

Stock Trading on the Stock Exchange in the Perspective of Islamic Law

Muh. Arafah

Institut Agama Islam Negeri Bone, Indonesia

Email: rafhli1987@gmail.com

A. Jasmani

Institut Agama Islam Negeri Bone, Indonesia

Email: andijasmani@gmail.com

Muhammad Fadlang

Institut Agama Islam Negeri Bone, Indonesia

Email: m.fadlangsudirman@gmail.com

Abstract:

One form of investment that can be done in today's economy is trading stocks on the stock exchange. This paper aims to describe the ability to trade stocks on the stock exchange and the benefits obtained for those who invest in the stock exchange in the form of stocks, the study also discusses the side of Islamic law, as part of the law of stock trading on the stock exchange. This paper uses a literature study method that takes references from various sources of writing related to the problems raised. The source of data in this study refers to literature studies that discuss stocks, stock exchanges, and Islamic law. The results of this study show that investing in stocks on the stock exchange gives benefits to those who invest in stocks in the form of stock returns, including capital gains, dividends, and other company shares as measured by the company's performance. Meanwhile, in the perspective of Islamic law, stock trading on the stock exchange or investing is allowed, because in principle it uses a sale and purchase contract or called *bai'u al-musawamah*, in the process it does not carry out trading actions such as *tadlis*, *najsy*, *ikhtikar*, *bai ma'dum* and *riba*, as stipulated in the fatwa of DSN MUI No. 80 of 2011.

Salah satu bentuk investasi yang bisa dilakukan dalam perekonomian sekarang ini adalah berdagang saham di bursa efek. Tulisan ini bertujuan untuk mengurai kebolehan melakukan perdagangan saham di bursa efek dan keuntungan yang diperoleh bagi yang berinvestasi pada bursa efek berupa saham, kajian itu pula membahas sisi hukum Islam, sebagai bagian dari hukum perdagangan saham di bursa efek. Tulisan ini menggunakan metode studi kepustakaan yang mengambil rujukan dari berbagai sumber tulisan yang terkait permasalahan yang diangkat. Sumber data dalam kajian ini, merujuk pada studi kepustakaan yang membahas saham, bursa efek dan hukum Islam. Hasil penelitian ini menunjukkan bahwa berinvestasi saham di bursa efek mendapatkan keuntungan bagi yang berinvestasi saham berupa *return* saham di antaranya capital gain, dividen dan saham perusahaan lainnya yang diukur dari kinerja perusahaan. Sementara dalam dalam perspektif hukum Islam perdagangan saham di bursa efek atau berinvestasi dibolehkan, karena pada prinsipnya menggunakan akad jual beli atau disebut *bai' al-musawamah*, dalam prosesnya tidak melakukan tindakan perdagangan seperti *tadlis*, *najsy*, *ikhhtikar*, *bai ma'dum* dan riba, sebagaimana ditetapkan dalam fatwa DSN MUI No. 80 Tahun 2011.

Keywords: *Stock Exchange, Profit, Stocks, Islamic law.*

Introduction

The stock exchange¹ is one of the most important institutions in the capital market². Likewise, a country's economy is influenced by the existence of this institution, especially in countries with liberal³ or capitalist economic systems that implement a market economy. Globally, the country's economy is characterized by the stability, strength, and establishment of the stock exchange. It reflects the country's economy in such a way that the state has broad power and attention to institutions by acting, monitoring, and constantly updating (revising regulations) and laws.⁴

¹Ranald Michie, *The London stock exchange: A history*. OUP Oxford, 2001. Bandingkan dengan, Mexmonov, Sultonali. "World Experience of Stock Exchange Operations." *Архив научных исследований* 33.1 (2020).

²Ahmad Audu Maiyaki, "Principles of Islamic capital market." *International Journal of Academic Research in Accounting, Finance and Management Sciences* 3.4 (2013), p. 278-283.

³James Mayall, "The Liberal Economy." *The Community of States*. Routledge, 2015. p. 96-111.

⁴Syahrul, "Bursa Efek Dalam Ekonomi Islam." *Jurnal Hukum Diktum*, 11(1), 2013, p. 65-81.

