



## Al 'Adah Muhakkamah Rules and Their Applications Regarding the Contemporary Era Share Purchase and Sale Agreement

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### ABSTRACT

The principles of "Al-'Adah Muhakkamah" within Islamic law, particularly its relevance to contemporary financial practices such as share trading. It highlights the significance of customs (al-'adah) as a legitimate source of law in Islamic jurisprudence, allowing for flexibility and adaptability in financial transactions. The study outlines the essential conditions for valid share buying and selling, emphasizing mutual consent, the halal nature of the objects involved, and the avoidance of prohibited elements like usury (riba) and excessive uncertainty (gharar). Utilizing qualitative research methods, literature reviews, and content analysis, the research investigates how these principles are applied in modern contexts, especially through digital platforms. The findings indicate that while the rules of Al-'Adah Muhakkamah provide necessary flexibility to accommodate social and economic developments, there are concerns regarding overly lenient interpretations that may stray from core Islamic principles. The document advocates for a balanced approach that honors traditional Islamic values while addressing contemporary financial practices, ensuring that adaptations remain aligned with Sharia principles. This study serves as a valuable resource for scholars, practitioners, and policymakers in the field of Islamic finance, offering insights into the dynamic interplay between tradition and modernity in financial transactions.

**Keywords:** Al-'Adah Muhakkamah, Islamic Law, Share Trading

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## INTRODUCTION

Fiqh Law, also known as Qawaidul Fiqhiyah, is Kully 's norm which includes all, loading the essence of Fiqh law. Qawaidul Fiqhiyah own part teachings, one of which is discussed in This article. This is al- adaa al-muhakkamah, which is (a custom or practice

that serves as a basis for creating Constitution). It is sourced and developed from action instilled positive in public. This can be used as a basis for creating laws that are in accordance with developing principles in public. By understanding principle fiqh. The rules of Fiqh are where the problem lies fiqh possible gathering proper application of Fiqh law on time and right in general situations and conditions like that. And if understand the rules of fiqh, then will capable respond problems society, trade, state administration, and especially traditions (customs) with increasing wise, as well capable finish problems that arise and continue develop in public.

Find the solution becomes easier. Based on matter the speaker will explain Wrong. Fiqh rules are customs with rules, meaning I interested study al-Adha al-Muhakkamah. Customs and mores are the basis making Constitution. In this article we will reviewed meaning of al-Aada, legal basis and consequences from the rules of Al-Aada Muhkamah. The rules of "Al-Adha Muhakkamah" are principle it is important that Islamic law provides freedom in application of sharia law, taking into account community customs and manners. In context sell buy Modern stocks, this rule applies notice practice modern business as long as it does not conflict with sharia principles. Rule "Al -' Adah Muhakkamah" means "custom can become law" and is one principle important Islamic law. This regulation provides flexibility in application of sharia law by taking into account customs public local. Scientists ' opinion about These rules vary widely, and their application in context sell buy Modern stocks are also a issue important. The rules of 'Al-Adha Muhakkamah' provide flexibility that Islamic law desperately needs to accommodate reality social and economic development.

The opinions of these scholars show that customs can be made legal basis as long as it does not violate sharia principles. In context sell buy share currently, this regulation allows Muslims to participate in global financial markets on a regular basis adhering to Islamic values. Application this rule must accompanied by supervision strict every time to be sure all over transaction in accordance sharia principles. The rule of 'Al-Adha Muhakkamah' holds role important in adaptation of Islamic law to developments over time and situations different social. This rule allows customs made legal basis, as long as it does not violate sharia law. In context sell buy modern stocks, this rule is very important remember modern market dynamics.

The rules of Al 'Aadah Al Muhakkamah, which means customs can be norms, have a number of rule more specific branching. Rule this bifurcation helps apply the principle of "Al-Adha Muhakkamah" in various situations, including transactions sell buy modern stock. The regulations in this area show how, the culture of the population can become a basic norm, as long as not violates sharia law. The rule 'Al-Adha Muhakkamah', which means 'custom can be turned into law', provides flexibility in application of Islamic law and makes it possible adaptation to change social and economic. This is very important in landscape trading sell buy share today where market dynamics and trading habits Keep going develop,

Shortness Problem is, definition of Al-'Aadah Al Muhakamah, principle formulation the rule, how What do the scholars think, how application of rules to

contemporary legal cases relating to problems the, what are the branch rules? about 'adah muhakamah, how analysis discussant at a time contribution conceptual offer the. Orientation Problem (Objective Problem), so you know What is the meaning of Al 'Aadah Al Muhakkamah, so you know What principle formulation the rule, to know How application of rules to contemporary legal cases relating to problems the, to know what are the branch rules about ' adah muhakamah, to know How analysis discussant at a time contribution conceptual offer. Also, Development rapid in the modern stock market demands existence adaptation of sharia law principles to be relevant to the needs of the times without ignore principles existing basis in sharia.

Novelty in the context of the research "Al 'Adah Muhakkamah" and its application in stock trading transactions in the contemporary era includes several aspects, namely, first, the adaptation of Islamic Law, This study highlights how the principle of Al 'Adah Muhakkamah provides flexibility in Islamic law to adapt to the dynamics of the modern stock market. This shows that Islamic law is not static, but can evolve according to current social and economic needs. Application in a Modern Context, second, this study examines the application of traditional principles in the context of modern financial transactions, such as stock trading and the use of digital platforms. This provides new insights into how Islamic law can be applied in situations that have no precedent before. third, comparison with the Opinions of Scholars: This study also discusses the views of various scholars regarding the importance of customary freedom in determining the law, as well as how this view can be applied in modern business practices. This provides a broader perspective on the interaction between tradition and contemporary practice. fourth, Social and Economic Relevance, by emphasizing the importance of social customs in determining the validity of transactions, this study shows how Islamic law can remain relevant and responsive to changes in society and the global economy. Fifth, Comprehensive Research Methodology: This study uses a qualitative approach and content analysis to explore the application of the principle of Al 'Adah Muhakkamah, which provides depth and clarity in understanding this concept in a modern context. Thus, the novelty of this study lies in its ability to bridge between traditional Islamic legal principles and modern business practices, as well as provide relevant guidance for market players who want to operate in accordance with Islamic values.

