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Digital and Social Media ‘Urf: Juristic Perspectives and Contemporary Challenges

العرف الرقمي ووسائل التواصل الاجتماعي: وجهات نظر فقهية وتحديات معاصرة

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Abstract

The rise of digital and social media platforms has given birth to unprecedented forms of custom ('Urf) that shape the daily lives of Muslims across the globe, influencing social interaction, commerce, and public morality. While classical Islamic jurisprudence has long recognized 'Urf as a subsidiary source of law – valid so long as it does not contradict the Qur'ān, Sunnah, or consensus – the emergence of “digital 'Urf” poses novel challenges that demand juristic reflection. Unlike traditional customs, which were localized and stable within specific cultural and geographic contexts, digital customs are fluid, rapidly evolving, and often transnational, spreading through algorithm-driven content, influencer authority, and online peer engagement. This study examines the extent to which such practices can be incorporated into Islamic legal reasoning, drawing on the perspectives of major jurisprudential schools and the overarching framework of maqāṣid al-sharī'ah (the objectives of Islamic law). It highlights the dual nature of digital 'Urf: on the one hand, it facilitates new modes of communication, commerce, and education that may serve legitimate interests; on the other hand, it raises concerns about moral boundaries, authority, and the erosion of traditional community-based norms. The analysis demonstrates that jurists must evaluate online customs not merely by their prevalence, but by their ethical implications and their alignment with Sharia's higher objectives of preserving religion, life, intellect, progeny, and wealth. By situating digital practices within the methodological principles of fiqh, the paper underscores the necessity of establishing criteria for recognizing or rejecting digital 'Urf in contemporary contexts.

Keywords: Digital 'Urf, Social Media, Islamic Jurisprudence, Maqāṣid al-Sharī'ah, Customary Practices, Contemporary Fiqh

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Introduction

Islamic jurisprudence has long acknowledged the role of 'Urf—commonly translated as “custom” or “prevailing practice”—as a supplementary source of law when it does not conflict with the Qur'ān, Sunnah, or consensus (*ijmā'*).¹ Jurists from various schools, including the Ḥanafīs, Mālikīs, and Ḥanbalīs, have recognized 'Urf as a valid tool for deriving rulings, particularly in matters of civil transactions, family law, and social conduct.² In the classical era, 'Urf was localized, shaped by geographic, economic, and cultural contexts. However, in the twenty-first century, the digital revolution has dramatically transformed the mechanisms by which customs emerge, spread, and gain legitimacy.

Social media platforms such as Facebook, X (formerly Twitter), Instagram, TikTok, and YouTube have created globalized spaces where norms are formed and reinforced through algorithm-driven content, influencer culture, and peer-to-peer interaction. Practices that were once confined to specific regions can now become transnational customs within days. This “digital 'Urf” has implications not only for personal behavior but also for legal, economic, and moral issues in Muslim societies. The need to analyze digital 'Urf from a juristic perspective is urgent for several reasons. First, online practices influence real-world conduct, often bypassing traditional religious authority. Second, the speed of digital norm formation challenges the ability of 'ulamā' to respond effectively through *ijtihād*. Third, the borderless nature of digital spaces complicates the question of whose 'Urf is authoritative in a multi-cultural, multi-jurisdictional environment. This study addresses these concerns by integrating classical fiqh theory with contemporary analysis of digital behavior.

Definitional Framework: Classical 'Urf vs. Digital 'Urf

In classical Islamic jurisprudence, 'Urf refers to the common practices, traditions, and habits of a community that are widely accepted and do not contradict the principles of Sharī'ah. Jurists often distinguish between two main categories: 'Urf *ṣaḥīḥ* (sound custom) and 'Urf *fāsid* (corrupt custom).³ A sound custom is one that aligns with Islamic teachings and can be used as a basis for legal rulings, while a corrupt custom conflicts with the Qur'ān, Sunnah, or established consensus and must be rejected.

'Urf may also be classified as 'Urf 'āmm (general custom), which is observed across various regions and communities, and 'Urf khāṣṣ (specific custom), which is restricted to a particular group or locality.⁴ Historically, the latter was dominant, as

¹ Muḥammad ibn Idrīs al-Shāfi'ī, *al-Risālah*, ed. Aḥmad Muḥammad Shākir (Cairo: Maktabat Dār al-Turāth, 1979), 507.

² Ibn al-Qayyim, *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn*, vol. 3 (Beirut: Dār al-Jīl, 1973), 406–410.

