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Beyond the halal–haram dichotomy: A gharar-based shariah screening framework for crypto-assets in Islamic digital finance

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Abstract

Crypto-assets create new opportunities for Islamic digital finance, yet they also raise unresolved Shariah concerns related to uncertainty, ownership, delivery, disclosure, legal enforceability, custody, and speculation. This study develops a gharar-based Shariah screening framework for evaluating crypto-assets beyond the conventional halal–haram dichotomy. Using a conceptual narrative literature review, this study synthesizes Scopus-indexed literature on cryptocurrency, crypto-assets, gharar, excessive uncertainty, Shariah screening, Islamic finance, and Islamic digital finance, supported by selected regulatory and fatwa documents. The review finds that gharar in crypto-asset transactions is multidimensional, emerging from unclear asset backing, weak utility, ambiguous ownership rights, uncertain qabd and deliverability, limited disclosure, legal uncertainty, custody risk, price volatility, and speculative intensity. To address this issue, the study distinguishes ordinary commercial risk, gharar yasir, and gharar fahish as three levels of uncertainty in Islamic commercial transactions. The proposed framework translates these findings into a category-based Shariah screening matrix built around eight dimensions: asset backing, utility, ownership clarity, qabd and deliverability, disclosure, legal certainty, custody security, and speculative intensity. This matrix allows stablecoins, asset-backed tokens, security tokens, decentralized finance assets, and meme coins to be assessed according to their specific uncertainty profiles rather than treated as one homogeneous category. The study contributes to fiqh muamalah and Islamic digital finance by repositioning gharar from a prohibitive legal label into an evaluative framework. The framework may support Shariah boards, regulators, Islamic fintech platforms, and Muslim investors in conducting pre-listing review, risk disclosure, and category-based crypto-asset assessment.

Keywords: *Crypto-assets, Fiqh muamalah, Gharar, Islamic digital finance, Shariah screening*

Introduction

The rapid emergence of crypto-assets has reshaped contemporary finance by introducing new mechanisms for value transfer, investment, ownership representation, programmable contracts, and decentralized financial interaction (Ahmed, 2024; Arnone, 2024; Patel et al., 2022). These developments have entered Islamic finance through blockchain-based services, Islamic fintech platforms, security tokens, stablecoins, DeFi assets, and Shariah-oriented crypto ecosystems (Bin-nashwan et al., 2024; Chong, 2021; Muneeza et al., 2022; Zaman et al., 2023). Unlike conventional financial innovation, Islamic financial innovation must be assessed not only through efficiency, liquidity, diversification, or inclusion, but also through fiqh muamalah principles, including lawful benefit, valid ownership, contractual clarity, transparency, fairness, and protection from riba, gharar, maysir, dharar, and tadlis (Gundogdu,

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2020; Muryanto et al., 2021; Sifat & Mohamad, 2018). Consequently, crypto-assets raise a distinctive Shariah question: whether digital assets can be treated as legitimate objects of exchange when their value, ownership, delivery, risk exposure, and legal status are not always sufficiently clear.

Recent literature presents crypto-assets as both an opportunity for Islamic digital finance and a source of unresolved juristic concern. Blockchain may strengthen trust, traceability, and accountability when embedded in transparent governance and Shariah-compliant contractual design (Chong, 2021; Patel et al., 2022). Islamic fintech adoption studies also show that Muslim users may accept digital financial services when technological usefulness, institutional support, and facilitating conditions are present (Ayedh et al., 2020; Rahim et al., 2022). However, empirical studies on cryptocurrencies remain exposed to volatility, asymmetric spillovers, connectedness, and crisis-sensitive risk transmission (Ahmed, 2021; Asl & Roubaud, 2024; Younis et al., 2024). Thus, crypto-assets should not be examined merely as financial technologies, but as contractual, ethical, and regulatory objects within Islamic commercial law.

