

THE LEGAL STATUS OF NON-FUNGIBLE TOKENS FROM AN ISLAMIC PERSPECTIVE

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ABSTRACT

This study investigates the legal status of Non-Fungible Tokens (NFTs) from an Islamic perspective. NFTs, as unique digital assets recorded on blockchain, raise complex questions in Shariah due to their intangible nature, potential for speculation, and content-related ethical concerns. The research analyses classical and contemporary juristic views, fatwas, and scholarly writings to determine whether NFTs can be classified as lawful property and traded accordingly. Findings reveal divergent scholarly

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opinions: some argue NFTs fulfill the requirements of a valid sale (bay') and can be considered māl (property), while others highlight violations of key Islamic commercial principles, including uncertainty (gharar), unethical content, and the use of impermissible cryptocurrencies. This paper proposes a middle-ground view of conditional permissibility in which NFTs are deemed Shariah-compliant only if the underlying content, transaction method, and purpose align with Islamic legal and ethical standards. The study offers a framework for Muslim stakeholders to evaluate NFTs based on content, ownership, contract clarity, and societal benefit, supporting a responsible and principled engagement with digital assets.

Keywords: *Non-Fungible Token (NFT), Islamic Perspective, Digital Assets, Māl.*

INTRODUCTION

Non-Fungible Tokens¹ Commonly known as NFTs, are unique, indivisible digital tokens recorded on blockchain networks that serve as verifiable proof of authenticity and ownership for digital (or physical) assets. Unlike cryptocurrencies, which are fungible and interchangeable, each NFT carries a distinct token ID and metadata (typically a URI linking to an image, video, document, etc.), enabling provable and traceable ownership.²

¹ The first-ever NFT, “Quantum” a generative octagonal animation was minted by Kevin McCoy on May 3, 2014, using the Namecoin blockchain, marking the starting point of non-fungible token history. The concept gained widespread visibility in late 2017 when CryptoKitties, a blockchain game on Ethereum, congested the network and highlighted the need for a standardised protocol, leading to the formal creation of the ERC-721 NFT standard by William Entriken, Dieter Shirley, Jacob Evans, and Nastassia Sachs in early 2018. Refer: PWC, *Non-Fungible Tokens (NFTs): Legal, Tax and Accounting Considerations* (London: PWC, 2022), 3.

² Sarah Barrington, “The role of metadata in non-fungible tokens: Marketplace analysis and collection organization,” *arXiv preprint arXiv:2209.14395* (2022): 2, <https://doi.org/10.48550/arXiv.2209.14395>.

Most scholarly works state the characteristics of NFTs as follows:³

- a. NFTs represent unique digital tokens with distinct cryptographic identifiers, ensuring they cannot be exchanged one-for-one like cryptocurrencies and affirming their non-fungible nature.
- b. NFTs are indivisible by design, meaning they must be transferred as whole units and cannot be fractionally split like cryptocurrency coins.
- c. NFT creators intentionally limit the number of tokens produced through single editions or capped series to introduce scarcity, which enhances rarity⁴ and perceived value.
- d. NFTs adhere to interoperable token standards such as Ethereum's ERC-721 and ERC-1155, enabling them to operate seamlessly across wallets, marketplaces, games, and decentralised applications.⁵
- e. NFTs provide verifiable ownership and provenance, as every creation and transfer is immutably recorded on the blockchain, offering transparent and traceable authenticity.

NFTs function as digital certificates of ownership and authenticity: each token represents a unique marker on a blockchain that publicly proves who owns it even though the underlying file can still be copied by anyone. Through smart contracts, NFTs can embed rules that automatically pay a percentage of every resale back to the original creator, ensuring ongoing income from future trades.⁶

³ Qin Wang et al., "Non-fungible token (NFT): Overview, evaluation, opportunities and challenges," *arXiv preprint arXiv:2105.07447* (2021): 2, <https://doi.org/10.48550/arXiv.2105.07447>. See also Subham Swastek Dalai, "A study of NFTs (Non-Fungible Tokens): Diagnosis through the lenses of classical Economics" (master's thesis, Faculty of Technology, Uppsala University, 2022), 14-16. See also European Commission, *Demystifying Non-Fungible Tokens (NFTs)* (n.p.: European Commission, n.d.), 4-5.

⁴ Rarer NFTs tend to fetch higher prices, are traded less frequently, offer greater returns on investment, and carry lower downside risk. Refer: Amin Mekacher et al., "How rarity shapes the NFT market," *arXiv:2204.10243v1* 9 (2022): 1, <https://doi.org/10.48550/arXiv.2204.10243>.

⁵ Wang et al., "Non-fungible token (NFT): Overview, evaluation, opportunities and challenges," 7.

⁶ Michael D Murray, "NFTs rescue resale royalties? the wonderfully complicated ability of NFT smart contracts to allow resale royalty rights,"

NFTs, as new forms of digital assets, pose challenges in Islamic law because their intangible and decentralised nature raises questions about their Shariah permissibility. The absence of clear a scholarly consensus and explicit legal rulings add to the uncertainty regarding their ownership, trade, and content, especially with respect to property rights, copyright, speculation, and lawful use.

The central problem this study addresses is whether Non-Fungible Tokens can be classified as valid property (*māl*) under Islamic law. Classical Shariah established that property must possess value, be lawfully transferable, and provide beneficial utility. However, NFTs' intangible nature, the uncertainty (*gharar*) in their transactions, and their frequent reliance on cryptocurrencies deemed *haram* by Islamic institutions create fundamental questions about their permissibility. Specifically, this study investigates whether NFTs can satisfy the established criteria for *māl* when subjected to appropriate ethical and transactional conditions, or whether their inherent characteristics render them incompatible with Shariah principles of property and commerce.

This study examines the legal status of NFTs in Islamic perspective by reviewing scholarly works, juristic opinions, and fatwa resolutions. It aims to identify the main criteria that determine whether NFT ownership and transactions comply with Shariah and to present a balanced view of arguments for and against their permissibility, with the goal of clarifying how NFTs may align with Islamic legal and ethical principles.