³ Ibn Nujaym, Zayn al-Dīn. *al-Ashbāh wa-l-Nazā'ir*, ed. Muḥammad Muṭī' al-Ḥāfiẓ (Damascus: Dār al-Fikr, 1983), 87–88.

⁴ Al-Kāsānī, 'Alā' al-Dīn. *Badā'i' al-Ṣanā'i' fī Tartīb al-Sharā'i'*, vol. 6 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1986), 12–14

cultural and legal practices developed within the geographic and social boundaries of a given society.

With the advent of digital technology and social media platforms, a new phenomenon has emerged – what may be termed **digital 'Urf**. This refers to the collectively recognized behaviors, communication styles, etiquettes, and transactional norms that develop within online environments.⁵ Examples include the accepted manner of greeting on messaging platforms, norms of sharing or forwarding content, patterns of online buying and selling, influencer-endorsed product marketing, and even unwritten rules about commenting, liking, and sharing on social networks.

A defining feature of digital 'Urf is its **speed and scalability**. Whereas traditional 'Urf might take decades or centuries to evolve, digital norms can emerge, spread globally, and gain widespread acceptance within days.⁶ Moreover, digital customs often transcend national and cultural boundaries, creating hybrid norms influenced by multiple cultures simultaneously.

However, this globalized nature introduces new **juristic challenges**:

- * **Authority:** Which community's 'Urf should be given legal weight in a dispute involving parties from different countries but interacting online?
- * **Permanence:** Are digital norms stable enough to form a reliable legal basis, or are they too transient?
- * **Compliance with Shari'ah:** How can jurists assess digital customs for alignment with Islamic principles, especially when online platforms may promote content contrary to Islamic ethics?

These questions demand a reconsideration of the classical criteria for 'Urf and a deeper exploration of how *maqāṣid al-shari'ah* can guide the acceptance or rejection of emerging digital customs.

The Juristic Basis of Accepting or Rejecting Digital 'Urf

The recognition of 'Urf as a secondary source of Islamic law rests on both Qur'ānic injunctions and Prophetic guidance. The Qur'ān repeatedly affirms the principle of acting according to *ma'rūf* (that which is known and accepted as good), as in:

"...And live with them in kindness (*bi-l-ma'rūf*)."⁷ and "Command what is right (*al-ma'rūf*) and forbid what is wrong (*al-munkar*)."⁸

Classical exegetes such as al-Ṭabarī and Ibn Kathīr interpreted *ma'rūf* in these verses to mean conduct that is approved by the Shari'ah and generally accepted by sound human nature (*'urf al-'uqalā'*) within a given society.⁹

In the Sunnah, the Prophet ﷺ acknowledged existing customs when they did not conflict with revelation. The famous hadith – "What the Muslims deem to be good is

⁵ Ali Shehata, "Custom in Contemporary Islamic Legal Thought," *Islamic Law and Society* 28, no. 3 (2021): 270–275.

⁶ Zeynep Tufekci, *Twitter and Tear Gas: The Power and Fragility of Networked Protest* (New Haven: Yale University Press, 2017), 44–45

⁷ The Qur'ān 4:19

⁸ The Qur'ān 7:199

⁹ Muḥammad ibn Jarīr al-Ṭabarī, *Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān* (Beirut: Dār al-Ma'rifah, n.d.), 8:154–156.

good in the sight of Allah"¹⁰ – has been cited by jurists as a textual basis for recognizing 'Urf. The Ḥanafī jurist al-Sarakhsī argued that “established custom is authoritative, for it is recurrent and consistent, and people’s dealings are based upon it.”¹¹

The classical conditions for accepting 'Urf can be summarized as follows:¹²

- A. **Non-contradiction with the Qur’ān, Sunnah, or ijmā’.**
- B. **Prevalence and consistency** – the custom must be widely practiced without significant deviation.
- C. **Existence at the time of legal judgment** – the 'Urf must be current, not obsolete.
- D. **Rationality and public interest** – the practice must serve a legitimate social or economic need.

When applied to **digital 'Urf**, these conditions present unique challenges:

- * Online norms often develop in morally neutral spaces but can be exploited for unethical purposes (e.g., misinformation, harassment).
- * The **fluidity** of digital trends questions whether a custom can be considered “established.”
- * The **borderless** nature of digital spaces means that customs may draw on non-Islamic cultural references, requiring careful ethical filtering.

Therefore, while 'Urf retains its juristic legitimacy, the evaluation of digital 'Urf must involve both **textual analysis** and **contextual assessment** grounded in *maqāṣid al-sharī'ah*, especially the preservation of faith, life, intellect, lineage, and property.