The main research problem is that many discussions still evaluate cryptocurrency through a broad halal–haram dichotomy, although crypto-assets differ substantially in design, function, backing, governance, liquidity, risk exposure, and legal recognition (Bekiroğlu et al., 2025; Wiwoho et al., 2024). Such binary reasoning may be useful for public religious guidance, but it is analytically limited because Bitcoin, fiat-backed stablecoins, gold-backed tokens, security tokens, utility tokens, meme coins, governance tokens, and DeFi assets do not generate the same levels of Shariah risk (Ahmed, 2024; Izadin et al., 2025; Zaman et al., 2023). Some tokens represent claims over assets or equity-like rights, whereas others function mainly as speculative instruments with unclear economic substance (Ahmed, 2024; Arnone, 2024). Therefore, the central issue is not simply whether cryptocurrency is permissible or prohibited, but how different forms of uncertainty can be identified, classified, and screened through a coherent Shariah framework.

The doctrine of gharar provides the most relevant conceptual foundation for addressing this issue because it concerns uncertainty affecting the object, price, ownership, delivery, or consequences of a contract (Bekiroğlu et al., 2025; MUI, 2022) MUI. This study treats gharar as a spectrum rather than a single legal label. Ordinary commercial risk refers to normal market uncertainty in lawful exchange; gharar yasir refers to minor uncertainty that does not dominate the contract; and gharar fahish refers to excessive uncertainty that materially affects contractual validity, fairness, or informed consent. In crypto-asset transactions, gharar may arise from unclear underlying assets, ambiguous token utility, uncertain ownership rights, weak disclosure, unreliable custody, volatile price formation, legal ambiguity, technological vulnerabilities, or speculative trading behavior (Alsadhan, 2025; Wiwoho et al., 2024). The Indonesian Council of Ulama links cryptocurrency to gharar, dharar, qimar, and the requirement that tradable assets meet the conditions of sil'ah, including clear benefit, ownership, deliverability, and underlying support (MUI, 2022).

A general solution emerging from regulatory and Islamic finance literature is the strengthening of governance, disclosure, custody, supervision, and investor protection in crypto-asset markets (Kok et al., 2022; Muryanto, 2023; Naim & Kasri, 2025). IOSCO's policy recommendations address crypto and digital asset risks through standards on conflicts of interest, market integrity, custody, disclosure, cross-border cooperation, and retail investor protection (IOSCO, 2023). The European Union's MiCA framework similarly emphasizes transparency, disclosure, authorization, and supervision for issuers and crypto-asset service providers (ESMA, 2025). These developments indicate that uncertainty in crypto-assets is not

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only a juristic problem, but also a governance, disclosure, consumer-protection, and market-integrity problem.

Islamic finance scholarship offers a more specific solution by translating fiqh muamalah principles into operational Shariah screening indicators for crypto-assets (Bekiroğlu et al., 2025; Jailani & Muneeza, 2023). The literature can be synthesized into three streams. The first examines crypto-assets as potential objects of Islamic wealth, investment, and zakat, suggesting that digital assets may be recognized when screened and classified as Shariah-compliant within the relevant jurisdictional framework (Muneeza et al., 2022). The second analyzes security tokens, stablecoins, and Islamic crypto-assets, showing that asset backing, ownership claims, issuer obligations, and ecosystem governance may reduce some forms of uncertainty when clearly structured (Ahmed, 2024; Izadin et al., 2025; Zaman et al., 2023). The third discusses Islamic fintech regulation and blockchain-enabled trust, emphasizing that technological transparency must be supported by legal enforceability, Shariah governance, and risk disclosure (Chong, 2021; Muryanto, 2023; Wiwoho et al., 2024) Together, these studies imply that Shariah assessment should be differentiated by asset type rather than applied uniformly to all digital tokens.

The broader Islamic finance literature reinforces the need to distinguish acceptable risk from excessive uncertainty. Studies on Islamic equities, sukuk, gold, commodities, and Islamic financial markets examine hedging, diversification, connectedness, spillovers, volatility transmission, and safe-haven properties (Choi et al., 2024; Maghyereh et al., 2019; Rusmita et al., 2026). Although this literature does not directly analyze gharar in crypto-assets, it clarifies that Islamic finance does not reject risk itself; rather, it disciplines risk through fairness, transparency, asset-backing, and avoidance of harmful speculation (Arif et al., 2022; Foo et al., 2025; Sheikh et al., 2026). Crypto-specific studies extend this concern by showing that Islamic cryptocurrencies, DeFi assets, and blockchain halal indices may behave differently across volatility regimes, investment horizons, and crisis periods (Mnif et al., 2024; Trichilli et al., 2026; Younis et al., 2024). This synthesis strengthens the need for a category-based screening framework that evaluates each crypto-asset according to its own uncertainty profile.