LITERATURE REVIEW

Western academic discourse on the legal status of Non-Fungible Tokens (NFTs) reveals a fundamental divide concerning whether NFTs should be treated as personal property or as constructs of intellectual property law. Joshua A.T. Fairfield contends that NFTs should be classified as personal property,⁷ arguing that transactions

Journal of Law, Technology & the Internet 14, no. 2 (2022): 213, <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1152&context=jolti>.

⁷ Joshua A.T. Fairfield, "The Law of Non-Fungible Tokens and Unique Digital ens and Unique Digital Property," *Indiana Law Journal* 97, no. 4 (2022): 1267, <https://www.repository.law.indiana.edu/ilj/vol97/iss4/4/>.

involving NFTs constitute sales of personal property under Article 2 of the Uniform Commercial Code (UCC), granting consumers important protections including implied warranties.⁸ According to Fairfield, NFTs represent attempts to generate and sell “things” a conceptually coherent entity encompassing a loosely bundled set of rights.⁹ His position challenges the prevailing “end of ownership” digital paradigm, which reduces consumers to mere licensees rather than recognising them as true owners of their digital assets.¹⁰ Trautman similarly supports classifying NFTs as digital personal property, arguing that they represent strong property interests by allowing individuals to buy, sell, and own digital assets in a manner akin to traditional personal property.¹¹ Wyczik proposes a comprehensive “multi-layered approach” identifying three key layers:¹² rights to the virtual good itself, rights to any asset linked to that virtual good, and intellectual property rights related to the token.¹³

Conversely, Lee explains that buying an NFT means purchasing a digital token on the blockchain, not the actual artwork or its copyright,¹⁴ comparing this to buying a library catalog card that provides information about a book without ownership of the book itself.¹⁵ Moringiello and Odinet reject the notion that NFTs

⁸ *Ibid.*

⁹ Joshua A.T. Fairfield, “Property as the Law of Virtual Things,” *Frontiers in Research Metrics and Analytics* 7 (2022): 1, <https://doi.org/10.3389/frma.2022.981964>.

¹⁰ Joshua A.T. Fairfield, “Making Virtual Things,” *William & Mary Law Review* 64, no. 4 (2023): 1057, <https://scholarship.law.wm.edu/wmlr/vol64/iss4/5/>.

¹¹ Corrine Tan, “Rights in NFTS and the Flourishing of NFT Marketplaces,” *International Journal of Law and Information Technology* 32, no. 18 (2024): 4, <https://doi.org/10.1093/ijlit/eaee018>.

¹² Jakub Wyczik, “The Property Law of Crypto Tokens,” *Social Science Research Network* (2023): 21, <http://dx.doi.org/10.2139/ssrn.4620033>.

¹³ *Ibid.*, 21-22.

¹⁴ “NFT Myth Busting: Buying an NFT is NOT buying the art or content,” Nounft, archived October 20, 2021, at <https://nounft.com/2021/10/20/nft-myth-busting-buying-an-nft-is-not-buying-the-art-or-content>.

¹⁵ *Ibid.*

confer property rights,¹⁶ asserting that NFTs lack the necessary legal “tether” linking token ownership to ownership of, or enforceable rights in the underlying content.¹⁷ Marinotti¹⁸ presents a “tech-neutral” property theory, arguing that the law should focus on how people use and recognise ownership rather than physical tangibility, suggesting NFTs can be considered legal property if they provide clear, reliable information about ownership. Wang, Lee and Liu contend that intellectual property (IP) law is better suited than property law for handling NFTs,¹⁹ as IP law deals more effectively with digital content issues, supports innovation, and allows for custom licenses.²⁰

Based on these literature reviews, many scholars view NFTs as a form of digital personal property, though opinions differ. Fairfield, Trautman, Marinotti, and Wyczik believe NFTs can be treated like property because they give users control and ownership similar to physical items. They argue that NFTs meet the expectations of buyers who want to truly own digital assets. However, others such as Moringiello, Odinet, and Lee, disagree. They say NFTs only give access to a token, not the actual content, and do not create real ownership rights. Wang, Lee and Liu add that intellectual property (IP) law is better suited to NFTs because it addresses usage rights and creative control more effectively. While NFTs do not always give full ownership of the content, they represent a new type of digital property that should be recognised and regulated with clear rules combining both property and IP law.

These Western legal debates are relevant to Islamic jurisprudence, though this connection has rarely been explored. The

¹⁶ Juliet M. Moringiello and Christopher K. Ordinet, “The Property Law of Tokens,” *Florida Law Review* 74, no. 4 (2022): 662, <https://scholarship.law.ufl.edu/flr/vol74/iss4/2/>.

¹⁷ *Ibid.*

¹⁸ Joao Marinotti, “Possessing intangibles,” *North Western University Law Review* 116, no. 5 (2021): 1227, <https://scholarlycommons.law.northwestern.edu/nulr/vol116/iss5/2>.

¹⁹ Runhua Wang, Jyh-An Lee, and Jingwen Liu, “Unwinding NFTs in The Shadow of IP Law,” *American Business Law Journal* 61 (2024): 31, <https://doi.org/10.48550/arXiv.2501.03556>.

²⁰ *Ibid.*

core question of whether NFT buyers acquire genuine ownership mirrors the Shariah concept of *māl* (property), which requires an asset to have recognised value (*taqawwum*), be capable of lawful possession, and provide beneficial utility (*manfa'ah maqṣūdah*). Scholars like Fairfield and Trautman, who treat NFTs as a form of property, echo the classical *fiqh* condition that the subject-matter of sale (*ma'qūd 'alayh*) must be identifiable and transferable, which are essential pillars of a valid sale contract (*bay'*).