The presence of the Indonesia Stock Exchange⁵ provides investment opportunities to the public, investment can be differentiated into real sector investment through the purchase of tangible assets such as land, buildings, and vehicles, and financial sector investment with the purchase and sale of stocks, bonds, and other securities. Each type of investment that wants returns certainly has different risks. The risk of investing in the real sector can be in the form of high maintenance costs, while the risk of investing in the financial sector is in the form of financial instability and regulatory and legal uncertainty. In investing in the financial sector, especially in transacting on the stock exchange, risk can be reduced by purchasing shares in a portfolio. This is possible because the stock exchange provides a wide opportunity for investors to buy many types of stocks by displaying accurate financial information about these stocks.⁶

Reported 1.05 percent point-to-point in early November 2021, according to a CNBC Indonesia report from the national stock market reference index, JCI. However, on Friday, November 12, 2021, the JCI weakened back to a level of 0.6 percent. 6,651.05. In the CNBC Indonesia news published on October 23, 2021, gold prices recorded an increase of 1.43%. higher than the previous week, which rose by only 0.6 percent. In October 2021, gold prices rose 1.39 percent. This increase information is an example of an increase in the price of gold and stocks, so potential investors need to know basic information about the chosen investment instrument.⁷

Shares are seen as securities that are proof of ownership in the company, so the holder of the ownership certificate is entitled to dividends. Fair distribution of capital with business profit-sharing rights is an activity by sharia principles. In sharia studies, this concept is called a musharakah or shirkah contract. According to this view, the definition of stocks is securities that are in accordance with the Islamic concept. According to the OJK, sharia shares are securities as a sign of capital participation in the company, and a sign of capital participation to shareholders who are entitled to a share of the company's business proceeds. The concept of

⁵Christian Vieri, "Analysis of The Role Price, Product Quality and Brand Recognition on Purchase Intention on Beverage Product in Rome." *Journal of Current Research in Business and Economics* 3.1 (2024), p. 96-137.

⁶Hanif, "Perkembangan Perdagangan Saham Syariah. *Asas*, 4(1) (2012), p. 1-10

⁷Hakim, L., Sutrisno, B., & Kinasih, D. H. P. (2023). Perbandingan Investasi Emas dan Saham Syariah: Risiko Dan Keuntungan Saat Pandemi Covid-19 Dan New Normal. *Taraadin*, 3(2), p. 13-25.

stock ownership with the right to participate in business results is a concept that is compatible with Sharia principles.⁸

In bargaining on the stock exchange, shareholders will react negatively to unfavorable investment decisions and dividends that can cause the total value of the company's shares to decrease and shareholders will react positively to decisions that are considered profitable so that the trading rate of stocks will increase.⁹

Public companies or issuers that issue sharia securities must be by sharia principles. The businesses that are not by Sharia principles include; (1) Forms of gambling and all prohibited buying and selling of games; (2) Financial institutions that are hilarious, including banks and insurance companies; (3) Manufacturers of Prohibited Food and Beverages, to their retailers and sellers; (4) Those who produce, distribute and/or supply morally dangerous and detrimental goods or services; (5) Investing in issuers (corporations) whose level of corporate debt (ratio) to usury financial institutions is more dominant than its capital at the time of the transaction.¹⁰

In the legal aspect, trading stocks is legal. Then, judging from the use of the contract, it is known that the contract used is Bai' Al-Musawamah and the transaction refers to *musharakah* or *shirkah*. This is to what is stated in the DSN-MUI Fatwa, so it is clear that stock investment is halal for investment and asset development, because buying and selling shares with underlaying of shares is halal.¹¹ So this article will explain stock trading on the stock exchange from the perspective of its abilities in the perspective of Islamic law, as well as the profits obtained for those who invest their capital in the form of stocks.

Method

This study is a literature study, namely writing that searches or searches for data from the library starting from reading, taking notes and then processing into a

⁸Setiawan, W., & Faozan, A. (2021). Investasi Saham di Bursa Efek Indonesia Perspektif Hukum Ekonomi Syariah. *Eksis: Jurnal Ilmiah Ekonomi Dan Bisnis*, 12(2), 209-213. <https://doi.org/10.33087/eksis.v12i2.268>

⁹Santoso, S. I. Analisis Pengaruh Dividen Terhadap Volume Perdagangan Saham Yang Tergolong Jakarta Islamic Index Di Bursa Efek Jakarta. *El-Muhasaba*, 6(1), 2015. p. 70-81.