Despite these contributions, the literature still leaves an important conceptual and operational gap. Existing studies have examined crypto-assets through Shariah compliance, regulation, zakat, investment behavior, Islamic fintech, blockchain-enabled trust, and market volatility, yet gharar has not been sufficiently positioned as the central analytical principle for evaluating crypto-assets. More specifically, prior studies have not adequately distinguished ordinary commercial risk, gharar yasir, and gharar fahish across different crypto-asset categories. The literature has also not fully translated gharar into operational screening dimensions that can guide Shariah boards, regulators, Islamic fintech platforms, and Muslim investors. Without such a framework, Shariah assessment may remain either overly general, by treating all crypto-assets as one category, or overly restrictive, by reducing the issue to a simple halal–haram dichotomy. Accordingly, this study asks three research questions: How does gharar manifest in crypto-asset transactions? What indicators can distinguish tolerable uncertainty from excessive gharar in crypto-assets? How can a gharar-based Shariah screening framework be developed for Islamic digital finance?

This study develops a gharar-based Shariah screening framework for crypto-assets through a narrative literature review of Scopus-indexed studies and selected authoritative regulatory and fatwa documents. Scopus is selected because it provides a broad, curated abstract and citation database for identifying peer-reviewed literature across Islamic finance, law, economics, and financial technology. This study contributes to the literature on fiqh muamalah and Islamic digital finance by reframing gharar as an evaluative concept rather than merely a

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prohibitive legal label. In the context of crypto-assets, this approach allows for more careful assessment of uncertainty by distinguishing ordinary commercial risk from uncertainty that may become excessive and Shariah-relevant. The study also advances a category-based Shariah screening matrix that evaluates crypto-assets through asset backing, utility, ownership clarity, qabd, disclosure, legal certainty, custody security, and speculative intensity. By linking these Shariah indicators with contemporary regulatory concerns such as disclosure, custody, legal enforceability, and investor protection, the framework offers a more nuanced basis for assessing crypto-assets in Islamic digital finance beyond the conventional halal–haram dichotomy. The expected output is a conceptual screening matrix that classifies crypto-assets according to the degree of gharar arising from asset backing, ownership, qabd, disclosure, legal certainty, custody, volatility, and speculative intensity. This approach contributes to Islamic digital finance by moving beyond the halal–haram dichotomy toward a risk-sensitive and category-based assessment of crypto-assets for scholars, Shariah boards, regulators, Islamic fintech platforms, and Muslim investors.

Method

This study employed a conceptual narrative literature review to develop a gharar-based Shariah screening framework for crypto-assets in Islamic digital finance. This approach was selected because the study does not aim to test statistical relationships, estimate market volatility, or conduct meta-analysis. Instead, it synthesizes conceptual, legal, regulatory, and empirical literature related to fiqh muamalah, crypto-assets, Shariah compliance, Islamic digital finance, and digital financial regulation. A narrative review is appropriate because the research problem requires conceptual integration across dispersed fields rather than quantitative aggregation. To strengthen transparency and academic rigor, the review was guided by SANRA's quality principles, particularly clarity of aim, transparent literature search, appropriate referencing, scientific reasoning, and relevant evidence presentation (Baethge et al., 2019).

The academic corpus consisted of 65 articles identified from Scopus-indexed records related to cryptocurrency, crypto-assets, gharar, excessive uncertainty, Shariah screening, Islamic finance, and Islamic digital finance. The review focused on publications from 2018 to 2026, reflecting the rapid growth of scholarly debate on cryptocurrency, stablecoins, decentralized finance, Islamic fintech, and crypto-asset regulation. In addition to academic literature, selected documents from MUI, OJK, IOSCO, and ESMA/MiCA were used as contextual sources. These documents were not counted as Scopus-indexed articles, but were used to interpret normative and regulatory issues related to gharar, legal certainty, disclosure, custody, investor protection, and market integrity.