## **RESEARCH METHODOLOGY**

To do study regarding the principle of "al-' adah muhakamah" and its application to the sales agreement buy shares in the contemporary era, we can use method research that includes a number of step main :

Qualitative Approach: This research will be more extensive use approach qualitative to understand concept and application of the principle "al-' adah muhakamah" in context sell buy share. Literature Study (Library Research): Collecting and analyzing literature from books, articles journals , and other relevant published sources in five years final . Analysis Content (Content Analysis): Analyzing content from literature collected to understand How teachings of Al 'Aadah Al Muhakkama

applied in sell buy shares and how views of contemporary scholars to this matter. Normative Approach: Study and understand the rules of fiqh and fatwas issued by authoritative bodies religious related sell buy share. Also, This research aims to evaluate application of the principle of al-'Adah Muhakkamah in context sell buy shares, as well as to identify to what extent this principle can accommodate practice modern shares without violates sharia provisions.", This research uses approach literature by reviewing studies main in five years the last one is related to the principle of al-'Adah Muhakkamah in Islamic economics,

Research Steps, Identification Literature Related, Identify and collect books and articles relevant journals published in five years final . Focus on literature that discusses the rules of "al-' adah muhakkamah", the law of selling buy shares, and the views of contemporary scholars. Theoretical study Understand draft the basis of "al-' adah muhakkamah" and how this rule is implemented in Islamic law. Understand draft sell buy share in perspective fiqh Also, The first step covering collection literature from journal indexed. Next, the data is analyzed use approach qualitative through technique analysis content to understand application of the principle of al-'Adah Muhakkamah in modern context, This research provides contribution important in understand How Sharia principles such as al-'Adah Muhakkamah can be applied in trading shares, giving relevant perspectives to accommodate change economy without deviate from sharia rules."

Data collection, collect data from primary sources such as fiqh books classical and modern, as well as fatwas from ulama and authority bodies religious. Use source secondary like articles journals, books, and reports study related and reports studies in commerce sero in Islam.

Analysis Description (Data), Analyze gathering description to see how the rule "al-' adah muhakkamah" is applied in the sales contract buy share. Review opinions of contemporary scholars regarding sales law buy shares and their application. Conclusion and Recommendation, conclude findings study about application of the principle "al-' adah muhakkamah" in sell buy share. Give recommendation practical for Muslim stock market players and authority bodies religious. Also, A number of studies previously discussed application of the principle of al-'Adah Muhakkamah in aspect muamalah. However, this study focuses on the application of specific in trading share contemporary, which has not Lots reviewed. Also, Data analysis in This research was conducted using technique analysis content to collected literature, with the help of analysis software NVivo qualitative to identify themes main, Also, The data was analyzed use approach descriptive-comparative , comparing application of the principle of al - 'Adah Muhakkamah with other sharia principles relevant to trade share, To ensure validity , this study uses triangulation source by checking data from various relevant references in study Islamic economics and Islamic law

Results and discussion, Definition from the Rules of Al 'Aadah Al Muhakkamah as well The application on Share Sale and Purchase Agreements in the Contemporary Era. Understanding The teachings of Al 'Aadah Al Muhakkamah, the teachings of Al

'Aadah Al Muhakkamah are one principle The main thing in Islamic norms has statement that upheld traditions in a society it can be used as a norm as long as it does not violate Sharia norms. Literally, this rule takes root said double, namely al-' aadah has the meaning of habit or custom, as well as "muhakkamah" has understanding become law or made legal determinant "Al 'Adah Muhakkamah" means Habits or customs that are widely known and accepted by society can be used as a basis in the establishment of Sharia law, during that custom not disagree on the Koran, Hadith, and other books on sharia principles. Linguistically, Al 'Aadah originates from the speech Al ' Auud or Al Mu'awwadah has the meaning of repeating (ر ' ل ت ك ر). Also, The proposed hypothesis in This research is that application of the principle of al-'Adah Muhakkamah in trading shares can facilitate practice sharia stocks without violate principles the basis of Islamic law."

According to Ibn Nuzhaim , definition al'aadah is : " The expression of something hidden within repetition cases accepted by the characters phonetics " . Adil Bin Abdull Qodir Qutah in the book " Atsarul ' Urf Wow Tatbiqotihi Al Mu'ashiroh Fii Fiqhil Mu'amalaat Al Maaliyah" explained that " Al ' adah." a'ammu minal 'urf" which means customs or habits are more general than 'urf , because Customs /Habits cover up : Customs and Habits that grow from factor customs /general, and individual traditions/habits, and customs/ habits according to most people are 'urf / tradition . And above it is a comparison, between custom and 'urf : General and Specific Absolute , because custom is more general, absolute and eternal , and 'urf is more specific when it's a bound tradition , then every 'urf / tradition that is a custom/ custom and not every custom/custom is 'urf , because customs/habits have become individual or alliance .

Abdul Wahhab Khollaf in his book Knowledge Ushul Fiqh (Ad- Daaru Al Kutuyyah ) explains that ' Urff is the matter the majority of people know it as well as operate matter either , or shaped words , actions are also something that is left behind , and can be said to be a custom or habit. There is n't any difference between 'urf and 'adah.

Abdul Kariim Zaydan defines Al 'Aadah as "an action repeated as well as used to do it also in a sustainable manner until Finally resident accept activity the ". In understanding Similarly, another meaning of al -'aadah, namely al'urff, has the meaning of a situation, words , actions or decision normal It is also known that it has become a culture to be implemented or abandoned . 'Urff is something that is known public as well as repeated in words or actions until become a complete habit.