Digital & Social Media 'Urf: Forms, Case Studies, and Implications

Digital and social media 'Urf refers to the customs and conventions that emerge organically within online environments and are recognized by users as standard modes of interaction. These norms may relate to communication styles, content-sharing practices, business transactions, or even political activism. While some of these customs merely replicate offline practices in digital form, others are entirely novel to the online world.

1. Forms of Digital 'Urf

- * **Communication Etiquette:** Norms such as using emojis to express emotions, abbreviations like “JazakAllahu Khayran” (*JAK*) in Islamic groups, or sending Salam before initiating online business communication.¹³
- * **Content Sharing:** Practices like forwarding religious reminders, sharing Friday khutbahs, or the expectation of verifying hadith before reposting.¹⁴

¹⁰ Aḥmad ibn Ḥanbal, *Musnad*, ed. Shu‘ayb al-Arna‘ūt (Beirut: Mu‘assasat al-Risālah, 1999), 1:379, no. 3600.

¹¹ Muḥammad ibn Aḥmad al-Sarakhsī, *al-Mabsūt*, vol. 30 (Beirut: Dār al-Ma‘rifah, 1989), 142.

¹² ‘Alī al-Khafif, *Aḥkām al-Mu‘āmalāt al-Shar‘iyyah* (Cairo: Dār al-Fikr al-‘Arabī, 1967), 52–53.

¹³ Ahmed Al-Rawi, “The Impact of Social Media on the Communication of Islamic Practices,” *Journal of Arab & Muslim Media Research* 12, no. 1 (2019): 27–30.

¹⁴ Yahya bin Abdul Rahman Al-Semari, *Al-Tahqiq fi Ahadith al-Mawdu‘ah fi al-Internet* (Riyadh: Maktabat al-Malik Fahd, 2015), 18–20.

- * **E-Commerce Norms:** Use of cash-on-delivery payment methods in Muslim countries due to trust concerns, and the custom of public price display in online marketplaces.¹⁵
- * **Influencer Endorsements:** The growing acceptance of Muslim social media influencers recommending Islamic books, modest clothing, or halal-certified products as a form of marketing.

2. Case Studies

a. Online Charity Campaigns

During humanitarian crises, Muslim communities on platforms such as Instagram and Twitter rapidly mobilize donation campaigns. The custom of trusting well-known Islamic relief organizations' official social media accounts has become part of the online charitable 'Urf. Scholars have ruled such practices permissible if transparency and accountability are maintained.¹⁶

b. Digital Marriage Proposals

In certain Muslim societies, families now initiate marriage discussions through video calls and exchange digital documents for proposal purposes. This is becoming a recognized 'Urf in diaspora communities where physical meetings are impractical, though jurists stress the need for maintaining Islamic boundaries of modesty.¹⁷

c. Social Activism

The use of hashtags like #PrayForPalestine or #BoycottFrenchProducts has evolved into a transnational digital custom of solidarity. Such practices align with the Islamic principle of *ta'awun 'ala al-birr wa-l-taqwā* (cooperation in righteousness and piety), provided they avoid slander and misinformation.¹⁸

3. Juristic Implications

The emergence of digital 'Urf has several legal ramifications:

- * **Evidentiary Value:** In disputes over online contracts or payments, the established digital norm can serve as a reference point for determining the parties' obligations.
- * **Moral Boundaries:** Jurists must address practices that blur the line between permissible entertainment and impermissible content.
- * **Cross-Cultural Influence:** Globalized customs may normalize behaviors foreign to Islamic tradition, requiring selective adoption.

The dynamism of social media means that juristic rulings on digital 'Urf must be **contextual, flexible, and continually updated**, without compromising Shari'ah principles.

Opportunities and Risks of Digital 'Urf

Digital 'Urf presents both promising opportunities and serious risks for Muslim societies. As with traditional 'Urf, its legitimacy in Islamic jurisprudence depends on its conformity with the Shari'ah and its service to the public good (*maṣlahah*).

1. Opportunities

a. Strengthening Islamic Identity

¹⁵ Muhammad Ayub, *Understanding Islamic Finance* (Chichester: Wiley, 2007), 334–336.

¹⁶ Islamic Fiqh Council, "Resolution No. 27 on Online Charitable Donations," *Majallat al-Majma' al-Fiqhi al-Islami* 12 (2018): 55–56.

¹⁷ Omar Suleiman, "Digital Relationships in Islamic Law," *Yaqeen Institute for Islamic Research* (2020), 5-6

¹⁸ Abul A'la Maududi, *Tafhīm al-Qur'ān*, vol. 2 (Lahore: Islamic Publications, 1984), 122–123.