By contrast, scholars like Moringiello, Odinet, and Lee, who argue that an NFT grants only token access rather than true ownership, reflect Shariah concerns about *gharar* (uncertainty) specifically, the ambiguity over what is actually being sold. The intellectual property framework of Wang, Lee, and Liu, which focuses on usage rights and creative control, similarly resonates with the Islamic concept of *haqq al-ibtikār* (right of creative origination), a recognised intangible right in contemporary Islamic commercial law. Thus, these Western positions highlight the key juristic questions that Islamic scholars must address when evaluating NFTs: whether NFTs qualify as *māl*, whether their transfer fulfills the conditions of *bay'*, and whether the uncertainty in their ownership structure constitutes prohibited *gharar*. The following sections examine these questions through Islamic perspectives.

METHODOLOGY

This study employs a qualitative doctrinal research design based on library and document analysis to examine the legal status of Non-Fungible Tokens (NFTs) from an Islamic perspective. Data were collected from primary Shariah sources, classical *fiqh* literature, contemporary scholarly writings, fatwas, and regulatory and Shariah advisory documents related to digital assets. These sources were selected to capture juristic discussions on ownership (*al-milkiyyah*), property (*al-māl*), sale (*bay'*), uncertainty (*gharar*), possession (*qabḍ*), and ethical considerations in Islamic commercial law.

The data were analysed using thematic juristic analysis grounded in Islamic legal theory. At this stage, scholarly opinions were systematically reviewed and coded into only two primary themes: permissibility and impermissibility. Arguments supporting

permissibility were analysed in relation to the recognition of NFTs as *māl*, their transferability, and their compliance with the essential pillars of sale. Conversely, arguments asserting impermissibility were examined in light on concerns such as *gharar fāḥish* (excessive uncertainty), speculative practices, unlawful or unethical content, deficiencies in ownership clarity, and the use of impermissible transaction media. This thematic analysis was used to map and compare the competing juristic positions without deriving any new legal ruling.

In the final stage, the study conducted an analytical synthesis by applying established fiqh principles, legal maxims (*qawā'id fiqhiyyah*), and the objectives of Shariah (*maqāṣid al-sharī'ah*) to evaluate the two opposing juristic positions. Based on this evaluation, the study proposes a conditional permissibility framework as a synthesised juristic analysis, rather than as a position explicitly stated by the analysed scholars. This framework explains how NFTs may be regarded as Shariah-compliant only when specific conditions, such as lawful content, clear ownership, and Shariah-compliant transaction mechanisms, are fulfilled. The conditional permissibility presented in this study, therefore, represents an analytical conclusion and does not constitute a fatwa.

FINDINGS AND DISCUSSION

This study finds that NFTs, although digital and intangible, may be recognised as property in Islamic law if they meet certain conditions. By examining classical and contemporary juristic views, it is clear that assets need not to be physical to have legal value and be owned. NFTs can be considered valid property when they have value, can be transferred, offer benefits, and are clearly owned. However, this is subject to the condition that both the NFT's content and its transactions comply with Shariah principles. The following sections explain how Islamic jurisprudence approaches the classification of NFTs.

Views On Permissibility Of NFTs

This section outlines differing views among Islamic scholars some allow NFTs based on Shariah principles adapted to modern technology, while others prohibit them due to issues like unclear ownership, uncertainty, and ethical concerns.

Permissibility On NFT

Contemporary Islamic scholars who support the permissibility of Non-Fungible Token (NFT) ownership present a jurisprudential framework rooted in classical Islamic legal principles while adapting them to modern technological developments. They argue that NFTs may be deemed permissible under Shariah based on the following considerations:

1. Fulfillment of Sale Requirements (*Bay'*)

These scholars, such as Nur Rizqi, Fadli, Denizar Abdurrahman,²¹ Lahuri, Nasywa,²² Rindika et al.,²³ argue that NFT transactions meet the essential elements of a valid Islamic sale, including:

- a. The existence of two distinct contracting parties (seller and buyer).
- b. Clear and mutual expressions of offer and acceptance (*ijāb wa qabūl*).
- c. The presence of a tradeable item in this case, a digital NFT asset.²⁴

²¹ Nur Rizqi Febriandika, Fadli Fadli, and Denizar Abdurrahman Mi'raj, "How are NFT (Non-Fungible Token) transactions reviewed according to Islamic law?," *Borobudur Law Review* 4, no. 1 (2022): 7-8, <https://doi.org/10.31603/burrev.6807>.

²² Setiawan Bin Lahuri and Alya Zhafirah Nasywa, "Analysis Of Non-Fungible Token (Nft) Sale And Purchase Transactions In The Perspective Of Fatwa Dsn Mui Number 110 Of 2017 On The Sale And Purchase Contract," paper presented at *Proceeding of Islamic International Conference on Education, Communication, and Economics*, Faculty of Islamic Studies, Universitas Muhammadiyah Mataram, 10-11 May 2025.

²³ Santika Maya Rindika, Khaoirul Ulum Mashuda, and Anna Retnawati, "Non fungible Token (NFT): Sharia and Accounting Perspectives," *Jurnal Ilmiah Ekonomi Islam* 10, no. 3 (2024): 1, <https://doi.org/10.29040/jiei.v10i3.15013>.

²⁴ According to *istihsān* (juristic preference) through *qiyās khafī* (a hidden form of analogy where the reasoning is not obvious), NFT transactions may be considered permissible, as they differ from *bay' al-ma'dūm* (sale of non-existent items). In the case of NFTs, the underlying asset is identifiable. At the practical level, *qiyās khafī* is preferred when it offers greater benefit. Refer: Mohammad Farid Fad, "Review of Purchasing and Selling NFTs in Istihsan," *Journal of Islamic Studies and Humanities* 8, no. 2 (2023): 137, <https://doi.org/10.21580/jish.v8i2.17245>.

- d. The use of recognised and agreed-upon modes of exchange, such as currency or cryptocurrency.

They contend that the digital nature of NFTs does not undermine their legitimacy as saleable items, as Islamic law acknowledges the validity of both tangible and intangible assets.