Understanding muhakamah is the decision of a judge in a court to resolve a dispute, meaning that customs can also help in disconnect the matter brought to court enter So, this rule is meaningful that customs, whether global or special, could be useful for principle in establishment of Islamic Sharia norms, in particular for the breaker justice, while absence mentioned in the special writing about prohibition tradition that , or , if The available written evidence is very global in scope can't get rid of it or weaken tradition the. But, no all traditions can be earned-welcome just like that. Traditions can be earned-welcome If fulfil regulation following : None dispute over regulations syara ' ,



Does not cause loss as well as not abolish usefulness and usefulness. Determined benefit for Muslims in general. This is not the case occurred by *ubudiyah Mahdah*, There have been many is known public If want to establish these norms

Based on the arguments mentioned, it has been found said dual core namely *Al 'Aadah* and *Al 'urff*. Many Scientists *Ushul Fiqh (Ushuuliyyuun)* uses said double that way do change to be able to give explanation about tradition *Al ' Aadahh* (tradition) is defined as an action that is repeated without accompaniment interaction logical (Mustafa Ahmad Al-Zaqra, 1978: 838-39).

However *Al ' Urff* interpreted as tradition most people, from saying nor action. So, the meaning of the teachings of *Al 'Aadah* and *Al ' Urff* is " what is accustomed to, accepted by society and obtained presumption goodness " (Al Syatibi , tt : 197). Between a part key on activity upholding Islamic norms, *Al 'Aadah* and *Al ' Urff* , is not action individual , but it already exists in part big community in a specific area discriminatory.

For example in place Specific discriminatory money out in a house ladder trimmed from dowry wife. vIf This tradition has occurred on the side life road society Specific discriminatory, can usually be used to determine permission in use appropriate dowry So ownership of the couple (bride woman). It should be *Al 'Aadah Al Muhakamah* is one of them of the five teachings The basic (fundamental rule) is spelled out with *al- Qawaidul - Khomsa* by the general scholar *Al- Shafi'i*.

It is: i). *Al Umuuru Bi Maqoosiidihaa*, ii). *Al Yaqiinu Laa Yuzaalu Bisyyakkii*., iii). *Al Masyaqotu Tajlibut Taisiir*, iv). *Ad Dororu Yuzaalu*., v). *Al 'Aadah Al Muhakamah*. bifurcation is the teaching moreover special revealed to the teachings more global principles. "Everything called ' *Urff* required Because exists condition. " It means customs *Muamalah* nature binding, with the regulations used although not explicitly, as well a number of the namely ' *Urff* on the population has a similar norm label on the definition explicit although not shaped text of the agreement as well as provisions.

However, the condition is that it is something that is *ma'ruf* or famous the not contrary to Islamic law norms. For example, if opinion global tradition of human traders Air Conditioner underwriters mandate on completion in install it, as well Responded So terms of the agreement commerce, accountability That was his obligation, though not is in the agreement. Another example is trading the fruit on the tree. Explanation from *Al Qiyaas* , the norm not allowed as well as not valid the cause Because not There is clarity (*Majhuul*).

However, because it has happened global traditions, ultimately experts science This has become a common practice, so the *ulama* allow it. With understanding all decision if it has been issued by the *syara '*, every provision issued by the *syara '* is strict, as well Its absence is a limitation on the *Shari'ah* as well as on the provisions linguistic , returned towards ' *Urff* .

Scientists *Fiqh* gives the meaning ' *Urff* is the tradition of the community as well as appear begins with people's creativity in development quality tradition " Regarding

what is already known around sellers, has officially become a regulation sector gathering they " means official customs around sellers , as determined by business . Teachings the make special tradition nor form ' Urff , however application teachings This also applies to transactions between producer as well as consumers , throughout connection commerce , regardless from trade . For example, the price for shipping object nor the furniture is appropriate Tradition in Indonesia, commerce is a task dependents seller ; therefore that , though in contract business is not mentioned cost to send , fund it remains a task merchant's responsibility .

Drafting teachings the A little different in some reference , however the meaning and meaning are the same. Meaning , said takyiin ( decision ) is there change by speech thaabiit ( decision ), until arose At Thaabith Bil ' Urffi Kat Thaabith Binn Naas. The purpose of regulation The regulations in question not avoid contrary to the previous one, only increase part validity. With understanding the position of several laws the provisions based on custom (tradition) can have comparable strength of norms on the manuscript Sharia. Therefore that is, norms based on tradition compare along with laws based on texts Islamic law.

Therefore that, no one has reasons to ward it off, what else when it has been set for judges on issues such as examples in overcome problem civil. Teachings intended similar has the same meaning in the Teaching Tatsbiit Al Makruuf the following : "A specified in ' Urf compared to what was determined by Nash, in other words Urf and Nash are both correct or relevant ". Another example of this rule is: If someone look after cow someone else 's , then rewards on maintenance This is mathematically a child cow the.Child First to the person holding it , child second to owner , and so on . Basic Formulation of the Rule of "Al 'Adah Muhakkamah" The main points formulation Ajaram Al 'Aadah Al Muhakamah also applies to contracts commerce especially in this modern era, namely:

Al -Qur'an : Al Quran Surah Al A'raaf Ayaat 199:

خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجَاهِلِينَ

" Take it whatever is easy ( for you ), order it do what is ma'ruf , as well turn away from stupid people ." This verse teaches to take what is easy and good in life everyday , which can be interpreted as confession towards habits that do not conflict with sharia.