¹⁰Pohan, H. T, Analisis Pengaruh Pengetahuan, Struktur Modal, Terhadap Kinerja Saham Syariah Dalam Perspektif Islam Dengan Pendekatan Circular Causation di Bursa Efek Indonesia. *Media Riset Akuntansi, Auditing & Informasi*, 15(2), 2015) p. 195-218. <https://doi.org/10.25105/mraai.v15i2.2071>

¹¹Neneng Hartati, "Investasi Saham Syariah di Bursa Efek Indonesia dalam Perspektif Hukum Ekonomi Syariah." *Jurnal Hukum Ekonomi Syariah* 5.01 (2021): 31-48.

writing related to the problem raised, namely stocks from the aspect of their abilities and profits. Then data collection by searching from various references ranging from books and scientific articles related to the research theme. The purpose of this study is to look from the aspect of the benefits of trading stocks on the stock exchange from the perspective of Islamic law. The approach in this study uses a normative approach, by examining literature studies by making Islamic law a parameter for the ability to invest through the stock exchange. The primary data of this study is a literature study conducted in-depth and structured on the object of study. The analysis used uses descriptive analysis, in describing the solution to the problem being studied.

Discussion

Advantages of Trading Stocks on the Stock Exchange

Sharia stocks that are currently traded on the Indonesia Stock Exchange are grouped into several stock indices, namely the Indonesian Sharia Stock Index (ISSI), which contains all Sharia stocks listed on the IDX and is included in the Sharia Securities List (DES) issued by the OJK, then there is also the Jakarta Islamic Index (JII), which is a group of sharia stocks consisting of the 30 most liquid sharia stocks listed on the IDX and the last one is the Jakarta Islamic Index 70 (JII70), namely liquid sharia stock group listed on the Indonesia Stock Exchange.¹²

A transaction in business, especially stock trading transactions on the stock exchange, can be carried out as long as the relationship provides benefits for life and does not cause losses to both parties to the transaction. The transaction of buying and selling shares of a Limited Liability Company in the primary market has advantages for various parties other than the two parties to the transaction, namely for investors, issuers, and the government itself. Advantages for investors, among others, can be seen in that investors can get dividends, have voting rights in the General Meeting of Shareholders (GMS)¹³, and can easily change investment instruments, for example from shares A to shares B so that they can increase profits or reduce risks.

In addition, they can also simultaneously invest in several instruments in Limited Liability Companies (PT). The advantage for Limited Liability Companies

¹²Purboyo, Zulfikar, R., & Wicaksono, T. (2019). Pengaruh Aktifitas Galeri Investasi, Modal Minimal Investasi, Persepsi Resiko dan Persepsi Return Terhadap Minat Investasi Saham Syariah (Studi pada Mahasiswa Uniska MAB Banjarmasin). *Wawasan Manajemen*, 7(2), p. 136-150

¹³De Jong, Abe, Gerard Mertens, and Peter Roosenboom. "Shareholders' voting at general meetings: Evidence from the Netherlands." *Journal of Management & Governance* 10 (2006), p. 353-380.

that issue shares or ordinarily referred to as issuers is that Limited Liability Companies can obtain a large amount of funds. At the same time, it can be immediately accepted when the initial market is completed, the dependence of Limited Liability Companies on banks that usually apply for financing will be small, and the most important thing is that small and medium companies can develop their companies, even with the go public the company will be more exposed and publicized which will be widely known by the public.

For the government, the existence of stock trading transactions on the stock exchange is in line with the government's goal for equitable distribution of development results. Opening up wider job opportunities, especially with the current era in 2015, namely the ASEAN Economic Community (AEC) where issuers, investors, governments, and other circles are required to be equal in the economic field and no less important is to reduce social tensions in various circles of society. Thus, based on the indications of the benefits obtained by each party, the principles of sharia that bring benefits and reject madharat have been summarized and implemented in the process of buying and selling shares on the stock exchange or capital market.¹⁴

The profit obtained for shareholders in stock exchange trading is called stock return. Stock return is the level of profit felt by investors on an investment in the stock they invest. Every investment, both short-term and long-term, has the main goal of earning a profit called a return, either directly or indirectly. In simple terms, investment can be defined as an activity of placing funds in one or more assets over a certain period in the hope of earning income or increasing the value of the investment.¹⁵

Profit or return for shareholders is obtained from capital gains, namely profits from the results of buying and selling shares in the form of the difference between the selling value that is higher than the purchase value of the shares. Then dividends are part of the company's profits that will be distributed to shareholders. Then the company's shares such as land or similar valuable assets, their value will increase in line with time and in line with the company's development or performance.