The literature search was guided by six main concepts: cryptocurrency, crypto-assets, gharar, excessive uncertainty, Shariah screening, and Islamic digital finance. The main Scopus query was applied to the title, abstract, and keyword fields:

("crypto-asset*" OR cryptocurrency OR cryptocurrencies OR "digital asset*") AND (gharar OR "excessive uncertainty") AND ("Shariah screening" OR "Shariah compliance" OR "Shariah governance") AND ("Islamic finance" OR "Islamic digital finance" OR "Islamic fintech")

Articles were included if they were Scopus-indexed, written in English, published between 2018 and 2026, and relevant to crypto-assets, gharar, Shariah compliance, Islamic fintech, blockchain, stablecoins, decentralized finance, or Islamic commercial law. Eligible studies included conceptual, legal, empirical, qualitative, and review articles that contributed to understanding the Shariah status, uncertainty profile, governance, or screening criteria of

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crypto-assets. Articles were excluded if they focused only on conventional cryptocurrency markets, lacked Islamic finance relevance, were unrelated to gharar or uncertainty, were not peer-reviewed, or had been retracted. Studies on Islamic stocks, sukuk, gold, and broader Islamic financial markets were retained only as supporting literature when they helped clarify the distinction between acceptable commercial risk and excessive uncertainty.

The screening process involved identification, duplicate removal, title–abstract screening, and full-text eligibility assessment. From the initial 65 articles, 62 remained after duplicate removal. We excluded 17 articles after title and abstract screening, leaving 45 full-text articles for eligibility assessment. Eleven full-text articles were excluded because they focused primarily on conventional crypto-market performance, general Islamic finance without digital-asset relevance, Islamic capital market instruments without direct connection to gharar, or did not contribute to the development of the proposed Shariah screening framework. The final synthesis included 34 Scopus-indexed academic sources, supported by four authoritative regulatory and fatwa documents.

Table 1. Literature Screening Process

Screening stage	Number of records
Articles identified from Scopus-indexed records	65
Articles after duplicates were removed	62
Articles excluded after title and abstract screening	17
Full-text articles assessed for eligibility	45
Full-text articles excluded with reasons	11
Final Scopus-indexed articles included in synthesis	34
Regulatory and fatwa documents used as contextual sources	4

Data were extracted using a structured thematic matrix covering author, year, journal, research objective, method, crypto-asset type, Shariah issue, treatment of gharar or uncertainty, regulatory relevance, main findings, and contribution to the proposed framework. Articles directly addressing crypto-assets, Shariah compliance, gharar, stablecoins, Islamic crypto-assets, security tokens, decentralized finance, or Islamic digital finance were classified as core literature. Broader studies on Islamic financial markets, fintech, regulation, volatility, and investor behavior were treated as supporting literature.

The analysis applied thematic synthesis in three stages. First, the literature was organized by crypto-asset category, including cryptocurrencies, stablecoins, security tokens, asset-backed tokens, governance tokens, meme coins, Islamic crypto-assets, and decentralized finance assets. Second, recurring sources of gharar were identified, including unclear asset backing, ambiguous ownership, uncertain qabd, weak disclosure, custody risk, legal uncertainty, price volatility, technological vulnerability, and speculative intensity. Third, these themes were used to distinguish ordinary commercial risk, gharar yasir, and gharar fahish. The synthesized findings were then integrated into a conceptual Shariah screening framework that evaluates crypto-assets through eight dimensions: asset backing, utility, ownership clarity, qabd and deliverability, disclosure, legal certainty, custody security, and speculative intensity. The expected output is not a fatwa, but an analytical tool for assessing when uncertainty in crypto-assets becomes Shariah-relevant.

Results and Discussion

Gharar as Multidimensional Uncertainty in Crypto-Asset Transactions

This review shows that gharar in crypto-asset transactions does not emerge from a single source, but from the interaction of contractual, technological, legal, and market-based uncertainties. In Islamic commercial law, gharar becomes relevant when uncertainty affects

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the object of exchange, ownership, price, delivery, or contractual consequences in a way that weakens clarity, fairness, and informed consent (Bekiroğlu et al., 2025; MUI, 2022). Therefore, the Shariah issue is not whether crypto-assets are risky, but whether their uncertainty remains within ordinary commercial risk or rises to excessive gharar that may undermine contractual validity.

