, and maqasid al-syariah analyses to assess the compatibility between traditional kafalah principles and modern digital practices. This study found that digital kafalah can be legally applied in Sharia BNPL if the contract is made with a clear digital ijab-qabul, free from elements of usury and gharar, and accompanied by a transparent Sharia supervisory mechanism. This model is in line with the principles of hifz al-mal (protection of property) and ta'āwun (mutual assistance), and can support Sharia financial inclusion through a secure and fair guarantee system. Thus, the reconstruction of digital kafalah not only strengthens the normative basis for the application of Sharia BNPL, but also contributes to the development of Sharia fintech that is fair, ethical, and in accordance with the objectives of maqasid al-syariah.

Keywords: *Digital Kafalah, Buy Now Pay Later Sharia, Sharia Fintech, Maqasid al-Sharia, Contemporary Fiqh Muamalah.*

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Introduction

The development of Islamic financial technology (Islamic fintech) has given rise to new transaction models such as Buy Now Pay Later (BNPL), which offers flexible payment options (ta'jil ad-dayn). This system allows customers to obtain products and services first and make payments within a specified period without incurring interest. This Sharia BNPL model is considered to be in line with the inclusive goals of Islamic finance, which aims to expand access to funding to people who are difficult to reach by banks or conventional financial institutions (Rahman & Rusmita, 2023; Salleh, et al., 2022; Yusoff, 2021) . In the context of Islamic finance, this raises normative issues regarding the equivalence of contracts and digital guarantee processes with the principles of fiqh muamalah.

BNPL is seen as a form of inclusive financial service because it facilitates access to financing for consumers who may not have access to credit cards or bank loans. In addition to this convenience, the BNPL scheme also has serious challenges, especially from the perspective of financial ethics, consumer protection, and its potential impact on individual economic stability. There are many cases of BNP users who are trapped in a pattern of inclusive consumption and entangled in debt due to a lack of understanding of the consequences of this scheme (F. A. Amatulloh, F. Utami, 2024) .

In Islamic law, the application of Sharia BNPL faces new issues regarding the validity of contracts and methods of digital collateral. The principles of justice, honesty, and the prohibition of gharar must be upheld to ensure that transactions do not give rise to doubts prohibited in fiqh muamalah (Abdullah & Hassan, 2020; Al-Khatib, 2021; Nizar & Subekti, 2022) . Buy Now Pay Later presents risks, including the risk of customers experiencing difficulties in making payments. In POJK No. 77/POJK.01/2016 Chapter V on Risk Mitigation, the Government has stipulated that electronic loan providers and users must mitigate risks. The important question is how these risks are managed and how obligations are applied in accordance with Sharia principles. BNPL companies that comply with Sharia principles must also ensure that their funding sources and potential investments in their businesses do not involve usury or activities considered haram in Islam (Ahmad et al., 2022).

The emergence of facilities created in the field of technology has led many people to prefer using technology that is now rapidly developing in the field of Islamic finance. Developments in the financial industry have led to the emergence of a technology-based financial industry, better known as financial technology (fintech). The phenomenon of financial technology, commonly known as fintech, is known to indirectly help creditors because it is quickly accepted by the wider community. The emergence of various fintech startup has made them popular and has led to the rapid development of transaction services, making fintech an important financial technology sector to monitor and protect, especially in terms of convenience and security (I. P Sari, 2019) .

The main issue to be addressed is how the concept of kafalah as a form of guarantee in Islamic law can be reconstructed so that it is relevant to digital guarantee practices in the Sharia

BNPL system, without neglecting Sharia values such as justice, transparency, and the prohibition of usury and gharar.

A kafalah contract is a form of guarantee regulated in Islamic finance, whereby a third party guarantees the fulfillment of the obligations of the guaranteed party to the recipient of the guarantee. In this concept, the kafil acts to ensure that any obligations that are not fulfilled by the guaranteed party will be borne by him. The basic principle of kafalah is based on collective responsibility and social solidarity (Gina Nurleva and Indah Shofiyah, 2023) . This is in line with sharia values that prioritize balance. For this reason, kafalah is an important alternative in sharia credit guarantees.

The use of kafalah contracts as a credit guarantee instrument is becoming increasingly important in Indonesia, especially with the growth of Islamic banking. This instrument provides a solution for customers who do not have conventional collateral but have a trusted guarantor. In addition, kafalah contracts have the potential to help finance the SME sector, which often has difficulty obtaining credit from banks (Harahap & Sudiarti, 2022) . Along with the growth of Islamic financial inclusion, kafalah contracts are able to develop public access to financial services. This is also in line with the vision of an inclusive and equitable Islamic economy.

