

Uncertainty (Gharar) in the Indonesian Islamic Higher Education System

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ABSTRACT

Many financial transactions in Islamic higher education institutions in Indonesia have not exactly suitable for Sharia principles, especially in areas such as academic fees and financial contributions. One of the main key issues in these transactions is the presence of gharar, which refers to uncertainty or ambiguity that may disadvantage one of the parties involved. The lack of transparency in contracts and payment mechanisms is a major factor contributing to gharar. In Islamic law, transactions containing gharar are prohibited as they can lead to injustice in contractual agreements. This study aims to identify the presence of gharar in financial transactions within Islamic higher education institutions in Indonesia and to analyze its implications for the validity of contracts and compliance with Sharia principles. A qualitative descriptive method was employed, incorporating three primary approaches: in-depth interviews with key policymakers in Islamic higher education institutions, document analysis of fiqh sources related to Sharia-compliant transactions, and direct observation of financial transaction practices within the institutions. The findings indicate that certain financial transactions in Islamic educational institutions contain elements of gharar, particularly in terms of fee transparency and contractual ambiguity. A lack of clarity in payment mechanisms can lead to misunderstandings between institutions and students, potentially resulting in financial disputes. However, this study also finds that gharar does not automatically invalidate contracts, as long as it remains within an acceptable threshold according to fiqh muamalah, especially when gharar is not a dominant factor in the transaction. These findings highlight the need for clearer regulations in the financial systems of Islamic higher education institutions, including standardized contractual frameworks and greater transparency in fee structures, to minimize ambiguity in transactions and enhance adherence to Sharia principles. Therefore, collaboration among educational foundations, administrative staff, students, and parents is essential to ensure that all transactions are conducted with full transparency and free from gharar, as prohibited in Islamic teachings.

Keywords: *Gharar, Islamic Higher Education, Transparency, Financial Management*

ABSTRAK

Banyak transaksi keuangan di perguruan tinggi syariah di Indonesia yang tidak sepenuhnya sesuai dengan prinsip Syariah, terutama di bidang-bidang seperti biaya akademik dan kontribusi keuangan. Salah satu masalah utama dalam transaksi ini adalah keberadaan *gharar*, yang mengacu pada ketidakpastian atau ambiguitas yang dapat merugikan salah satu pihak yang terlibat. Kurangnya transparansi dalam kontrak dan mekanisme pembayaran merupakan faktor utama yang berkontribusi terhadap *gharar*. Dalam hukum Islam, transaksi yang mengandung *gharar* dilarang karena dapat menyebabkan ketidakadilan dalam perjanjian kontrak. Penelitian ini bertujuan untuk mengidentifikasi keberadaan *gharar* dalam transaksi keuangan di lingkungan perguruan tinggi syariah di Indonesia dan untuk

menganalisis implikasinya terhadap keabsahan kontrak dan kepatuhan terhadap prinsip-prinsip Syariah. Metode deskriptif kualitatif digunakan, menggabungkan tiga pendekatan utama: wawancara mendalam dengan pembuat kebijakan utama di lembaga pendidikan tinggi Islam, analisis dokumen sumber *fiqh* terkait transaksi yang sesuai dengan Syariah, dan pengamatan langsung praktik transaksi keuangan di dalam lembaga. Temuan tersebut menunjukkan bahwa transaksi keuangan tertentu di lembaga pendidikan Islam mengandung unsur *gharar*, terutama dalam hal transparansi biaya dan ambiguitas kontrak. Kurangnya kejelasan dalam mekanisme pembayaran dapat menyebabkan kesalahpahaman antara institusi dan mahasiswa, yang berpotensi mengakibatkan perselisihan keuangan. Namun, penelitian ini juga menemukan bahwa *gharar* tidak secara otomatis membatalkan kontrak, selama tetap dalam ambang batas yang dapat diterima menurut *fiqh* muamalah, terutama ketika *gharar* bukan faktor dominan dalam transaksi. Temuan ini menyoroti perlunya peraturan yang lebih jelas dalam sistem keuangan lembaga pendidikan tinggi Islam, termasuk kerangka kontrak standar dan transparansi yang lebih besar dalam struktur biaya, untuk meminimalkan ambiguitas dalam transaksi dan meningkatkan kepatuhan terhadap prinsip-prinsip Syariah. Oleh karena itu, kolaborasi antar yayasan pendidikan, staf administrasi, siswa, dan orang tua sangat penting untuk memastikan bahwa semua transaksi dilakukan dengan transparansi penuh dan bebas dari *gharar*, seperti yang dilarang dalam ajaran Islam.