2. Recognition of NFT as *Māl*

NFT is also potentially to meet the criteria of *māl* in Islamic law. According to scholars, NFTs demonstrate characteristics traditionally required for an asset to be classified as property. These include:²⁵

- i. Legal value (*al-māl al-mutaqawwim*),
- ii. Mobility (*manqūl*),
- iii. Utility or usability (*al-māl al-isti'mālī*),
- iv. Both standardised (*mithlī*) and unique (*qīmī*) traits,
- v. Ability to be lawfully owned and transferred.

Despite being intangible, NFTs are considered to fulfill the established requirements of property in Islamic legal theory.

3. Principle of Presumed Permissibility (*Al-Aṣl fī al-Ashyā' al-Ibāḥah*).

Another legal foundation often cited is the presumption that all matters are permitted unless there is explicit evidence to the contrary.²⁶ Since neither the Qur'an nor authentic Sunnah

²⁵ Shofa Robbani and Ifa Khoiria Ningrum, "Non Fungible Token Sebagai Aset Digital Dalam Pandangan Fiqh Muamalah," *At-Tuhfah: Jurnal Studi Keislaman* 11, no. 2 (2022): 13, <https://doi.org/10.32665/attuhfah.v11i2.1423>. See also Azlin Alisa Ahmad and Nadiatul Athirah Mohd Sobri, "Non-Fungible Tokens (NFTs) in Islamic Perspective: Challenges and Way Forward," *Journal of Contemporary Islamic Law* 9, no. 1 (2024): 10-11, <https://journalarticle.ukm.my/24002/>.

²⁶ Noor Fatini Izzati Fadzil and Saheed Abdullahi Busari, "دراسة فقهية تحليلية : Non-Fungible Tokens (NFT) : الاستثمار في الرموز غير قابلة للاستبدال (NFT) :

specifically prohibits NFTs, scholars maintain that such transactions fall within the realm of permissibility. This principle is particularly helpful in addressing new technological developments not previously encountered by classical jurists.

4. Conditional Permissibility and Ethical Requirements

Certain scholars adopt a more cautious position, imposing additional ethical and legal conditions. For example, Faraz Adam explains that NFTs are only permissible if they:²⁷

- i. Possess *māliyyah* (asset value needed by society),
- ii. Exhibit *taqawwum* (possessing lawful value and recognised utility under Shariah),
- iii. Provide *manfa'ah maqsūdah* (beneficial and purposeful use in line with Shariah),
- iv. Avoid *isrāf* (extravagance) and *tabdhīr* (wastefulness).

He stresses that speculative or non-essential NFTs may violate Islamic ethical principles, especially when they distract from core obligations or encourage financial irresponsibility.²⁸

5. Institutional and Regulatory Recognition

Amjad Bangash, a Shariah advisor with Musaffa Academy, adds that NFTs are comparable to other accepted intangible assets such as goodwill, copyrights, and software licences provided they represent lawful and productive uses.²⁹

Investment: A Juristic and Analytical Study,” *Jurnal Fiqh* 21, no. 1 (2024): 53, <https://doi.org/10.22452/fiqh.vol21no1.2>.

²⁷ “The Hype of NFT: Shariah Perspectives,” SharLife, archived December 14, 2021, at <https://sharlife.my/article/content/the-hype-of-nft-shariah-perspectives>.

²⁸ *Ibid.*

²⁹ “Shariah Ruling on NFT Ownership: Answer from Shariah Advisor,” Musaffa, archived March 14, 2022, at <https://academy.musaffa.com/shariah-ruling-on-nft-ownership-answer-from-shariah-advisor/>.

In addition, the Shariah Advisory Council (SAC) of the Securities Commission Malaysia (SC)³⁰ has acknowledged that digital assets, may be considered as *māl* if they conform to Shariah standards of ownership and transaction. This position strengthens the argument that Islamic jurisprudence can engage with digital asset innovation through appropriate legal adaptation. The jurisdiction of this recognition applies specifically to digital asset exchanges licensed under the SC, thereby ensuring that trading activities remain both legally regulated and Shariah compliant.

According to Selangor State Mufti Department,³¹ for NFTs to be permissible in Islamic law, the underlying asset must fulfil the criteria of *māl* as recognised by Shariah, such as having value, being lawful, and transferable. The benefit or utility associated with the NFT must not contradict Islamic principles. If these conditions are met, trading NFTs is permissible. However, all NFT offerings and transactions must also comply with the regulations of the SC and Bank Negara Malaysia (BNM) and be conducted on approved platforms to ensure Shariah compliance and protect public interests from fraud and illegal activities.

According to Darul Ifta Birmingham,³² NFTs are permissible to buy, sell, and trade if they comply with Shariah, but

³⁰ According to the Shariah Advisory Council (SAC) of the Securities Commission Malaysia, a digital token is recognised as *māl* under the category of *urūdh* (tradable goods). Its Shariah status depends on: (i) the proceeds raised being used for Shariah-compliant purposes, (ii) the rights and benefits attached to it being Shariah-compliant, and (iii) if involving mixed (halal and non-halal) elements, reference must be made to existing SAC resolutions on sukuk proceeds and Bursa Malaysia's Shariah screening. If the token is backed by *ribawī* items, its trading must comply with Shariah rules for *ribawī* transactions. Refer: Securities Commission Malaysia, *Digital Assets from Shariah Perspective* (Kuala Lumpur: Securities Commission Malaysia, 2020).

³¹ "Religious Inquiry Search Portal," Selangor State Mufti Department, archived 2021, at <https://emusykil.muftiselangor.gov.my/index.php/site/jawapan?id=3032>.