In previous studies, most authors have only highlighted the legal aspects and validity of kafalah contracts, but have not examined how the concept of kafalah as a form of guarantee in Islamic law can be reconstructed so that it is relevant to digital guarantee practices in Sharia BNPL systems, without neglecting Sharia values such as justice, transparency, and the prohibition of usury and gharar. In fact, in the current era, there is a growing gap between classical fiqh principles and modern digital financial practices.

Kafalah contracts are very important in Islamic finance to ensure that all parties involved in a transaction fulfill their obligations. In the digital era, we need to update the concept of kafalah to align with technologies such as Sharia BNPL, which prioritizes fairness, social responsibility, and transparency in accordance with Sharia (Karim & Hidayat, 2021; Mahdi, 2023; Zahra, 2020) . Therefore, the purpose of this study is to formulate the legal aspects and conceptual model of digital kafalah that can serve as a normative and practical foundation for the implementation of fair, safe, and sharia-compliant Sharia BNPL; as well as to contribute to the growth of digital finance in Islam and the development of contemporary fiqh muamalah literature and sharia fintech regulations in Indonesia.

Methods

This study uses a qualitative method with a normative-fiqhiyah legal approach. This approach was chosen because the study focuses on reconstructing the Islamic legal concept of kafalah (guarantee) to make it relevant to the Sharia Buy Now Pay Later (BNPL) system. This normative research is supported by conceptual, comparative, and maqasid al-syariah approaches. These approaches are used as a process of examining Islamic legal sources related to kafalah, comparing them with digital guarantee practices in the Sharia BNPL system, and assessing similarities with Islamic legal objectives such as justice, benefit, and transparency.

The data sources used in this study are secondary data in the form of primary and secondary literature. Primary literature includes the Qur'an and hadith, classical fiqh books, Fatwa of the National Sharia Council (DSN), and the Indonesian Ulema Council

(MUI). Secondary literature includes books and journals, scientific articles, and OJK and DSN-MUI regulations related to sharia digital financing.

The analyses used in this study are descriptive-comparative and interpretive-normative analyses. Descriptive analysis is needed to describe how the concept of kafalah is applied in fiqh and its use in the Sharia BNPL system. Comparative analysis is used to compare traditional kafalah principles with modern digital guarantee models, while interpretive-normative analysis is needed to explain Islamic legal principles so that they are in line with the digital financial context without compromising the values of justice, transparency, and the prohibition of usury and gharar.

In the maqasid al-syariah analysis method, it is necessary to evaluate the similarity of the reconstruction of the digital kafalah concept to the BNPL Syariah system in terms of Islamic legal objectives, such as realizing justice, benefit, and ensuring that the use of digital guarantees is free from elements of usury and gharar.

With a normative-fiqhiyah approach supported by conceptual, comparative, and maqasid al-syariah analysis, it is hoped that this research can provide comprehensive and contextual knowledge on digital guarantees so that they are in accordance with the principles of Islamic law.

Results and Discussion

The reconstruction of the concept of digital kafalah in the context of Sharia Buy Now Pay Later (BNPL) transactions proves that there has been a significant transformation in the structure of guarantee agreements, which were previously conventional in nature, to a digital-based model. In classical fiqh, kafalah is a guarantee for a person's debt or obligation that is guaranteed by another party (kafil). In the Sharia BNPL system, fintech acts as the kafil who pays the seller in advance, while the consumer is the party guaranteed to repay the debt within a certain period of time (Nurleva& . Substantively, this contract does not conflict with the principles of fiqh muamalah as long as it fulfills the elements of willingness, clarity of contract, and freedom from usury and gharar as explained in *Fatwa DSN-MUI No. 11/DSN-MUI/IV/2000* concerning *Kafalah*.

Based on *DSN-MUI Fatwa No. 11/DSN-MUI/IV/2000* concerning *Kafalah* and *DSN-MUI Fatwa No. 117/DSN-MUI/II/2018* concerning *Information Technology-Based Financing Services*, it was found that the basic principles of guarantee remain relevant for implementation in the digital context, provided that the contract is executed clearly (a legally valid electronic contract) and does not provide additional benefits in the form of usury (Harahap & Sudiarti, 2022; Wahbah al-Zuhaili, 2008; Yusuf al-Qaradawi, 2010) .