¹⁴Eriyanti, N. "Perdagangan Saham di Pasar Modal Perspektif Hukum Ekonomi Syariah (Studi Transaksi Di Pasar Perdana dan Pasar Sekunder Pada Pasar Modal). *TAWAZUN: Journal of Sharia Economic Law*, 2(2), 2019, p. 195. <https://doi.org/10.21043/tawazun.v2i2.6284>

¹⁵Abdul Jabar, A. K., & Cahyadi, I. F. (2020). Pengaruh Exchange Rate, Inflasi, Risiko Sistematis Dan BI Rate Terhadap Return Saham Syariah Di Jakarta Islamic Index (JII) Periode 2015-2018. *Malia: Journal of Islamic Banking and Finance*, 4(1), 12. <https://doi.org/10.21043/malia.v4i1.8409>

The form of loss that is likely to be obtained for shareholders is Capital loss, which is a loss from the sale of shares in the form of a difference between the selling value that is lower than the purchase value of the shares, then opportunity loss is a loss in the form of a difference in deposit interest rates for conventional stocks and a profit sharing difference for sharia stocks minus the total yield obtained from stock investment. Then the loss because the company is liquidated, but the liquidation value is lower than the purchase price of the shares.¹⁶

The level of profit on the stock exchange is at least determined by the value of a stock. The value of stocks fluctuates up or down. The formation of stock value occurs due to the supply and demand for the stock. Many things cause supply and demand, such as: Microeconomic factors, such as company performance, industrial performance when the company moves, changes in company management, employee productivity, raw material prices, availability of raw materials, and sales prospects. Macroeconomic factors such as interest rates, inflation, rupiah exchange rates, and world economic conditions. Then the next factor is non-economic factors such as socio-political conditions and others.¹⁷

The causes of the rise and fall of stock values include fundamental factors, namely internal factors of the company that issues the shares themselves (issuers). If the company that issues shares is in good condition, the stock price will tend to increase and if the stock price increases, the return received will also increase. This is because investor confidence in issuers is getting better, and investors expect to get large profits or dividends. This fundamental factor can be seen from the financial statements, and from the issuer's financial statements, the level of financial performance can be seen both in terms of the ability to generate profits (profitability), the ability to pay debts (solvency), as well as the level of efficiency and effectiveness in managing wealth.¹⁸

The profit of trading stocks on the stock exchange for shareholders is determined by the market capitalization. Market capitalization is the value of a company calculated from the total number of outstanding shares of the company multiplied by the market price of the stock, thus the more expensive the stock price,

¹⁶Abdul Jabar, A. K., & Cahyadi, I. F. (2020). Pengaruh Exchange Rate, Inflasi, Risiko Sistematis Dan BI Rate Terhadap Return Saham Syariah Di Jakarta Islamic Index (JII) Periode 2015-2018. *Malia: Journal of Islamic Banking and Finance*, 4(1), 12. <https://doi.org/10.21043/malia.v4i1.8409>

¹⁷Moh. Asra, Saham dalam Perspektif Ekonomi Syari'ah. *Istidlal: Jurnal Ekonomi Dan Hukum Islam*, 4(1), 2020. p. 35-44. <https://doi.org/10.35316/istidlal.v4i1.208>

¹⁸Sudarsono, B., & Sudiyatno, B. Faktor-Faktor Yang Mempengaruhi Return Saham Pada Perusahaan Property Dan Rel Estate Yang Terdaftar Pada Bursa Efek Indonesia Tahun 2009-2014. *Jurnal Bisnis Dan Ekonomi*, 23(1), 2016), p. 30-51

the higher the capitalization value. When viewed from the capitalization value, sharia stocks show a consistent increase, this indicates stable macroeconomic conditions that can provide good hope for improving the company's performance. Judging from the economic function, the increase in the capitalization value of Sharia shares shows the success of the Sharia capital market as an alternative source of funds for company investment based on Sharia principles, in addition to showing the increasing awareness of the public, especially Muslims, who have excess funds, to choose halal types of financial investments.¹⁹