Al Quran Surah Al Baqarah Ayaat 233:

﴿وَالْوَالِدَتُ يُرْضِعْنَ أَوْلَدَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِمَّ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوهُمَا أُولَدَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

Figure of speech It means : If mother want to increase breastfeeding , them must breastfeeding child they for two years full . and bear it father answered to give eating and clothing to his mother in a good way. One is not burdened according to capacity. A mother ca n't experience difficulty Because his son, and a father should too experience difficulty Because his son. There is no sin above both of them If they want to wean child they before two years with consent and deliberation. If you want someone else to

breastfeed your child, there is no sin on you if you repay him in the right way. Go for it obedience towards Allah and you must know verily Allah is powerful in see What are you do it.

Hadith:

وعن ابن مسعود: «ما كان عند المسلمين حسناً فهو عند الله حسن». (رواه أحمد)

Narrated by Ibn Mas'ud: " What is considered kind for Muslims by race Muslim, then Allah 's part is also good." (HR. Ahmad) This hadith shows that habits that are widely accepted by Muslims can be considered as something good and can be adopted legal basis. Legal Basis in Basic Hadith law in the Hadith that is:

ما كان عند المسلمين حسناً فهو عند الله حسن ، وما كان عند المسلمين سيئاً فهو عند الله سئاً (ابن مسعود)

"

Something visible good for the most part people Muslim then the story will also be good in the sight of Allah, too everything is visible evil to the people Muslims are also deep God's view categorizes a matter evil " (HR. Ahmad, Bazaar, Thabrani in the Book of Al- Kabiir from Ibn Mas'ud) . Ijma' and Qiyas: Scholars agree that practices that are in accordance with the Shari'a can be carried out legal Foundation . Ijma' ( ulema consensus ) and qiyas ( analogy ) are frequent used to link customs with the principles of Islamic law.

Fiqhiyah rules : Capital market regulation is permitted in Islam as long as it does not violate principle regulated fairness and transparency in sharia. Application of the "Al 'Adah Muhakkamah" Rule to Stock Sale and Purchase Agreements in the Contemporary Era Pricing and Payment Methods: In selling buy stock, price shares and ways payment usually determined based on generally accepted market practices . This habit is accepted as long as you are not pregnant usury ( interest ) or excessive speculation (gharar). For example , practice an initial public offering (IPO) that sets the price share based on market demand and valuation company considered legitimate during the process transparent and fair .

Structure and Mechanism, Market: Stock market mechanisms such as public offerings (IPO), trading daily, and stock exchange regulations are acceptable in Islam. This is in accordance with the decision that was issued for Sharia Institutions Nationality Association of Indonesian Scientists (DSN-MUI), on requirements trading sero sharia and guarantee that traded holdings in accordance with sharia principles .

Product Sharia Finance: Development product financial Sharia form sero sharia, sukuk, as well mutual funds Sharia is an example how the rules of "Al 'Adah Muhakkamah" are used to accommodate need modern investment These products are designed to meet sharia principles while still operate in financial market framework contemporary. Scholars such as Wahbah Al- Zuhayli emphasize importance innovation in sharia finance to adapt to current developments without violate principles Islamic basis.

Brokers and Intermediaries : Use of stock brokers as internal representatives sell buy shares are a generally recognized custom in Islam. Brokers act as representatives



(representatives) who help investors carry out transaction in accordance with sharia rules. This is in line with the opinion of scholars such as Abdullah bin Bayyah who admits importance role intermediary in the modern market. Opinions of Ulama regarding the Rule of "Al 'Adah Muhakkamah" and its Application on Share Sale and Purchase Agreements in the Contemporary Era Opinions of Ulama regarding the Rule of "Al 'Adah Muhakkamah"

Imam Malik, Imam Malik from The Maliki school of thought really appreciates internal customs legal determination . He emphasize the importance of 'urf (customs recognized by society ) for the principles of norms based on the Koran and as well Hadith , except contradicts both. Al Imam Ashyaafii'I, Al Imam Ashyaafii'i realize the importance of customs, but be more careful in use it as a legal basis . Al Imaam Abuu Haniifah, Al Imaam Abuu Haniifah sect Hanafii often using customs in his fatwas . He opinion that customs that are widely known and accepted by society can be adopted legal sources , as long as there are none text conflicting shar'i . Imam Ahmad bin Hanbal, Although Imam Ahmad also acknowledged this habit in a number of case , Bell said firmly emphasize necessity caution and obedience to customary texts to be implemented only if it doesn't exist stronger evidence from the Qur'an and Al Hadith . Application of the "Al 'Adah Muhakkamah" Rule to Stock Sale and Purchase Agreements in the Contemporary Era.

Determination of Prices and Payment Methods, In selling buy stock , price and method payment often determined based on generally accepted market practices . Modern scholars such as Yusuf Al- Qaradawi confess that during this practice does not contain riba ( interest ) or gharar ( uncertainty ), it is acceptable in Islam. Problem Study : Initial Public Offering (IPO). Application of Rule: In IPO, price share determined based on generally accepted market mechanisms . This process is accepted as long as it is not pregnant element usury or gharar . This custom is recognized as valid according to the rules of "Al 'Adah Muhakkamah".

Market Structure and Mechanism Stock market structures such as initial public offering (IPO), trading daily, and stock exchange regulations are acceptable in Islam as long as obey principle fairness and transparency. Sharia Institution Decision Nationality Association of Indonesian Scientists (DSN-MUI), related commerce sero Shariah support this matter. Example problem : Sero's business is listed on the stock exchange share. Rule Application : Structure place trade modern stock , incl exchange and trading regulations daily , acceptable to Islam as long as obey principle fairness and transparency . Sharia Institution Decree Nationality Association of Indonesian Scientists (DSN-MUI), No. 40 / DSN - MUI / X / 2003 responds this problem by giving global guidance will be implementation principle Sharia law in asset markets .