From the results of normative-fiqh studies, it was found that in the Sharia BNPL model, digital kafalah contracts must be equated with technological systems that use electronic signatures and digital traces as proof of ijab-qabul. This is in line with the principle *of 'urf shahih* (modern customs that are valid according to Sharia) which is permitted by some contemporary scholars such as Wahbah al-Zuhaili(2008) and Yusuf al-Qaradawi(2010) . In the context of regulation, this approach is supported by *POJK No. 77/POJK.01/2016* and *DSN Fatwa-MUI No. 117/DSN-MUI/II/2018* on *Information Technology-Based Financing Services Based on Sharia Principles*, which emphasizes that digital transactions can be carried out validly as long as they comply with the principles of transparency and do not involve elements of injustice or deception (*gharar*).

Comparatively, this study found differences between the classic kafalah model and the digital kafalah model. In the classic model, the kafil's responsibility is personal and based on social trust, whereas in the digital system, guarantees are carried out through algorithms and data-based credit scoring systems. Research by. (2022I. P Sari(2019) emphasizes that *risk mitigation* has become more complex due to the interconnection between artificial intelligence and data analytics. However, this research states that digital models can remain in line with maqasid al-syariah, especially in realizing *hifz al-mal* (protection of property) and *hifz al-nafs* (protection from excessive financial burdens) if they are implemented with the principles of fairness and openness to user information.

Another finding shows that the use of *digital kafalah* in Sharia BNPL provides new opportunities for Sharia financial inclusion in Indonesia. As stated by Harahap & Sudiarti,(2022) , this instrument can help people who do not have conventional collateral to obtain financial services. However, this study also found risks, especially when fintech companies do not implement strict Sharia verification mechanisms. Therefore, the involvement of sharia guarantee institutions such as *the Sharia Financing Guarantee Institution (LPPS)* in the BNPL system is necessary to ensure that social responsibility values and the principle *of justice (adl)* are maintained (Ismail, 2021; Nurlela, 2020) .

The results of this study clarify the view that digital kafalah must be reconstructed not only as a guarantee instrument, but also as a mechanism *for verifying compliance* with sharia principles. Within the framework of maqasid al-syariah, the function of digital guarantees is not only to guarantee a payment, but also to maintain a balance between ease of transaction (*taisir*) and protection against potential exploitation (*daf' al-dharar*). This is in line with the idea *of contemporary fiqh muamalah,* which emphasizes the importance of integrating *al-maslahah al-mursalah* (public interest) and *al-dhaman al-ijtima'i* (social security) in the modern Islamic financial system (Hassan, 2021; Kamali, 2020) .

Conclusion

The reconstruction of the concept of digital kafalah in the Sharia Buy Now Pay Later (BNPL) system can be implemented by matching classical fiqh principles with developments in modern financial technology. The kafalah contract in the digital context remains valid in terms of Sharia if it fulfills the elements of contract clarity (digital *ijab-qabul*), does not contain riba or gharar, and is carried out according to willingness and fairness. This finding explains that the digital guarantee model in Sharia BNPL is capable of implementing the principles *of hifz al-mal* (protection of property) and *ta'āwun* (mutual assistance) when carried out with transparency and strict Sharia supervision in accordance with DSN-MUI Fatwa No. 11/2000 and No. 117/2018, as well as OJK Regulation No. 77/2016. Contemporary fiqh muamalah literature presents a conceptual model of digital kafalah that is not only relevant in terms of normative law, but also applicable to modern digital financial systems. Theoretically, it can be proven that Islamic fiqh is dynamic and capable of adapting to technological innovations without neglecting the values of justice and benefit. This research provides a normative basis for the development of fair, secure, and inclusive *sharia fintech* regulations and practices, and can strengthen Indonesia's position as a pioneer of maqāṣid al-syarīʻah-based digital financial systems at the global level.