In a study that compared the performance of sharia and conventional stocks sampled in 2014 and 2015, it was shown that investing in conventional stocks was more profitable than in sharia stocks. This is proven where using the three Sharpe, Treynor, and Alpha Jensen indices show a better value than sharia stocks. Meanwhile, in 2015, investing in sharia stocks was more profitable because sharia stocks were stronger in facing recessions or economic crises. This is supported by testing using the Sharpe, Treynor, and Alpha-Jensen indices which show that sharia stocks are higher than conventional stocks in 2015.²⁰

Profits for shareholders can also be obtained from Earning per share (EPS). Earnings per share (EPS) or earnings per share is the level of net profit for each share that a company can achieve when carrying out its operations. Earnings per share (EPS)²¹ are obtained from the profit available to shareholders divided by the average number of shares outstanding. So, earning per share (EPS) is used as an analysis tool to find out the profitability level of a company. The higher the EPS value, the more encouraging shareholders will be because the greater the profit provided to shareholders. With the increase in profit, the stock price tends to rise, while when the profit decreases, the stock price also decreases.²²

¹⁹Fadlilatul Ulya, & Sukmaningati, V. Keuntungan Investasi di saham syariah. *Jurnal Investasi Islam*, 5(1), 2021), p. 59-68. <https://doi.org/10.32505/jii.v5i1.1648>

²⁰Sumarmo, C., Suyanto, & Yusuf, M. (2019). Perbandingan Kinerja Investasi Saham syariah dan Konvensional Dalam menentukan Kebijakan Investasi. *Madani: Ilmu Pengetahuan, Teknologi, Dan Humaniora*, 2(1), p. 175-184

²¹ Yustika Rahmawati, and H. Niki Hadian. "The influence of debt equity ratio (DER), earning per share (EPS), and price earning ratio (PER) on stock price." *International Journal of Financial, Accounting, and Management* 3.4 (2022), p. 289-300.

²² Ade Adriani, "Earning per share, sinyal positif bagi investor saham syariah?." *Proceeding of National Conference on Accounting & Finance*. 2020.

Ability to Trade Stocks on the Stock Exchange from the Perspective of Islamic Law

Stock trading on the stock exchange consists of two types of stocks, namely conventional stocks and sharia stocks that must meet separate criteria so that they are categorized as sharia stocks. Sharia-based stocks are one of the instruments used in the Sharia capital market whose implementation is by Sharia principles. The way Sharia stocks work is formed from the process of issuing buying and selling on the stock exchange. Trading on the stock exchange includes both the primary market and the secondary market. In the primary market, the stock price is fixed. Meanwhile, in the secondary market, the price fluctuates according to demand and supply as well as from the company that issued the shares itself. The basic difference between conventional stocks and sharia stocks is that sharia stocks are listed on the JII (Jakarta Islamic Index). Muslim scholars and economists debate the existence of secondary markets. The secondary market is believed to influence the onset of fraudulent and speculative activities. However, in practice, a secondary market for sharia stocks is still needed.²³

Whether or not it is permissible to buy and sell securities or buy and sell sharia stocks, in general, is allowed or *mubah*, but based on certain conditions. This is based on DSN MUI Fatwa number 80 of 2011 which states that stock trading is allowed through a sale and purchase agreement (*al-bai'u*). A sales contract based on a contract for a specific price and the type and quantity of purchase requisitions and sales offers is considered valid. A buyer or dealer can sell securities based on a sale and purchase agreement even though he has not completed the purchase transaction (*release*) according to the *Qabdh-Hukmi* principle in the future. In addition, other special requirements are the object of the transaction are Sharia securities, namely shares with Sharia principles. The price determined in the business must be based on a reasonable market price through continuous supply (*bai'u al-musawamah*).²⁴

Transaction processes on the stock exchange that are not by Sharia principles include:²⁵

1. Activities classified as *Tadlis* are:

²³Choirunnisak, C. (2019). Saham Syariah; Teori Dan Implementasi. *Islamic Banking: Jurnal Pemikiran Dan Pengembangan Perbankan Syariah*, 4(2), 67-82. <https://doi.org/10.36908/isbank.v4i2.60>

²⁴Kharis Fadlullah Hana, "Dialektika Hukum Trading Saham Syariah di Bursa Efek Indonesia." *TAWAZUN: Journal of Sharia Economic Law* 1.2 (2018), p. 148-160.

²⁵Pocut Ainiah, Pocut. "Kajian Trading Saham Syariah di Bursa Efek Indonesia." *Jurnal Ilmiah Ekonomi Islam* 9.1 (2023), p. 1322-1328.