Product Sharia Finance, Development product monetary sharia for example sharia companies, bonds and investment funds Sharia is example application principle Al '-' adah Muhakkamah. These products are designed to meet sharia principles while still operate in modern financial market framework. Scholars such as Wahbah Al- Zuhayli emphasize importance innovation in sharia finance to adapt to current developments

without violate principles Islamic basis. Case Example: Sharia Stocks and Sharia Mutual Funds.

Application Rules: Products This finance is designed to meet need modern investment while still based on sharia principles. Sharia stocks and mutual funds follow avoiding regulations haram businesses, such as alcohol, gambling, and usury, and are monitored by the Sharia Supervisory Board . Brokers and Intermediaries, Use of stock brokers as internal representatives sell buy share acknowledged in Islam. Brokers act as representatives (representatives) who help investors carry out transaction in accordance with sharia rules . This is in line with the opinion of scholars such as Abdullah bin Bayyah who admits importance role intermediary in the modern market. Case Example: Usage internal brokerage services sell buy share.

Application of Rules: Brokers act as representatives (representatives) who help investors carry out transaction . This practice was accepted as long as the broker operated in accordance with sharia principles , such as avoiding containing transactions usury or gharar . This is in line with the opinion of contemporary scholars such as Abdullah bin Bayyah who admits importance role intermediary in the modern market.

Syariah banking, Case Example: Use of a murabahah contract in financing housing area. Application of the Rule: In many countries, practice sell buy housing on credit has become a habit. Sharia banks use murabahah contracts to purchase House as well as sell return product the to customers with a profit margin in accordance agreement . This practice is accepted based on the rules of "Al 'Adah Muhakkamah" as long as it does not violate it principle usury.

Insurance (Takaful), Case Example: Takaful products as an alternative insurance conventional. Application of Rules: Community habits that require protection insurance can be accommodated with takaful products, which are in accordance with sharia. This system is based on the principles of mutual cooperation (ta'awn) and sharing risk, which is accepted as part from legitimate Islamic practice. Application of the "Al 'Adah Muhakkamah" Rule to Stock Sale and Purchase Agreements in the Contemporary Era. Branch Rules of "Al 'Adah Muhakkamah" in Contemporary Legal Cases and Share Sale and Purchase Agreements in the Contemporary Era Principles part from Al 'Aadah Al Muhakkamah.

Al Makruuf ' Urfunn Kal Masyrut Syartun, definition : One thing considered makruf (known) according to custom, the position is something that is required in the contract. Application : In business trading company , if there is a custom that the broker's commission is a certain percentage of mark transaction , then this is considered legitimate throughout not disagree on principle sharia . For example , if broker commission in sell buy shares are 0.5% of mark transaction , this custom is acceptable and considered a valid condition in the sales contract buy share .

"Al-'Adah Muhakkamah" Definition : Customs that are widely known and accepted by society can be made into law. Applications : In the context of stock markets , practices such as the use of online platforms for transactions shares have become a common practice. During this practice fulfills principle fairness , transparency , and

non- containment element usury or gharar , then it can be accepted as part from sharia law.

Ats Taabit Bil 'Urfi Kats Tsabit Bin Naash, Definition : Something has been determined according to tradition has a status comparable to that determined by Nash ( text ). Application : If deep practice sell buy shares have become a habit to do fundamental and technical analysis before buy shares , then this custom is considered valid and applicable guidelines Except violate sharia principles . For example, investors use this analysis to avoid shares operating in the industry illegal such as alcohol or gambling. "Al-'Adah Muhakkamah fi al- Mu'amalat duna al-'Ibadat" Definition : Custom is internal law mu'amara (transaction social and economic), but not in worship. Application : In context sell buy shares , customs that apply in the stock market about time trade , procedures recording shares , and usage service intermediary acknowledged legitimate as long as it doesn't violate sharia principles . On the contrary , deep aspects of worship, such as prayer and fasting , cannot be made customary legal guidelines .

Analysis and Contributions Conceptual Al 'Aadah Al Muhakkamah's Teachings on Contemporary Legal Issues and Share Purchase and Sale Agreements in the Contemporary Era Analysis of the Rules of "Al 'Adah Muhakkamah" in Context Contemporary, Base Theoretical and Legal The principle of Al 'Aadah Al Muhakkamah have a strong foundation in the origins of Islamic norms, namely the Koran, Al Hadith, and Al Ijmak (Ulama Agreement). Al Quran: Surah Al- A'raf verse 199 emphasizes importance accept what is easy and good (known and good) in public. Hadith: "Something is considered good for Muslims, for Allah is also goodness." (HR. Ahmad). inner scholars perform Ijma and use Qias agreed that customs that do not conflict with the Shari'a can be adopted legal Foundation .

Flexibility in Islamic Law, By adapting legal practice , these regulations improve trust market players towards product Islamic finance such as: Promoting participation wide in Islamic financial markets at both levels individual nor organization . In context sell buy stock , this flexibility is important to accommodate market mechanisms and practices modern business. Practical Example : Use of online platforms for trading shares , which have become a common custom, are acceptable in Islam as long as this practice fulfills principle fairness and transparency.

Contribution Conceptual Rules of "Al 'Adah Muhakkamah", Confession to Modern Customs, This rule recognizes people's habits contemporary law as a valid legal basis, as long as it does not conflict with sharia. This is important in context sell buy shares, of which there are many practices and mechanisms adopted from the global market. Contribution : Provide a legal framework that is dynamic and relevant to current developments. Increasing Trust in Sharia Financial Markets This method improves market confidence in product Islamic finance with examples company sharia, sharia shares , letters valuable as well as investment capital sharia by adapting legal practice. Contribution : encouraging participation wide in the Islamic financial market at both levels individual nor organization. Harmonization between Sharia and Practice Modern Business, This rule helps create balance between obedience towards sharia and

the need to operate in framework modern business. This is possible innovation in product Islamic finance without sacrifice principles Islamic basis. Contribution : Helping integration of Islamic financial markets into in system global finance , while maintain Islamic identity and principles. Application of the "Al 'Adah Muhakkamah" Rule in Share Buying and Selling Agreements

Determination of Prices and Payment Methods, Analysis : Habits determine price share through market mechanisms such as IPO or book building are acceptable because according to principle transparency and fairness. Contribution : Confirm that price specified shares fair and transparent , improving investor confidence. Stock Market Structure and Mechanism, Analysis : Stock market structure , incl exchange and trading regulations daily, accepted as law based on the customs that apply in society. Contribution : Facilitate transaction efficient and fair shares , in line with sharia principles .