Digital platforms have facilitated the global dissemination of Islamic knowledge, Qur'ān recitation, fatwas, and moral reminders. Customs such as sharing verified hadith on Fridays or organizing online halaqahs have become part of the positive digital 'Urf, reinforcing religious identity in a globalized world.¹⁹

b. Facilitating Trade and Economic Growth

E-commerce customs such as transparent pricing, return guarantees, and halal product labeling promote trust in online trade. These practices align with the Qur'ānic command:

"Give full measure and weight with justice".²⁰

c. Rapid Mobilization for Social Causes

Customs like collective online fundraising during crises enable Muslims to fulfill the obligation of mutual support (*ta'āwun 'ala al-birr wa-l-taqwā*) across borders.

d. Cross-Cultural Da'wah

The informal sharing of Islamic values through trends, digital storytelling, and visual media has allowed da'wah to reach audiences who may never engage in traditional religious settings.²¹

2. Risks

a. Ethical Dilution

Many digital customs, while popular, may contradict Islamic ethics — such as trends promoting indecency, mockery, or wasteful extravagance. These fall under 'Urf *fāsid*, which is categorically rejected in Islamic law.²²

b. Ephemeral Trends

Unlike stable offline customs, digital 'Urf can shift within weeks or days. This impermanence challenges its reliability as a basis for legal rulings, which traditionally rely on well-established practices.

c. Spread of Misinformation

Unverified religious rulings, fabricated hadith, and conspiracy theories can gain legitimacy through repetition in online communities. The Prophet ﷺ warned: *"It is enough falsehood for a man to narrate everything he hears."*²³

d. Cultural Homogenization

Global digital customs may erode local Islamic cultural expressions, replacing them with a uniform but shallow "internet culture" that may lack spiritual depth.

e. Jurisdictional Ambiguity

Because digital interactions often involve people from different countries, the question arises: which 'Urf applies in legal disputes? This is particularly relevant in online business, digital contracts, and intellectual property rights.

A balanced juristic approach must, therefore, embrace the beneficial aspects of digital 'Urf while resisting its corrupting influences. This requires constant monitoring, scholarly engagement, and public education to ensure that digital customs align with *maqāṣid al-sharī'ah*.

¹⁹ Yasir Qadhi, "The Fiqh of Social Media Usage," *Muslim Matters* (2017), 3–4.

²⁰ The Qur'ān 6:152

²¹ Bilal Philips, *Contemporary Issues* (Riyadh: International Islamic Publishing House, 2002), 88–90.

²² Ibn Nujaym, Zayn al-Dīn, *al-Ashbāh wa-l-Nazā'ir*, ed. Muḥammad Muṭī' al-Ḥāfiẓ (Damascus: Dār al-Fikr, 1983), 87.

²³ Muslim ibn al-Ḥajjāj, *Ṣaḥīḥ Muslim*, Book 1, ḥadīth no. 5.

Contemporary Juristic Responses and Ijtihād on Digital 'Urf

The transformation of 'Urf in the digital era has compelled modern Islamic scholars, fatwa institutions, and fiqh councils to reassess the principles governing the acceptance of new customs. Several key approaches have emerged, reflecting both continuity with classical jurisprudence and innovation in response to technological change.

1. Adoption with Ethical Safeguards

Institutions such as the **International Islamic Fiqh Academy (IIFA)** and the **European Council for Fatwa and Research (ECFR)** have acknowledged that digital customs can be recognized if they meet the classical conditions of 'Urf *ṣaḥīḥ* and serve the public good (*maṣlaḥah*).²⁴ These bodies often emphasize three safeguards:

- A. **Verification** — ensuring the accuracy of information before sharing.
- B. **Privacy Protection** — prohibiting customs that invade personal privacy without consent.
- C. **Avoidance of Harm** — applying the legal maxim *lā ḍarar wa-lā ḍirār* (no harm and no reciprocating harm) to online conduct.²⁵

2. Cautious Restriction

Some scholars, particularly from more conservative circles, advocate limiting the recognition of digital 'Urf due to its rapid and unstable nature. They argue that only practices with proven stability over several years, free from significant shifts in meaning or application, should be considered valid.²⁶ This view draws upon the principle that 'Urf must be “established and recurrent” (*mustamir wa-mu'tād*), as outlined by classical jurists.²⁷

3. Contextual Ijtihād

Contemporary muftis often use *ijtihād manhajī* (methodological independent reasoning) to assess digital customs on a case-by-case basis. For example, online zakat collection through secure payment gateways has been accepted as part of emerging 'Urf, provided that transparency and Sharī'ah-compliance are ensured.²⁸ Conversely, customs like “prank videos” that involve humiliation have been rejected on moral and legal grounds.