³² "NFTs in the Global Financial System," Darul Ifta Birmingham, archived December 22, 2022, at <https://daruliftabirmingham.co.uk/home/nfts-in-the-global-financial-system/#:~:text=Non,Qimiyat%20in%20fiqh>.

impermissible if they involve anything prohibited.³³

Impermissibility On NFTs

Several contemporary Islamic scholars argue that NFTs are impermissible due to their incompatibility with fundamental principles of Islamic commercial law. These scholars contend that NFTs fail to fulfill key Shariah requirements, as follows;³⁴

1. Violations of the Pillars of Sale

One of the principal objections is that NFT transactions violate the fundamental pillars of a valid sale contract. Scholars argue that:

- a. Some platforms (such as OpenSea) allow underage individuals to act as sellers and buyers, undermining the legal competency of contracting parties.
- b. In some cases, the same individual may act as both buyer and seller for the same asset, breaching the condition that the contracting parties must be distinct.³⁵
- c. Unauthorised selling of digital assets, such as reselling content without the creator's permission, sell images that contain pornographic elements, is considered a clear violation of Islamic rules against selling property one does not lawfully own.

These issues collectively render such contracts invalid under Islamic commercial jurisprudence.

³³ This view supports the idea that NFTs function like digital certificates of ownership, and their ruling depends on the nature of the asset they represent.

³⁴ Gustira Hidayatul Iman, "Transaksi Jual Beli Non-Fungible Token (NFT) perspektif hukum ekonomi syariah" (Master's thesis, Fakultas Syariah, Universitas Islam Negeri Mataram, 2022), 57. See also Nurul Choeroh and Siti Khomsatun, "Potensi Kecurangan Non-Fungible Token: Dalam Lensa Akuntansi Forensik Dan Syariah," *Mizania: Jurnal Ekonomi Dan Akuntansi* 4, no. 1 (2024): 457, <https://doi.org/10.47776/mizania.v4i1.993>.

³⁵ Rindika, Mashuda, and Retnawati, "Non fungible Token (NFT): Sharia and Accounting Perspectives," 3030-31. See also Ahmad and Sobri, "Non-Fungible Tokens (NFTs) in Islamic Perspective: Challenges and Way Forward," 9.

2. Presence of *Gharar*

Another major concern is the widespread uncertainty in NFT transactions. Scholars identify several forms of *gharar*:³⁶

- a. NFT values are often based on speculative trends, lacking intrinsic utility or measurable benefit.
- b. Fraud, counterfeit tokens, and scams are frequent due to the absence of standardised pricing and security mechanism.
- c. Volatility in cryptocurrency-based pricing introduces additional uncertainty, leading to unjustified risks for both buyers and sellers.

These uncertainties are considered severe enough to violate the Shariah requirement for contractual clarity and transparency.

3. Use of Cryptocurrency in NFT Transactions

Islamic institutions have issued formal fatwas declaring the use of cryptocurrency as *haram*, including the Indonesian Ulema Council (MUI)³⁷ and Egypt's Dar al-Iftā',³⁸ Syria (Islamic Council),³⁹

³⁶ Choeroh and Khomsatun, "Potensi Kecurangan Non-Fungible Token: Dalam Lensa Akuntansi Forensik Dan Syariah," 457. See also Haryati, Heri Junaidi, and Abdul Mughits, "Harta dan Perolehan Kekayaan di Metaverse dalam Perspektif Hukum Ekonomi Syariah," *Az-Zarqa': Jurnal Hukum Bisnis Islam* 16, no. 2 (2024): 171, <https://doi.org/10.14421/az-zarqa.v16.i2.4024>.

³⁷ Majelis Ulama Indonesia, *Hukum Cryptocurrency* (Jakarta: Majelis Ulama Indonesia, 11 November 2021). See also "East Java Nahdlatul Ulama Regional Management Declares Cryptocurrency Haram," *Voi*, November 2, 2021, <https://voi.id/en/news/100303>.

³⁸ Egypt's Grand Mufti Shawky Allam ruled that all uses of cryptocurrency are *haram* due to their negative impact on the economy, disruption of market stability, lack of legal protections, and potential for fraud and deception. Refer: "Fatwā on Cryptocurrency by Grand Muftī Shawky Ibrahim Allam of Egypt's Dār al-Iftā'," Shariasource, archived April 13, 2022, at <https://portal.shariasource.com/documents/4450>.

³⁹ Raha Rafii, "Fatwās on Cryptocurrency: The Syrian Islamic Council and the International Union of Muslim Scholars' al-Qaradaghi," *Islamic Law Blog, Islamic Law Blog*, April 29, 2022, <https://islamiclaw.blog/2022/04/29/the-syrian-islamic-councils-cryptocurrency-fatwa/>.

Turkish Directorate of Religious Affairs (Diyanet),⁴⁰ Mufti Taqi Usmani (Pakistan).⁴¹ Since NFTs operate on similar blockchain and cryptocurrency mechanisms, the same concerns may also be extended to NFT platforms and transactions.

4. Environmental and Ethical Concerns

Some scholars raise objections based on Islamic environmental ethics.

- a. NFT minting and trading on blockchain platforms have a high environmental impact due to energy-intensive processes.⁴²
- b. This environmental harm violates the principle of *tawāzun* (balance)⁴³ and the prohibition of *darar* (harm).

Islamic teachings promote sustainability and the minimisation of harm in economic activities, which such technologies currently fail to uphold.

⁴⁰ “The purchase and selling of digital currencies is not appropriate according to religion at this point, because their value is open to speculation, they can be easily used in illegal activities such as money laundering, and they lack state auditing and supervision.” Refer: “Turkey’s top religious body declares Bitcoin ‘inappropriate,’” *Daily News*, November 29, 2017, <https://www.hurriyetdailynews.com/turkeys-top-religious-body-declares-bitcoin-inappropriate-123243>.

⁴¹ Darul Iftaa UK, “Opinion of His Excellency Mufti Muhammad Taqi Usmani about Crypto Currency Trading,” May 14, 2021.

⁴² The process of creating (minting) and transacting NFTs often relies on proof-of-work blockchain systems, which require significant computational power and electricity, resulting in a substantial carbon footprint.