- a. Front running is an activity in which a stock market member completes a trade in a particular security based on information that the member will trade that security in an amount that affects the market price.
 - b. Misleading is giving false information or statements so that it deceives and the price of securities is affected on the stock exchange.
2. Activities classified as *najsy*:
 - a. Pump and Dump, this activity is a securities activity that begins to move in an up-trend price which is caused by the first purchase which causes the price to rise to the highest level to produce a high selling price so that the opportunity to make a profit.
 - b. Hype and Dump, securities activities triggered by upward price trends combined with false, exaggerated, and misleading positive information to maximize profits.
 - c. Creating fake demand or supply, i.e. one or more parties order to buy or sell at the best price level. However, if the published price has reached the best price, the order will be deleted. The goal is to influence the market as if the demand or supply is high, to influence the market for buying and selling transactions.
 3. Activities that include efforts:
 - a. Pooling of interest is a securities transaction activity that appears liquid over a certain period, whether accompanied by price changes or not, and is carried out by a group of members of a certain exchange. The goal is to provide an opportunity to sell or redeem shares or compare the performance of a particular stock.
 - b. Cornering is a form of transaction that exists in shares with limited public ownership. Majority of shareholders are trying to make what looks like an offer, causing stock prices to fall in the morning and encouraging public investors to buy right away. Then there was a purchase attempt by the majority owner which caused the price to rise at noon so that the short seller did not make a delivery because he bought at a higher price.
 - c. Alternate trading involves a specific group of exchange members in the role of alternate buyers and sellers, insofar as it is deemed appropriate. Gives the impression of actively traded securities.
 4. Activities that are classified as *ghabn fahisy*

Insider trading is an illegal activity in the financial market area to profit by utilizing insider information, such as company plans or decisions that have not yet been made public.

5. Actions that fall under the category of *ba'i al ma'dum*

Short selling (*ba'i al-maksyu*/short selling) is a method used in selling shares that are not yet owned at a high price in the hope of buying back when the price falls.

6. Actions that fall under the category of *riba*

Margin trading (transaction with financing), this transaction trades securities with an interest-based loan facility (*riba*) on the obligation to settle the purchase of securities.

When comparing the Indonesian Stock Exchange with Malaysia, the Indonesia Stock Exchange sets a debt ratio threshold that is larger than Malaysia. Another difference is in the contribution of non-halal income where the Indonesian Stock Exchange only sets one threshold (10%) while Malaysia sets two thresholds (5% and 20%), depending on the type of sector. Another difference is the ratio of cash to total assets on the Malaysian stock exchange (33%), which is not available on the Indonesia Stock Exchange. The screening criteria for sharia stocks in Malaysia were initially looser than those in Indonesia but have now been adjusted to the revision of the screening criteria in 2013. Sharia stocks in Malaysia have more customized screening criteria than Indonesia.²⁶

Stock investment is considered a speculative activity and is prohibited by Islamic law because it is equated with gambling. However, sources of Islamic law include the opinion of scholars that buying and selling shares is permissible. Stock transactions from the perspective of sharia economic law are by an agreement called *bai' al-musawamah*, with a transaction model based on *musharakah* or *shirkah*. Meanwhile, in sharia capital market transactions, the contract used in stock trading is a buy and sell contract. Basically, buying and selling is a transaction of exchanging goods that is allowed, as long as there is no falsehood in it. The mechanism for trading sharia products in the Indonesian capital market is carried out in accordance with the mandate of Law No. 8 of 1995 concerning the capital market, in substance the allowed capital market framework is reasonable, orderly, and efficient. This is in line with the fatwa of the National Sharia Council (DSN) of the Indonesian Ulema Council Number 80 of 2011 concerning the Application of Sharia Principles in the Mechanism of Trading Equity Securities in the Regular Market of the Stock Exchange. The fatwa states that on the stock exchange, there is a Shariah online trading system service, which is a stock transaction service created

²⁶Egi Arvian Firmansyah, "Seleksi Saham Syariah: Perbandingan antara Bursa Efek Indonesia dan Malaysia." *Jurnal Inspirasi Bisnis dan Manajemen* 1.1 (2017), p. 1-10. <https://doi.org/10.33603/jibm.v1i1.480>

to make it easier for investors to invest in Sharia-based stocks. Therefore, the provisions of trading in the stock exchange are permissible in Islamic law, provided that they are guided by the principles of buying and selling (*al-bai'u*), with no immorality and fraud in, or elements of gambling (*maysir*), because it is contrary to Islamic law.