Product Sharia Finance, Analysis products such as sharia shares , sukuk, and sharia investment funds are recognized as part from modern market practices that comply with sharia. Contribution : Provide instrument safe and sharia - compliant investment for Muslims.

Use of Stock Brokers, Analysis : Use of brokers as intermediaries in transaction share recognized as a valid custom and can be adopted legal basis. Contribution : Simplify the transaction process for investors and ensure obedience to sharia principles .

Contemporary Legal Cases and Share Sale and Purchase Agreements, Case 1: IPO (Initial Public Offering), Context : The IPO process involves determination price share based on market demand. Analysis : This process has been a common and acceptable custom in Islam for a long time fulfil principle fairness and transparency. Contribution : Confirm that the bidding process share fair and transparent , encouraging wider participation in the Islamic stock market .

Case 2: Day Trading, Context : Trade daily share involve sell buy share in a short time to make it happen growing can be profitable from instability mark or price . Analysis : This practice is acceptable as long as it does not contain pregnancy element usury or gharar and carried out with transparency full. Contribution : Helping increase liquidity in the Islamic stock market and provide chance for investors to participate in trading share active history.

Case 3: Sharia Shares, In the context of sharia companies, which means sufficient company Sharia requirements for example : Their absence investing in haram areas. Analysis : Development and implementation Sharia shares are an example how the rules of "Al 'Adah Muhakkamah" can be used to accommodate need investment modern while still comply with sharia. Contribution : Provide option sharia - compliant investments , increasing participation of Muslim investors in the stock market .

Theory Legal Hermetics from the Rules of Al-'Adah Muhakkamah and Their Applications regarding the Contemporary Era Share Sale and Purchase Agreement The rule of Al-'Adah Muhakkamah states that generally accepted customs can be adopted

legal basis , as long as it does not conflict with sharia principles . This is possible flexibility when implement Islamic norms keeping pace with developments over time.

The teachings of Al 'Aadah Al Muhakamah. This rule means "custom accepted as law". In context fiqh , custom or custom that has become common and recognized practice society can be used as a legal basis as long as it does not conflict with sharia. This custom includes aspect social and economic , providing dynamic basis for the application of Islamic law in various modern context. Application in the Share Sale and Purchase Agreement, In the contemporary era , sell buy share is common transactions in the capital market. Based on the rules of Al-'Adah Muhakkamah, this transaction can be considered legitimate If fulfil principle sharia basis : yes pleasure second split parties , halal goods , and none element usury or gharar . Practice sell buy share via digital platforms and without consent qabul oral speech can be accepted because it has become a recognized and practiced custom widespread in society.

Study Decision from the Al-'Adah Muhakkamah Rules and Their Applications regarding the Contemporary Era Share Sale and Purchase Agreement, The rule of Al-'Adah Muhakkamah, which means "custom accepted as law," provides base flexible in establishing laws based on applicable customs, as long as they do not conflict with sharia principles . This is important to adapt Islamic law to the increasingly modern context develop . The rules of Al-'Adah Muhakkamah, That rule There is in the five rules of fiqh big , that explains it that generally recognized customs can be adopted internal legal basis transaction muamalat ( business ), incl sell buy share . This rule makes it possible dynamic application of law, in accordance with changing customs and practices public contemporary.

Application in the Share Sale and Purchase Agreement, In context sell buy contemporary era stocks, this transaction can be considered valid according to the rules of Al-'Adah Muhakkamah if the following conditions are met: Pleasure between group one and a group other, Object objects in the halal buying and selling, Absence element usury or gharar (uncertainty excessive). Practice sell buy share via digital platforms, though without consent qabul oral, acceptable because it has become a generally recognized custom public A modern digital platform that facilitates this transaction is considered legitimate during obey sharia principles.

## **RESULTS AND DISCUSSION**

Research results show that the principle of al-'Adah Muhakkamah provides flexibility for Muslims to get involved in trading shares with fixed comply principles sharia basis. Also, This finding shows that principles jurisprudence classic still relevant in modern context if applied with careful adjustment , allowing Muslims to participate in the global stock market, However, there are also concerns that over implementation loose can result in deviation from sharia principles. Therefore that , is needed stricter supervision from authority related.



In short, Understanding and Principles principle teachings "Al 'Aadah Al Muhakkamah", The teachings of Al 'Aadah Al Muhakamah are Islamic law that regulates that customs and customs are not Disagreements with Sharia can be used as a basis for norms for matters that are not explicitly regulated by law or (that religious book). several definitions of this rule experts are as follows : Ibnu Nuzaym : " Regarding saying It starts with things that are buried in a problem over and over again get acceptance with good traditions and Healthy ". Adil Bin Abdul Qodir Qutah : "Al 'adah a'ammu minal 'urf ," which means customs or customs are more general than 'urf . "Abdul Wahhab Khollaf : ' Urf that is , something that is known among people many people and composed from words , actions, or legacies , which are called customs or custom customs. There is n't any difference between habit and custom ('adah). Abdul Karim Zaydaan : Al-' Aadahh that is, like repetition regarding as well as The tradition is carried out as usual and continues continuously until society can accept it. Implementation of Al 'Aadah Al Muhakkamah Rules in Buying and Selling Shares In context sell buy stock, this rule is applied to adjust practice modern business with sharia principles. Practice sell buy involving shares speculation excessive or elemental usury must avoided because it is not in accordance with sharia. However, transactions that meet certain conditions and are recognized as legal customs in the business world can be considered valid.