⁴³ There are concerns regarding the principle of *tawāzun* (balance) which in Shariah includes balancing material and spiritual needs and using while preserving resources due to the high carbon footprint of NFT transactions. A high carbon footprint refers to the large amount of greenhouse gases released, especially from energy-intensive blockchain processes, which may harm the environment. Although NFTs may generally comply with Shariah, their environmental impact must be considered to ensure holistic compliance. Refer: Lahuri and Nasywa, “Analysis of Non-Fungible Token (Nft) Sale And Purchase Transactions in The Perspective of Fatwa Dsn Mui Number 110 Of 2017 on The Sale and Purchase Contract,” 460.

An Analytical Synthesis: Towards Conditional Permissibility of NFTs

After examining the differing scholarly views on Non-Fungible Tokens (NFTs), this study finds that opinions are mainly divided between permissibility and impermissibility. Scholars who permit NFTs regards them as lawful property (*māl*) when they have value, are transferable, and provide a lawful benefit, while scholars who prohibit NFTs highlight concerns such as *gharar*, speculative practices, unclear ownership, unlawful content, and impermissible transaction methods. Based on this examination and guided by fiqh principles and the objectives of Shariah, the study does not adopt an absolute ruling or issue a fatwa. Instead, it proposes a position of conditional permissibility, indicating that the Shariah ruling on NFTs depends on how they are structured and used.

The study of NFTs may be regarded as conditionally permissible under Islamic law, subject to the following criteria:

1. Shariah-Compliance of the Underlying Asset

The conditional permissibility of NFTs in Islam depends primarily on the Shariah compliance of the underlying asset. If the asset represents something prohibited, such as pornography, gambling products, or *riba*-based instruments, the NFT transaction becomes impermissible regardless of the neutrality of the technology.

In Islamic jurisprudence, the content embedded in an NFT plays a significant role in determining its legal status. While the NFT technology itself may be neutral or even permissible, the content it represents is what fundamentally drives its ruling in Shariah.

This is grounded in the legal maxim:

الوسائل لها أحكام المقاصد⁴⁴

⁴⁴ The legal maxim *al-wasā'il lahā aḥkām al-maqāsid* means that means take the rulings of their ends. If the goal is obligatory, the means to it are also obligatory. If the goal is prohibited, then the means leading to it are likewise prohibited. This principle applies across all rulings whether the

Translation: “Means take the rulings of their ends.”

This maxim holds that a tool’s permissibility is determined by the objective it facilitates. NFTs function as *wasīlah*, digital instrument used to assert ownership, verify authenticity, or facilitate the transfer of unique content. Thus, although the technology itself may be morally neutral, the ruling it acquires depends upon its use and intended purpose.

ما أدى إلى الحرام فهو حرام⁴⁵

Translation: “That which leads to something impermissible is itself impermissible.”

If an NFT serves to promote, distribute, or monetise impermissible content such as images of nudity, music promoting vice, or behavior, then the use of NFT technology in this context inherits the ruling of impermissibility, regardless of the tool’s permissibility in isolation. Islamic rulings prioritise the purpose (*maqṣad*) of a transaction or action over its outward form (*ṣūrah*). Hence, if the underlying content of an NFT is impermissible, the transaction itself cannot be considered lawful even if conducted through permissible mediums such as cryptocurrency.

This position is further supported by the legal maxim:

ما حرم للاستعمال حرم للاقتداء⁴⁶

act is obligatory, recommended, permissible, discouraged, or prohibited. Muḥammad ibn Ibrāhīm ibn ‘Abd Allāh Al-Tuwayjirī, *Mawsū‘at al-Fiqh al-Islāmī* (al-Riyād: Bayt al-Afkār al-Duwaliyyah, 2009), 2:289.

⁴⁵ Zakariyya bin Ghulam Qadir Al-Bakistani, *Min Uṣūl al-Fiqh ‘alā Manhaj Ahl al-Ḥadīth* (Jiddah: Dār al-Kharāz, 2002), 162.

⁴⁶ The legal maxim *mā ḥurrīma lil-isti‘māl ḥurrīma lil-ittikhādh* means that if something is forbidden to use, it is also forbidden to own or keep it. This is because ownership usually leads to use, so anything that is not allowed to be used is also not allowed to be possessed or acquired. Muḥammad Muṣṭafā Al-Zuḥaylī, *Al-Qawā‘id al-Fiqhiyyah wa Taṭbīqātuhā fī al-Madhāhib al-Arba‘ah* (Dimashq: Dār al-Fikr, 2006), 1:631.

Translation: “*What is prohibited for use is also prohibited for possession.*”

This maxim establishes that anything forbidden for use is likewise forbidden for ownership or acquisition. Since ownership serves as a direct means to utilisation, possessing an NFT that contains impermissible content is itself impermissible, as it facilitates and leads to prohibited use.

The question of NFTs that represent visual art, especially images of humans or animals, must also be examined through the lens of *taswīr* (depiction) in classical jurisprudence. Scholars from the four Sunni schools have long discussed the ruling of creating or possessing images of living beings, based on the ḥadīth of the Prophet S.A.W:

إِنَّ أَشَدَّ النَّاسِ عَذَابًا عِنْدَ اللَّهِ يَوْمَ الْقِيَامَةِ الْمُصَوِّرُونَ⁴⁷

Translation: “*Indeed, the people most severely punished on the Day of Resurrection are the image-makers.*”

They viewed the act of creating such images as imitating the creation of Allah and a possible means leading to idolatry.⁴⁸

⁴⁷ Hadith narrated by al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, Kitāb al-Libās, Bāb ‘Adhāb al-Muṣawwirīn Yaum al-Qiyāmah, hadith no. 5950. See Abū ‘Abd Allāh Muḥammad ibn Ismā‘īl ibn Ibrāhīm al-Ju‘fī Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, vol. 7 (Dimashq: Dār Ibn Kathīr, 1993), 169.

⁴⁸ Wizārat al-Awqāf wa al-Shu‘ūn al-Islāmiyyah, *Al-Mawsū‘ah al-Fiqhiyyah al-Kuwaytiyyah* (Miṣr: Dār al-Ṣafwah, 2006), 12:100-04.