The first manifestation of gharar lies in asset backing and economic substance. Some crypto-assets derive value mainly from market sentiment, scarcity narratives, or speculative expectations rather than from identifiable assets, enforceable claims, or productive utility. This creates uncertainty over what is actually exchanged. By contrast, stablecoins, security tokens, and asset-backed tokens may reduce some forms of gharar if their reserves, ownership claims, redemption mechanisms, and issuer obligations are transparent and legally enforceable (Ahmed, 2024; Izadin et al., 2025; Zaman et al., 2023). However, asset backing alone does not guarantee Shariah compliance; the underlying asset, governance structure, and contractual rights must also be lawful, clear, and deliverable.

The second manifestation concerns control and delivery uncertainty, which includes ownership, custody, wallet access, smart-contract execution, and qabd. In crypto-assets, effective control may depend on private keys, centralized exchanges, custodial platforms, or smart contracts. When users do not clearly control the token, cannot verify custody, or depend on opaque platforms, uncertainty affects possession and delivery. Thus, qabd in crypto-assets should be understood not only as digital transfer, but also as effective control, transferability, and enforceable ownership (Chong, 2021; Wiwoho et al., 2024).

The third manifestation is market and price uncertainty. Islamic finance does not prohibit price fluctuation or normal investment risk. However, volatility becomes Shariah-relevant when it is combined with weak liquidity, information asymmetry, manipulation, pump-and-dump behavior, or speculative trading without economic substance. Studies on Bitcoin, Islamic cryptocurrencies, DeFi assets, and Shariah-based indices show that digital assets are exposed to asymmetric volatility, spillovers, connectedness, and crisis-sensitive risk transmission (Ahmed, 2021; Asl & Roubaud, 2024; Younis et al., 2024). These findings suggest that market behavior must be included in Shariah screening, especially when trading resembles speculative betting rather than asset-based exchange.

The fourth manifestation is legal and regulatory uncertainty. Crypto-assets are treated differently across jurisdictions as commodities, securities, digital assets, payment tokens, or unregulated instruments. This affects investor protection, disclosure, custody, dispute resolution, and enforceability. IOSCO's recommendations address crypto-asset risks through market integrity, custody, disclosure, conflicts of interest, cross-border cooperation, and retail investor protection, while MiCA establishes EU rules on transparency, disclosure, authorization, and supervision for crypto-asset issuers and service providers. In Indonesia, POJK No. 27 of 2024 defines crypto-assets as digital representations of value that can be stored and transferred through distributed-ledger technology, indicating that regulatory recognition is central to reducing legal uncertainty (OJK, 2024).

Screening Dimensions: From Tolerable Uncertainty to Excessive Gharar

The second research question asks which indicators can distinguish tolerable uncertainty from excessive gharar. This study proposes that crypto-assets should be assessed along a spectrum consisting of ordinary commercial risk, gharar yasir, and gharar fahish. Ordinary commercial risk refers to normal uncertainty in lawful exchange; gharar yasir refers to minor uncertainty that does not dominate the contract; and gharar fahish refers to excessive

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uncertainty that materially affects ownership, delivery, pricing, rights, obligations, or economic substance.

Eight screening dimensions can be used to distinguish these levels. First, asset backing examines whether the token has a clear underlying asset, reserve, productive function, or enforceable claim. Second, utility assesses whether the token serves a real economic function or exists mainly for speculative price movement. Third, ownership clarity evaluates whether the holder's rights are legally and economically identifiable. Fourth, qabd and deliverability examine whether the asset can be securely received, controlled, transferred, and verified. Fifth, disclosure includes whitepapers, tokenomics, reserve reports, risk statements, and governance mechanisms. Sixth, legal certainty concerns regulatory recognition and enforceability. Seventh, custody security includes wallet control, exchange reliability, cybersecurity, and smart-contract risk. Eighth, speculative intensity assesses whether trading is driven by utility-based demand or gambling-like price betting.

The MUI position supports this differentiated approach. MUI states that cryptocurrency, as a commodity or digital asset, is not valid for trading when it contains gharar, dharar, qimar, and fails to meet the requirements of sil'ah, including clear value, known quantity, ownership, and deliverability. MUI also states that crypto-assets may be traded if they fulfill the requirements of sil'ah, have an underlying asset, and are free from gharar, dharar, and qimar. This confirms that the issue is not the digital form itself, but the degree of contractual clarity, asset substance, ownership, deliverability, and speculative exposure.