4. Fiqh Council Resolutions

The **Majma' al-Fiqh al-Islāmī** (Islamic Fiqh Council of the OIC) in its 2018 resolution on “Social Media Transactions” recognized that many online behaviors now form part of modern 'Urf, especially in e-commerce and social communication. However, the resolution stressed that such customs remain subordinate to explicit Sharī'ah texts.²⁹

²⁴ International Islamic Fiqh Academy, “Resolution No. 237 (24/5) on the Use of Social Media in Islamic Contexts,” *Majallat al-Majma' al-Fiqhi al-Islami* 24 (2019): 311–314.

²⁵ Al-Suyūṭī, Jalāl al-Dīn, *al-Ashbāh wa-l-Nazā'ir* (Cairo: Dār al-Kutub al-Ḥadīthah, 1964), 87.

²⁶ Khaled Abou El Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age* (Lanham: Rowman & Littlefield, 2014), 278–280.

²⁷ Al-Kāsānī, 'Alā' al-Dīn, *Badā'i' al-Ṣanā'i'*, vol. 6 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1986), 12.

²⁸ Islamic Fiqh Council, “Resolution No. 27 on Online Charitable Donations,” *Majallat al-Majma' al-Fiqhi al-Islami* 12 (2018): 55–56.

²⁹ Majma' al-Fiqh al-Islami, “Social Media Transactions Resolution,” 2018, art. 3.

5. The Role of Maqāsid al-Sharī'ah

Prominent scholars like Jasser Auda and Tariq Ramadan have argued that evaluating digital 'Urf requires prioritizing the objectives of Islamic law over rigid literalism.³⁰ By focusing on the preservation of faith, life, intellect, lineage, and property, jurists can distinguish between customs that enrich Muslim life online and those that undermine it.

Conclusion

The rise of digital and social media 'Urf marks a significant transformation in the way customs are formed, recognized, and practiced in Muslim societies. While classical 'Urf developed gradually within localized communities, digital 'Urf emerges rapidly in borderless virtual environments, often influenced by diverse cultural inputs. This evolution presents both unprecedented opportunities for da'wah, economic development, and global solidarity, as well as serious risks of ethical erosion, misinformation, and cultural homogenization.

From a juristic perspective, digital 'Urf can be incorporated into Islamic legal reasoning if it meets the established conditions of 'Urf *ṣaḥīḥ*: conformity with the Qur'ān and Sunnah, prevalence, consistency, and service to the public interest (*maṣlaḥah*). However, its transient nature and susceptibility to manipulation require heightened scrutiny and continuous *ijtihād*.

The scholarly discourse reveals three primary responses: adoption with ethical safeguards, cautious restriction, and contextual *ijtihād*. All three approaches agree on the necessity of filtering digital customs through the *maqāsid al-sharī'ah*, prioritizing the preservation of faith, life, intellect, lineage, and property.

Moving forward, Muslim jurists, educators, and community leaders must:

- * **Develop clear guidelines** for the ethical use of digital platforms.
- * **Educate the public** about distinguishing sound from corrupt digital customs.
- * **Engage proactively** with emerging trends to shape them in line with Islamic ethics rather than merely reacting to them.
- * **Collaborate internationally** to address jurisdictional complexities of online interactions.

By doing so, the Muslim Ummah can harness the constructive potential of digital 'Urf while safeguarding against its moral and cultural pitfalls. In the spirit of the Qur'ānic command to "command what is right and forbid what is wrong" (Qur'ān 3:104), this endeavor is both a legal and a moral imperative.

Recommendations

1. **Develop Juristic Frameworks:** Scholars should establish clear fiqh-based criteria for recognizing or rejecting digital 'Urf, ensuring alignment with maqāsid al-sharī'ah (objectives of Islamic law).
2. **Promote Ethical Digital Practices:** Islamic institutions and scholars must guide communities in adopting digital norms that promote modesty, honesty, and social responsibility, while discouraging harmful trends.
3. **Continuous Ijtihād:** Contemporary jurists should engage in collective *ijtihād* to address the fast-changing nature of digital customs and their implications for Islamic rulings.
4. **Cross-Cultural Analysis:** Researchers should conduct comparative studies on how digital 'Urf manifests across different Muslim societies to identify shared challenges and best practices.



³⁰ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law* (London: IIIT, 2008), 156–158.

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