The jurists differed on the scope of this prohibition, producing three main opinions:

(a) First View. Some scholars permitted image-making unless it led to idol worship. They held that the prohibition applies only to images made for veneration, not to images in general, citing the verse: “Do you worship what you carve, while Allah created you and what you do?” (al-Ṣāffāt 37:95–96).

(b) Second View (Mālikī and some Ḥanbalī scholars, including Ibn Ḥamdān). These scholars allowed flat, two-dimensional images and restricted the prohibition to three-dimensional statues. A depiction is only

Contemporary scholars differ on how to apply these rulings to modern digital art. Many permit photography, computer illustrations, and AI-generated images when the content is *halal* and serves lawful purposes, since such images lack physical form and may not fall under the classical prohibition.⁴⁹ They also allow adjustments such as omitting key features to avoid lifelike representations.⁵⁰

Others, however, maintain that digital images fall under the same prohibition, viewing software and AI tools as modern instruments for the same act of image-making condemned in the prophetic traditions, unless the image is incomplete or symbolic.⁵¹

All agree that any artwork whether physical or digital must avoid *haram* content such as nudity, idolatrous imagery, or disrespect toward religious symbols and sacred figures. In the same way, NFTs can shift in ruling depending on the nature of their content.

Table 1.0 shows the relationship between the nature of the NFT asset and the cryptocurrency medium used, illustrating how the

ḥarām under this view when three conditions are met: it is three-dimensional (casts a shadow); it is complete in form, with all essential limbs intact; and it is made from durable materials such as stone, metal, or wood. Flat images like drawings or paintings are not prohibited, though considered *makrūh* (disliked). Ibn al-‘Arabī even reported scholarly consensus (*ijmā‘*) that three-dimensional statues are *haram*.

(c) Third View (Ḥanafī, Shāfi‘ī, and the Ḥanbalī majority). These scholars prohibited all depictions of living beings, whether flat or three-dimensional. Imām al-Nawawī claimed consensus (*ijmā‘*) on this ruling, though later scholars such as Ibn Nujaym and al-Ṭaḥṭāwī disputed this, noting that the Mālikīs did not prohibit two-dimensional images.

Of these three views, the First View is the most applicable to NFTs, as digital artworks are created and traded as economic assets rather than objects of veneration, and thus do not fall within the category of images condemned by the classical prohibition.

⁴⁹ “Electronic Photography Through Artificial Intelligence,” Islamweb.net, archived May 21, 2023, at <https://www.islamweb.net/en/fatwa/475069>.

⁵⁰ “Mā ḥukmu rasm ṣuwar dhawāt al-arwāḥ ‘an ṭarīq al-dhikā’ al-iṣṭinā‘?” Mawqī‘ al-Islām Su‘āl wa-Jawāb, archived May 2, 2023, at <https://islamqa.info/ar/answers/432556>.

⁵¹ *Ibid.*

combination of these two factors determines the final Shariah ruling of an NFT transaction.

Table 1.0: Matrix of NFT Permissibility in Islam: Impact of Asset and Crypto Medium

NFT Asset	Crypto Medium	Final Ruling	Reason
Permissible	Permissible	Permissible	Both tool and purposes are lawful.
Impermissible	Permissible	Impermissible	Lawful tool used for a sinful purpose.
Permissible	Impermissible	Impermissible	Permissible content transmitted via <i>haram</i> transaction.
Impermissible	Impermissible	Impermissible	Both the content and transaction violate Shariah.

The determination of whether an NFT is lawful in Islam depends primarily on whether its content aligns with Islamic ethical and moral principles. NFTs represent digital assets, and their content must respect the boundaries set by Shariah law for ownership and transaction to be considered valid and lawful. The focus here is on NFT content topics that are permissible and those that must be avoided to achieve lawful ownership in accordance with Islamic teachings.

Table 2.0 presents the Shariah-compliant subject attributes and permissible content categories for NFTs, outlining the Islamic reasoning behind each attribute and providing examples of

acceptable subject matters that align with Islamic ethical and moral principles.

Table 2.0: Shariah-Compliant Subject Attributes and Permissible Content for NFTs

Attribute Category	Reasoning & Islamic Perspective	Permissible Subjects
Ethical and Moral Content	Content must promote good, not incite harm or immorality. Islamic finance principles emphasise social justice and welfare.	Religious calligraphy, Islamic art (non-animate), educational content, nature, and abstract art.
Non-Depiction of Animate Beings	Depiction of living beings, especially humans and animals, is generally discouraged or forbidden to avoid idolatry and shirk	Geometric patterns, floral designs, and landscapes without animate beings.
Absence of Pornography and Nudity	Pornographic content is strictly forbidden as it promotes immorality and violates modesty (<i>hayā</i>).	Artistic representations without sexual content or exposure.
No Content Promoting Unlawful Acts	Any subject matter encouraging gambling, interest (<i>ribā</i>), alcohol, drugs, or other prohibited activities must be avoided.	Spiritual reminders, halal lifestyle imagery, and ethical messages.
Avoidance of Content Leading to Haram	Islam prohibits any content that indirectly leads to haram activities (e.g., seductive imagery leading to <i>zinā</i>).	Content showing modest fashion, halal entertainment, and motivational Islamic quotes.
Respectful and non-offensive	Avoiding ridicule, disfigurement, or	Respectful depictions, cultural

	disrespect towards any individual, community, or sacred entities in Islam.	heritage, and historical Islamic figures (without portrayal of animate forms).
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Table 3.0 outlines the categories of impermissible NFT content from an Islamic perspective, explaining why each type is considered unlawful under Shariah and identifying the specific subjects that must be avoided in NFT transactions.