A Gharar-Based Shariah Screening Matrix

A gharar-based Shariah screening framework can be developed through three steps: classifying the crypto-asset, identifying sources of uncertainty, and grading the level of gharar. Crypto-assets should first be classified into categories such as cryptocurrencies, stablecoins, utility tokens, security tokens, asset-backed tokens, governance tokens, DeFi assets, and Islamic crypto-assets. This taxonomy is necessary because different token types carry different uncertainty profiles (Ahmed, 2024; Zaman et al., 2023)

Table 2. A Gharar-Based Shariah Screening Matrix for Crypto-Assets

Screening Dimension	Tolerable Uncertainty / Lower Gharar	Excessive Gharar / Higher Risk
Asset backing	Clear reserve, asset, claim, or economic substance	No identifiable backing or substance
Utility	Real use case or productive function	Mainly speculative demand
Ownership clarity	Holder rights are clear and enforceable	Rights are vague or undefined
Qabd and delivery	Token can be controlled, transferred, and verified	Custody or delivery is uncertain
Disclosure	Clear whitepaper, tokenomics, audits, and risk information	Poor or misleading disclosure
Legal certainty	Recognized or supervised by relevant authority	Prohibited, ambiguous, or unregulated
Custody security	Reliable wallet, exchange, and cybersecurity controls	High risk of loss, hacking, or platform failure
Speculative intensity	Utility-based or investment-based demand	Gambling-like price betting

The matrix should be read cumulatively rather than mechanically. A crypto-asset does not become Shariah-compliant merely because it satisfies one or two indicators. Instead, the more indicators fall on the "higher risk" side, the stronger the possibility that the asset moves from ordinary commercial risk or gharar yasir toward gharar fahish. Conversely, when asset

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backing, ownership, qabd, disclosure, legal enforceability, and custody are clear, the level of gharar may be reduced, although a final Shariah judgment still requires contextual review by competent Shariah authorities.

The novelty of this matrix lies in its ability to translate a classical fiqh concept into a practical evaluative structure for digital assets. Instead of asking whether cryptocurrency as a whole is permissible or prohibited, the matrix identifies which contractual, technological, legal, and market features increase or reduce gharar. This shifts Shariah assessment from a general legal judgment toward a structured diagnostic process. The framework does not replace fatwa-making authority, but it provides a transparent analytical basis for pre-listing review, risk disclosure, and category-based Shariah governance.

A fiat-backed stablecoin illustrates the logic of this framework. Its Shariah risk should be assessed by examining whether its reserves are audited, redeemable, legally enforceable, and transparently disclosed. Recent Islamic finance literature evaluates stablecoins through Maqasid Shariah, risk reduction, and Islamic portfolio diversification, suggesting that stablecoins may be more acceptable when their backing, reserve quality, and governance are transparent (Izadin et al., 2025). However, stablecoins still contain gharar if reserves are opaque, redemption rights are weak, custody is unreliable, or the underlying assets are not Shariah-compliant.

By contrast, a meme coin would generally be positioned closer to the excessive gharar category when it lacks clear utility, identifiable backing, enforceable rights, and credible disclosure. The SEC states that meme coins are typically purchased for entertainment, social interaction, and cultural purposes; their value is primarily driven by market demand and speculation; and they usually have limited or no use or functionality. European supervisory authorities also warn that many crypto-assets are highly risky and speculative, which strengthens the need to evaluate meme coins through speculative intensity, disclosure quality, and investor-protection indicators. From a gharar-based perspective, a meme coin with no clear utility, no identifiable backing, weak disclosure, high speculative trading, and uncertain governance is more likely to approach gharar fahish because the transaction is driven mainly by price expectation rather than lawful economic substance.

The framework rests on the following proposition: the lower the clarity of asset backing, utility, ownership, qabd, disclosure, legal enforceability, and custody security, the higher the likelihood that a crypto-asset moves from tolerable uncertainty to excessive gharar. This proposition shifts the analysis from a general halal–haram dichotomy to a category-based and risk-sensitive Shariah assessment.