Contemporary Case Analysis Case study to various transaction shares in the capital market show that part Most have adapted to sharia principles through application of the rules of "Al-'Adah Muhakkamah". A number of example application including evaluation to structure company, products sold, as well mechanism transparent and fair transactions. Criticism and Challenge Although the rules of "Al-'Adah Muhakkamah" provide flexibility , there is critics that a number of interpretation too loose and may deviate from essence of sharia. Challenge The main thing is to make sure that adaptation to permanent customs in line with the principles Islamic basis.

Subjuul from Results and Discussion Here are the subtitles results and Discussion regarding the principle of "al-'adah muhakkamah" and its application to the sales agreement buy shares in the contemporary era , along with footnote with details of book : Subtitle: Results and Discussion of the Rules of "al-'Adah Muhakkamah" and Their Applications on Share Sale and Purchase Agreements in the Contemporary Era, Understanding and Basic Principles of the Teachings of Al 'Aadah Al Muhakkamah. The principle of Al -' Aadah Muhakkamah is principles of Islamic law that state that customs and mores can be the basis of law on matters explicit non-arrangement of religious books or holy books. These customs must not conflict with sharia and apply generally consistent in public .

Implementation of the "al-'Adah Muhakkamah" rule in buying and selling shares In context sell buy stock, this rule is applied to adjust practice modern business with sharia principles For example, practice sell buy involving shares speculation excessive or elemental riba (interest) must avoided because it is not in accordance with sharia. However, transactions that meet certain conditions and are recognized as legal customs

in the business world can be considered valid. Contemporary Case Analysis Case study to various transaction shares in the capital market show that part Most have adapted to sharia principles through application of the principle "al-' adah muhakkamah". A number of example application including evaluation to structure company, products sold, as well mechanism transparent and fair transactions.

Criticism and Challenge, Although the rule "al-' adah muhakkamah" provides flexibility , there is critics that a number of interpretation too loose and may deviate from essence of sharia. Challenge The main thing is to make sure that adaptation to permanent customs in line with the principles Islamic basis.

Conclusion, The principle "al-' adah muhakkamah" has been proven relevant in adapt practice sell buy shares in the contemporary era with Islamic law. However, it is necessary exists supervision and confirmation continuously so that the implementation of this rule does not deviate from objective The main thing is justice and harmony with sharia.

Sub- subtitle from the Results and Discussion subtitle, Subtitle: Results and Discussion of the Rules of "Al-'Adah Muhakkamah" and Their Applications on Share Sale and Purchase Agreements in the Contemporary Era, Understanding and Basic Principles of the Rules of "Al-'Adah Muhakkamah" The principle of Al -' Aadah Muhakkamah is principles of Islamic law that state that customs and mores can be the basis of law in Lots regarding explicit non-arrangement of religious books or holy books . (file-service://file-Hp3voPdIjY4NDM9mW2hEBBrt).

Implementation of the "Al-'Adah Muhakkamah" rule in buying and selling shares This rule is applied to adjust practice modern business with sharia principles. For example, practice sell buy involving shares speculation excessive or elemental usury must avoided because it is not in accordance with sharia (file-service://file-Hp3voPdIjY4NDM9mW2hEBBrt)(file-service://fileHp3voPdIjY4NDM9mW2hEBBrt).

Contemporary Case Analysis, Case study to various transaction shares in the capital market show that part Most have adapted to sharia principles through application of the rules of "Al-'Adah Muhakkamah" (file-service://file-Hp3voPdIjY4NDM9mW2hEBBrt).

Criticism and Challenge, Although the rules of "Al-'Adah Muhakkamah" provide flexibility, there is critics that a number of interpretation too loose and may deviate from essence of sharia. Challenge The main thing is to make sure that adaptation to permanent customs in line with the principles Islamic principles (file-service://file-Hp3voPdIjY4NDM9mW2hEBBrt)

Writing Tables and Figures

Table 1: Direction of the Problem (Objective of the Problem )

No	Problem Objectives
1	So you can know the meaning of the teachings of Al 'Aadah Al Muhakkamah
2	So you can know principle formulation of rules
3	To know the opinion of the scholars
4	To know application of rules to contemporary legal cases related to problems the

5 To know what are the branch rules? about ' aadah muhakkamah

6 To know analysis discussant at a time contribution conceptual offer the

Table 2: Definition of the Rule of "Al 'Adah Muhakkamah"

Source Definition

Ibn Nuzhaim "An expression from what is contained in a routine that is acceptable to healthy habits (characteristics) .”

Adil Bin Abdul Qodir Qutah "Al 'Aadah a'ammu minal ' urf " which means customs or customs are more general than ' urf ."

Abdul Wahhab Khollaf ' Urf is something that is known in circles many people and composed from words, actions, or legacies, which are called customs or tradition as well as culture. No difference between habit and custom (' adah )

Abdul Karim Zaidan Al -' aadah, namely repetition and habituation something that is practiced continuously until adopted by society .

Figure 1: Concept Schematic Teachings "Al-' Aadahh Al Muhakkamahh "

1. Al-Quraan
  - o Suroh Al- A'roof (7th) Aayat 199
  - o Suroh Al Baqoroh (2nd) Aayat 233
2. Definition
  - o Ibn Nuzhaim
  - o Adil Bin Abdul Qodir Qutah
  - o Abdul Wahhab Khollaf
  - o Abdul Karim Zaidan
3. Customary Requirements Can Be Made into Law
  - o The absence of anything contrary to Syaari'ah
  - o Doesn't cause loss or loss benefit .
  - o This applies to Muslims in general .
  - o Does not apply to mahdah worship .
  - o When the law the approved , Urf is already in the community .