Table 3.0: Categories and Examples of Impermissible Content in NFTs from an Islamic Perspective

Unlawful Content Type	Explanation	Subjects to Avoid
Pornographic or Obscene Content	Explicit sexual imagery or nudity is haram and strictly prohibited in Islam.	Pornographic images, sexually explicit animations.
Depiction of Sentient Beings	Images or animations of humans and animals that emulate Allah’s creation may lead to shirk or idolatry.	Photographs, paintings, or sculptures of humans/animals intended as art or collectible NFTs.
Promotion of Gambling	Content that encourages gambling or betting conflicts with Islamic prohibitions on games of chance.	Casino games, lottery tickets, betting platforms.
Content Involving Interest	NFTs representing or promoting interest-related financial products or instruments are unlawful.	Financial NFTs linked to usurious products.
Content That Ridicules or Disparages	Ridiculing Islamic figures, beliefs, or practices is	Offensive memes targeting Islam, blasphemous content.

Islam or Muslims	considered disrespectful and haram.	
Violent or Harmful Content	Content promoting violence, hatred, or harm contradicts Islamic ethics.	Hate speech, violent extremism imagery.
Misuse of Sacred Islamic Symbols	Use of sacred symbols improperly or disrespectfully is forbidden in Islam.	NFTs with distorted Qur’anic verses or disrespect to Islamic calligraphy.

Based on the above Shariah principles and analytical framework, the following criteria are proposed as essential conditions for achieving lawful ownership of NFT content in Islam:

- a. The NFT subject matter must not contradict Islamic teachings on morality, modesty, respect, and lawfulness.
- b. The content and its ownership rights should be clear, with no fraud, ambiguity, or deceit.
- c. Copyrights should be preserved respecting creators, aligned with the protection of wealth.
- d. Although NFTs themselves may be lawful, transactions involving prohibited cryptocurrencies may invalidate the deal.
- e. NFT should ideally promote education, culture, ethics, and creativity beneficial to society and compliant with Islamic values.

This framework helps NFT creators, buyers, and sellers ensure that their NFTs align with Islamic ethical and legal standards, thereby enabling lawful ownership and trade within the Muslim community. Beyond the requirement of Shariah-compliant content, several additional conditions must also be fulfilled to ensure the overall validity and legitimacy of NFT ownership and transactions:

2. The NFT must represent a lawful and recognised form of ownership without encroaching upon others’ rights, including copyright violations or unauthorised use of digital assets.

3. NFT platforms follow these principles by putting all key terms ownership, transfer process, and price into smart contracts. These contracts clearly show who owns the NFT,⁵² how and when it will be transferred (usually automatically after payment), and at what price, with all details stored permanently on the blockchain.⁵³ This system ensures ownership changes only when agreed conditions are met, removing confusion and reducing disputes. In this way, NFT transactions match the Islamic legal focus on clear terms and fairness for both parties.
4. The use of cryptocurrencies must comply with Shariah. Transactions via prohibited mediums invalidate the deal. As stated by State Mufti Departments in Malaysia,⁵⁴ cryptocurrency use is allowed for trading, payment, remittance, and savings, provided it is on licensed exchanges, for lawful purposes, and with adequate knowledge. Cryptocurrencies are treated as assets subject to zakat,⁵⁵ not as currency.

⁵² Syamsul Bahrin Zaibon et al., “Technological Framework of NFTs and Smart Contracts for Preserving Malaysian Arts and Cultural Heritage,” *Journal of Advanced Research Design* 123, no. 1 (2024): <https://doi.org/10.37934/ard.123.1.226242>.

⁵³ *Ibid.*

⁵⁴ “Fatwa Bitcoin,” Perlis State Mufti Department, archived December 3, 2019, at <https://muftiperlis.gov.my/index.php/himpunan-fatwa-negeri/95-fatwa-bitcoin>. See also “Fatwa Ruling on the Usage of Cryptocurrency,” *The Sarawak Government Gazette, Part II, Vol. LXXVI, No. 87* (24 December 2021), Swk. L.N. 404.

⁵⁵ “Zakat Mata Wang Kripto [Trans. Zakat on Cryptocurrency],” Selangor Zakat Board, archived August 17, 2021, at <https://www.zakatselangor.com.my/zakat-kripto/>; “Zakat Aset Digital [Trans. Zakat on Digital Assets],” Zakat Collection Centre – Federal Territories Islamic Religious Council (MAIWP), archived November 14, 2022, at <https://www.zakat.com.my/info-zakat/jenis-jenis-zakat/zakat-aset-digital/>; “Zakat Matawang Kripto dan Aset Digital Serta Kaedah Pentaksirannya [Trans. Zakat on Cryptocurrency and Digital Assets and Their Assessment Methods],” Pahang State Mufti Department, archived November 28, 2023, at <https://mufti.pahang.gov.my/fatwa/2023/zakat-matawang-kripto-dan-aset-digital-serta-kaedah-pentaksirannya>.

5. The underlying asset should carry *manfa'ah maqsūdah* such as benefit aligned with societal good, creativity, knowledge, or culture without violating Islamic values. In terms of ownership, NFT have the potential to be classified as *al-māl* because they fulfill the essential characteristics of possessing value, being legally owned, and providing benefit to their owner.⁵⁶

CONCLUSION

This study contributes new juristic insight by clarifying how Non-Fungible Tokens (NFTs) can be understood within Islamic jurisprudence, using established *fiqh* principles rather than rejecting them on the grounds of their digital nature. The study shows that NFTs may be recognised as lawful property (*māl*) when they fulfill key Shariah conditions such as clear ownership, lawful content, transparent contracts, and beneficial use. This conditional approach helps bridge classical Islamic legal theory with modern digital assets. In terms of practical implications, the findings provide guidance for regulators to develop Shariah-compliant policies for digital asset markets, assist scholars in issuing more consistent and structured fatwas, and help Muslim users make informed decisions when engaging with NFTs. Overall, the study supports a responsible and ethical participation in digital assets that aligns with Islamic legal and moral values.

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⁵⁶ "Hukum NFT [Trans. Ruling on NFT]," Penang State Mufti Department, archived October 22, 2025, at https://ekemusykilan.penang.gov.my/bank_detail.php?id=WC0IMQ==#.

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