Conclusion

The forms of profits that can be obtained for shareholders who conduct transactions on the stock exchange include capital gains, namely the difference between the selling and buying values, and then profits in the form of dividends, namely profits given to shareholders from the company's profits as an investment place. Then there is also profit in the form of Earnings per share (EPS) or the net profit rate of each share obtained from the average number of shares as a whole. The ability to conduct stock transactions on the stock exchange by referring to the Fatwa of DSN MUI No.80 of 2011 which states that stock trading transactions are allowed by using a sale and purchase contract (*al-ba'i*). With the provision of avoiding all forms of acts that contain *tadlis*, *najsy*, *ikhhtikar*, *ghabn fahisy*, *bai'u ma'dum* and *riba* in every stock transaction carried out on the stock exchange. This means that as long as the process is exempt from the actions prohibited in the DSN MUI fatwa No. 80 of 2011, investment or trading in the stock exchange is allowed. The provision will change when the provisions set by the fatwa are not guided.

References

- Abdul Jabar, A. K., & Cahyadi, I. F. (2020). Pengaruh Exchange Rate, Inflasi, Risiko Sistematis Dan BI Rate Terhadap Return Saham Syariah Di Jakarta Islamic Index (JII) Periode 2015-2018. *Malia: Journal of Islamic Banking and Finance*, 4(1), 12. <https://doi.org/10.21043/malia.v4i1.8409>
- Adriani, A., & Nurjihan, L. (2020). Earning Per Share, Sinyal Positif Bagi Investor Saham Syariah? *Proceeding of National Conference on Accounting & Finance*, 2, 47-59. <https://doi.org/10.20885/ncaf.vol2.art5>
- Ainiah, P. (2023). Kajian Trading Saham Syariah di Bursa Efek Indonesia. *Jurnal Ilmiah EKonomi Islam*, 9(01), 1322-1328.
- Choirunnisak, C. (2019). Saham Syariah; Teori Dan Implementasi. *Islamic Banking : Jurnal Pemikiran Dan Pengembangan Perbankan Syariah*, 4(2), 67-82. <https://doi.org/10.36908/isbank.v4i2.60>

Stock Trading on the Stock Exchange in the Perspective of Islamic...

Muh. Arafah, A. Jasmani & Muhammad Fadlang

DOI: 10.30863/al-bayyinah.v8i1.6315

- De Jong, Abe, Gerard Mertens, and Peter Roosenboom. "Shareholders' voting at general meetings: Evidence from the Netherlands." *Journal of Management & Governance* 10 (2006): 353-380.
- Eriyanti, N. (2019). Perdagangan Saham di Pasar Modal Perspektif Hukum Ekonomi Syariah (Studi Transaksi Di Pasar Perdana dan Pasar Sekunder Pada Pasar Modal). *TAWAZUN: Journal of Sharia Economic Law*, 2(2), 195. <https://doi.org/10.21043/tawazun.v2i2.6284>
- Fadlilatul Ulya, & Sukmaningati, V. (2021). Keuntungan Investasi di saham syariah. *Jurnal Investasi Islam*, 5(1), 59-68. <https://doi.org/10.32505/jii.v5i1.1648>
- Firmansyah, E. A. (2017). Seleksi Saham Syariah : Perbandingan Antara Bursa Efek Indonesia Dan Malaysia. *Jurnal Inspirasi Bisnis Dan Manajemen*, 1(1), 1. <https://doi.org/10.33603/jibm.v1i1.480>
- Hakim, L., Sutrisno, B., & Kinasih, D. H. P. (2023). Perbandingan Investasi Emas dan Saham Syariah: Risiko Dan Keuntungan Saat Pandemi Covid-19 Dan New Normal. *Taraadin*, 3(2), 13-25.
- Hana, K. F. (2018). Dialektika Hukum Trading Saham Syariah di Bursa Efek Indonesia. *TAWAZUN: Journal of Sharia Economic Law*, 1(2), 148. <https://doi.org/10.21043/tawazun.v1i2.5073>
- Hanif. (2012). Perkembangan Perdagangan Saham Syariah. *Asas*, 4(1), 1-10.
- Hartati, Neneng. "Investasi Saham Syariah di Bursa Efek Indonesia dalam Perspektif Hukum Ekonomi Syariah." *Jurnal Hukum Ekonomi Syariah* 5.01 (2021): 31-48.
- Ilham, Muhammad Azham, and Andi Rahmi Ainun Kirana. "Examining Civil Law Remedies for Consumers Affected by Counterfeit Branded Goods in E-commerce Transactions." *Al-Bayyinah* 8.1 (2024): 99-118.
- Maiyaki, Ahmad Audu. "Principles of Islamic capital market." *International Journal of Academic Research in Accounting, Finance and Management Sciences* 3.4 (2013): 278-283.
- Michie, Ranald. *The London stock exchange: A history*. OUP Oxford, 2001.
- Mexmonov, Sultonali. "World Experience of Stock Exchange Operations." *Архив научных исследований* 33.1 (2020).