To make representation image visually, you can use tool graphics or diagramming applications such as Microsoft Visio , Lucidchart , or even PowerPoint to construct illustrative flowcharts the concept of Al 'Aadah Al Muhakamah and how Traditions can be used as internal norms framework Sharia .

Table 3: Basics of Formulating the Rule of "Al 'Adah Muhakkamah"

No	Source of law	Verse/ Hadith	Explanation
1	Al-Qur'an	Suroh Al A'roof (7th) Aayat 199	The command to forgive and do kind according to good habits.
2	Al-Qur'an	Suroh Al Baqoroh (2nd) Aayat 233	Arrange giving living and clothing to Mother breast-feed according to good habits.
3	Hadith	" What is considered good by the people Muslim, then in the sight of Allah it is also good."	This hadith shows that good customs/customs can become law.

Table 4: Opinions of Ulama about "Al 'Adah Muhakkamah"

No	Cleric	Opinion
1	Ibn Nuzhaim	Customs/habits accepted by behavior healthy and repeated can become law.
2	Adil Bin Abdul Qodir Qutah	Adat is more general than 'urf and can be used legal basis if in accordance with the Shari'a .
3	Abdul Wahhab Khollaf	'Urff and 'Aadah, there is no difference, can both become legal norms.
4	Abdul Karim Zaidan	Al -' aadah is a custom accepted by society and can be made into law if qualify.

- 1.
2. Preparation of Tables and Figures in Document
  1. Introduction
    - o Table 1: Problem Objectives
  2. Definition of Rule
    - o Table 2: Definition of the Rule of "Al 'Adah Muhakkamah"
    - o Figure 1: Conceptual Scheme of the Rule of "Al 'Adah Muhakkamah"
  3. Basis for Formulating Rules
    - o Table 3: Basics of Formulating the Rule of "Al 'Adah Muhakkamah"
    - o Figure 2: Scheme of the Process for Recognizing Customs as Law
  4. Opinions of Ulama
    - o Table 4: Opinions of Ulama about "Al 'Adah Muhakkamah"
    - o Figure 3: Structure of the Rule of "Al 'Adah Muhakkamah"
  5. Application to Contemporary Cases
    - o Illustrative example application in case real (describe in text).

With this structure, you can organize your documents more systematically and easily understood. If you need more details or other tables and figures, give know I which parts are necessary focused.

## CONCLUSION

This research confirms that the principle of al-'Adah Muhakkamah is a principle flexible which allows adaptation of Islamic law to dynamics of the modern stock market. In the book " Atsarul ' Urf Wow Tatbiqotih Al Mu'ashiroh Fii Fiqhil Mu'amalaat Al Maaliyah", Adil Bin Abdul Qodir Qutah explain difference between customs or customs and 'urf / tradition. Customs or customs are more common because has two types, namely those that grow from factor character and individual, while 'urf / tradition is more specific Because bound to a certain custom. Abdul Wahhab Khollaf inside his book Knowledge Ushul Fiqh (Ad- Daarul Al Kautiyyah ) explains ' Urff i.e. subject an object that many people already know about and have walked on the from facet his words , actions , or his legacy and is also called tradition or habit. ' Urff and 'Aadah are not different, they are both the same.

The fifth principle of fiqh concerns customs or customs, with the terms al -'adat and al- 'urf relating to matters the. Adat and al- 'urf differentiate aspect repetitive work with aspects perpetrator, where custom looks at the aspect work and al- 'urf emphasizes the perpetrator. The rules of "Al 'Adah Muhakkamah" provide flexibility in Islamic law to deal with development social and economic. In context sell buy modern stocks, this rule allows Muslims participate in global financial markets accordingly Sharia principles with strict supervision Rule this branch gives contribution important for development practice modern commercial law in Islamic law, allows practice Modern business is adapted to sharia principles. This helps create system Islamic finance that is dynamic, relevant, and trusted by market players, ensuring all over transaction in accordance with Islamic values. Also :

Al-Adha Muhaqama rules have strong foundation in the Koran, Hadith, Ijma, Ulama and other laws. Scholars such as Imams, Knowledgeable people for example, Al- Imaam Al- Maalikk , Al Imaam Ash Shaafi'i , Al- Imaaamm Abuu Haniifah , and Al- Imaaamm Ahmadd Ibn Hanball emphasize importance customary freedom in enacting laws limited which does not conflict with the Sharia it recognizes. In selling buy modern stocks, this rule allows reception practice determination price share through market mechanisms, use of brokers, as well development product Islamic finance during in accordance sharia principles. The application of this rule provides flexibility for Islamic law to accommodate reality social and economic continuity develop. Suggestion, We hope Hopefully This document can be used as an addition knowledge for typists as well as people who read among the general public. So that ensure validity fill material, recommended to readers to cross check directly from source reading (reference). Because this work is possible contain error, mistake Which need repaired And systematized.

Based on written explanation in article here, writer give a number of recommendations as follows : financial institutions and sharia supervisory bodies are necessary Keep going monitor development practice modern business to be sure his obedience to sharia principles. Required balance between Sharia compliance and adaptation to development over time innovation product sharia finance in accordance with the rules of Al-'Adah Muhakkamah. Education to public about application of this rule in context modern muamalah is necessary improved to make it happen comprehensive understanding. Further research necessary to study implications of the rules of Al-'Adah Muhakkamah in various sector contemporary Islamic economics and finance. The recommendation for regulators and sharia institutions is to ensure that adaptation of this rule remains in corridors that comply with sharia principles , as well as give training to market players about trading sharia -compliant stocks, limitations This research is based on the approach literature , so it is necessary studies further empirical to strengthen these findings in the field.



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