References

Abdullah, N., & Hassan, S. H. (2020). Legal and Ethical Frameworks in Islamic Financial Technology. *Journal of Islamic Business and Management*, *10(2)*, 55–69. https://doi.org/https://doi.org/10.26501/jibm.v10i2.1538

Ahmad, A. A., Hashim, N. A., Arifah, R. N., & Nordin, N. (2022). An Analysis of Shopee Pay Later Transactions Based on the Qard Theory, *12*(11), 1380–1391. https://doi.org/10.6007/IJARBSS/v12-i11/15239

Al-Khatib, M. (2021). Digital Transactions and Shariah Compliance: A Juristic Perspective. *Arab Law Quarterly*, *35(4)*, 789–812. https://doi.org/https://doi.org/10.1163/15730255-bja10067

F. A. Amatulloh, F. Utami, and P. A. (2024). "Analisis Faktor Faktor Yang Mempengaruhi

Penggunaan Paylater Akulalu Di Indonesia," Co-Value J. Ekon. Kop. Dan Kewirausahaan, *15(5)*. https://doi.org/https://doi.org/10.59188/covalue.v15i5.4780

Gina Nurleva and Indah Shofiyah. (2023). Analisis Implementasi Akad Kafalah Dalam Praktik Bank Garansi Sektor Konstruksi (Studi Kasus Kb Bukopin Syariah Yogyakarta). *JURNAL ILMIAH EDUNOMIKA*, *8(1)*, 4–6. https://doi.org/https://doi.org/10.35905/banco.v2i2.1810

Harahap, A., & Sudiarti, S. (2022). "Kontrak Jasa Pada Perbankan Syariah : Wakalah, Kafalah Dan Hawalah," *4*, 42–53. https://doi.org/10.47476/reslaj.v4i1.482

Hassan, M. K. (2021). Maqasid al-Shariah in Islamic Finance: Contemporary Perspectives. *SSRN Electronic Journal*. https://doi.org/https://doi.org/10.2139/ssrn.3796383

I. P Sari. (2019). "Penerapan Satu Majelis Dalam Akad Fintech Syariah Pada Pinjaman Online Dana Syariah Menurut Perspektif Hukum Islam,." *Jurnal Ekonomi Islam, Marketing Mix*.

Ismail, A. (2021). Digital Shariah Risk Management in Islamic Fintech. *International Journal of Islamic Economics and Finance Research*, *4(2)*, 23–35.

Kamali, M. H. (2020). *Shariah Law: An Introduction (2nd ed.)*. Oxford University Press. https://doi.org/https://doi.org/10.1093/oso/9780198857302.001.0001

Karim, A., & Hidayat, M. (2021). Karim, A., & Hidayat, M. (2021). Reconstructing Kafalah for Digital Financial Systems in Islamic Economics. International Journal of Islamic Finance and Banking, 8(1), 12–26. *International Journal of Islamic Finance and Banking*, *8(1)*, 12–26. https://doi.org/https://doi.org/10.46281/ijifb.v8i1.1672

Mahdi, R. (2023). The Role of Kafalah in Strengthening Sharia Digital Finance Ecosystems. *Journal of Contemporary Islamic Studies*, *5(3)*, 87–102.

Nizar, M., & Subekti, D. (2022). Implementation of POJK No. 77/2016 in Islamic Peer-to-Peer Lending Platforms. *Indonesian Journal of Islamic Finance*, *11(1)*, 33–48. https://doi.org/https://doi.org/10.21070/ijif.v11i1.1884

Nurlela, R. (2020). Kafalah dalam Perspektif Maqasid al-Syariah. *Jurnal Syariah Dan Ekonomi Islam*, *12(1)*, 45–56.

Rahman, A. A., & Rusmita, E. (2023). Sharia-Compliant Buy Now Pay Later as Inclusive Finance Mechanism. *Asian Journal of Islamic Economics*, *14(2)*, 112–130.

Salleh, S., Ahmad, M., & Rahim, R. (2022). Islamic Fintech and the Future of Digital Credit in Muslim Markets. *Journal of Islamic Monetary Studies*, *6(1)*, 55–70. https://doi.org/https://doi.org/10.35631/JIMS.61005

Wahbah al-Zuhaili. (2008). *Fiqh al-Islami wa Adillatuh*.

Yusoff, N. (2021). Maqasid al-Shariah in Digital Financial Innovation. *ISRA International Journal of Islamic Finance*, *13(3)*, 280–295. https://doi.org/https://doi.org/10.1108/IJIF-03-2021-0064

Yusuf al-Qaradawi. (2010). *Fiqh al-Mu'amalat al-Maliyah al-Mu'asirah.*

Zahra, H. (2020). Kafalah in Islamic Law: Relevance to Modern Credit and Guarantee Systems. *Journal of Islamic Jurisprudence*, *9(2)*, 45–61. https://doi.org/https://doi.org/10.35632/jij.v9i2.214