Stock Trading on the Stock Exchange in the Perspective of Islamic...

Muh. Arafah, A. Jasmani & Muhammad Fadlang

DOI: 10.30863/al-bayyinah.v8i1.6315

- Mayall, James. "The Liberal Economy." *The Community of States*. Routledge, 2015. 96-111.
- Moh. Asra. (2020). Saham dalam Perspektif Ekonomi Syari'ah. *Istidlal: Jurnal Ekonomi Dan Hukum Islam*, 4(1), 35-44. <https://doi.org/10.35316/istidlal.v4i1.208>
- Pohan, H. T. (2015). Analisis Pengaruh Pengetahuan, Struktur Modal, Terhadap Kinerja Saham Syariah Dalam Perspektif Islam Dengan Pendekatan Circular Causation di Bursa Efek Indonesia. *Media Riset Akuntansi, Auditing & Informasi*, 15(2), 195-218. <https://doi.org/10.25105/mraai.v15i2.2071>
- Purboyo, Zulfikar, R., & Wicaksono, T. (2019). Pengaruh Aktifitas Galeri Investasi, Modal Minimal Investasi, Persepsi Resiko dan Persepsi Return Terhadap Minat Investasi Saham Syariah (Studi pada Mahasiswa Uniska MAB Banjarmasin). *Wawasan Manajemen*, 7(2), 136-150.
- Rahmawati, Yustika, and H. Niki Hadian. "The influence of debt equity ratio (DER), earning per share (EPS), and price earning ratio (PER) on stock price." *International Journal of Financial, Accounting, and Management* 3.4 (2022): 289-300.
- Santoso, S. I. (2015). Analisis Pengaruh Dividen Terhadap Volume Perdagangan Saham Yang Tergolong Jakarta Islamic Index Di Bursa Efek Jakarta. *El-Muhasaba*, 6(1), 70-81.
- Setiawan, W., & Faozan, A. (2021). Investasi Saham di Bursa Efek Indonesia Perspektif Hukum Ekonomi Syariah. *Eksis: Jurnal Ilmiah Ekonomi Dan Bisnis*, 12(2), 209-213. <https://doi.org/10.33087/eksis.v12i2.268>
- Sudarsono, B., & Sudiyatno, B. (2016). Faktor-Faktor Yang Mempengaruhi Return Saham Pada Perusahaan Property Dan Rel Estate Yang Terdaftar Pada Bursa Efek Indonesia Tahun 2009-2014. *Jurnal Bisnis Dan Ekonomi*, 23(1), 30-51.
- Sumarmo, C., Suyanto, & Yusuf, M. (2019). Perbandingan Kinerja Investasi Saham syariah dan Konvensional Dalam menentukan Kebijakan Investasi. *Madani: Ilmu Pengetahuan, Teknologi, Dan Humaniora*, 2(1), 175-184.
- Syahrul. (2013). Bursa Efek Dalam Ekonomi Islam. *Jurnal Hukum Diktum*, 11(1), 65-81.
- Widodo, Panggih, Achmad Abubakar, and Muhammad Irham. "The Urgency of

Stock Trading on the Stock Exchange in the Perspective of Islamic...

Muh. Arafah, A. Jasmani & Muhammad Fadlang

DOI: 10.30863/al-bayyinah.v8i1.6315

Written Evidence in Debt Transactions in the Perspective of Islamic Law." *Al-Bayyinah* 7.1 (2023): 67-83.

Vieri, Christian. "Analysis of The Role Price, Product Quality and Brand Recognition on Purchase Intention on Beverage Product in Rome." *Journal of Current Research in Business and Economics* 3.1 (2024): 96-137.