Theoretical, Regulatory, and Practical Implications

Theoretically, this discussion contributes to fiqh muamalah by treating gharar as an analytical framework rather than merely a legal conclusion. This is important because crypto-assets are heterogeneous and rapidly evolving. A category-based approach allows Islamic finance scholars to distinguish lawful commercial risk from excessive uncertainty more precisely. It also supports the broader principle that Islamic finance does not reject risk itself, but requires risk to be connected to lawful ownership, real economic exposure, transparency, and fairness (Arif et al., 2022; Foo et al., 2025; Sheikh et al., 2026).

Regulatorily, the proposed framework complements modern crypto governance. IOSCO and MiCA emphasize disclosure, custody, market integrity, authorization, and investor protection, while Islamic screening adds normative evaluation of lawful benefit, qabd, ownership, and speculative intensity. These two approaches should not be separated. Regulatory safeguards

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can reduce legal and informational uncertainty, while Shariah screening can determine whether the remaining uncertainty is tolerable or excessive.

Practically, Shariah boards can use the framework for pre-listing Shariah review, periodic Shariah audit, and risk-disclosure requirements for crypto-assets. Islamic fintech platforms can use it to design tokens with clearer asset backing, ownership structure, delivery mechanisms, and governance standards. Regulators can use it to identify areas where disclosure, custody, licensing, and market surveillance are necessary to reduce uncertainty. Muslim investors can use it as a preliminary tool to distinguish crypto-assets with tolerable uncertainty from those dominated by excessive gharar.

Overall, this discussion answers the three research questions. First, gharar manifests in crypto-assets through asset ambiguity, uncertain ownership and qabd, weak disclosure, custody risk, legal ambiguity, volatility, and speculative intensity. Second, tolerable uncertainty can be distinguished from excessive gharar through screening dimensions such as asset backing, utility, ownership clarity, deliverability, disclosure, legal certainty, custody security, and speculative intensity. Third, a gharar-based Shariah screening framework can be developed by classifying crypto-assets, identifying sources of uncertainty, grading their severity, and integrating Shariah principles with regulatory safeguards. The framework is not a fatwa, but a conceptual tool for more systematic, risk-sensitive, and category-based assessment of crypto-assets in Islamic digital finance.

Conclusion

This study developed a gharar-based Shariah screening framework for assessing crypto-assets in Islamic digital finance. The main finding is that gharar in crypto-asset transactions is not caused by one isolated factor, but by the interaction of asset ambiguity, uncertain ownership, weak qabd, insufficient disclosure, custody risk, legal uncertainty, price volatility, and speculative intensity. Therefore, the Shariah assessment of crypto-assets should not be reduced to a simple halal–haram dichotomy. A more rigorous approach is needed to determine whether the uncertainty attached to a crypto-asset remains within ordinary commercial risk, constitutes gharar yasir, or rises to gharar fahish.

The central contribution of this study lies in reframing gharar as a spectrum of uncertainty in crypto-asset transactions. Theoretically, this approach helps distinguish ordinary commercial risk, gharar yasir, and gharar fahish. Conceptually, it offers a category-based Shariah screening matrix for evaluating different crypto-assets according to their uncertainty profiles. Practically, it provides an analytical checklist that may support Shariah boards, regulators, Islamic fintech platforms, and Muslim investors in identifying when crypto-asset uncertainty becomes Shariah-relevant.

This approach is consistent with the MUI position that crypto-assets must be assessed through the presence of gharar, dharar, qimar, and the requirements of sil'ah, including clear value, ownership, deliverability, and underlying support. It also aligns with global and national regulatory concerns. IOSCO's crypto-asset recommendations emphasize disclosure, custody, conflicts of interest, market integrity, and retail investor protection, while OJK's POJK No. 27 of 2024 regulates the trading of digital financial assets, including crypto-assets, in Indonesia.

Overall, this study contributes to fiqh muamalah and Islamic digital finance by offering a structured, category-based, and risk-sensitive framework for crypto-asset evaluation. For Shariah boards, the framework may function as a pre-listing checklist before crypto-assets are approved for Islamic digital finance products. For regulators and Islamic fintech platforms, it can support disclosure, custody, and governance standards. The framework is not a fatwa, but an analytical tool for identifying when uncertainty becomes Shariah-relevant.

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