Kata kunci: *Gharar*, Perguruan Tinggi Islam, Transparansi, Manajemen Keuangan

INTRODUCTION

Indonesia has more than 16,000 islands and a population of 281 million people. 87.2% of the population is Muslim (BPS, 2024). The government created a policy that requires all citizens to attend school for nine years. The main goal was to provide basic education for everyone. But the policy also created a big opportunity for Islamic education to grow at every level.

Islamic education in Indonesia started long before the country was independent. It began with the *pesantren* (traditional Islamic boarding schools). These schools were centers for learning and also for resisting colonialism. Over time, new government policies and changes in society helped Islamic schools grow quickly, especially at the university level. Now there are both state (PTKIN) and private (PTKIS) Islamic universities. A very important change was adding general school subjects and using formal standards. This allowed graduates from *pesantren* to continue to higher education (Murdianto, 2025). That is why we now have so many different kinds of Islamic schools, both formal and informal (Srimulyani, 2013).

To face the challenges of the modern world and technology, a good Islamic education must connect many different ideas (Hamami, 2021), (Nuryana & Hamami, 2022). Of course, teaching knowledge, values, and good character has always been a key part of education (Ferdinan et al., 2025). But a better balance is needed. Often, the focus is too much on the external rules of *Syariah*. It is just as important to focus on the internal, spiritual part of a person, which is known as *tazkiyat nafs* (spiritual refinement and building values). This balanced idea should be used in every type of school (Mukhyidin et al., 2020), (Muhamad et al., 2024). For schools like PTKI, this

means everything they do must truly show Islamic values. They must completely avoid any business practices that go against Sharia law. This especially includes the type of uncertainty in contracts called *gharar*. The hope is to raise a generation of students who are ready to handle the challenges of their time (Daud, 2021, 9).

It is important to know that there are a lot of Islamic universities in Indonesia. These include private ones (PTKIS) and state-run ones (PTKIN). Data from the Ministry of Religious Affairs shows there are 902 registered PTKIS and 59 registered PTKIN. That is a total of 961 universities (KEMENAG, 2021) out of 6,589 total universities in the country (Kemdiktisaintek, 2024). This number does not include Islamic universities that are not officially registered. Many of these universities do not fully use Sharia principles in their contracts. This has led to concerns and signs that there are practices with elements of *gharar* in many parts of how these schools operate. This includes student admissions, education service contracts, and how resources are managed. *Gharar* is uncertainty, ambiguity, or speculation in a contract or deal. It can harm students, lecturers, staff, and the university itself. It can also hurt the image of PTKI as Islamic educational institutions. For example, there can be unclear extra fees besides the main tuition (UKT). Contracts for non-permanent lecturers can be ambiguous. Promises about facilities or what students will learn might not be fully met. These can be forms of *gharar*. This research aims to identify where *gharar* exists and what its impacts are in the Islamic higher education system in Indonesia.

Islamic education is becoming more popular. But the use of Sharia principles in managing higher education is still not perfect. One of the main problems is the existence of *gharar* in educational transactions, especially in financing and fund management. Uncertainty in contracts, a lack of transparency, and not following Sharia rules can lead to practices that harm people. This situation is similar to what other studies have found. They also point out how important transparency and clear contracts are for avoiding losses caused by *gharar*. In the context of PTKI in Indonesia, it is urgent to identify and reduce *gharar*. This is to make sure the institutions are managed fairly, transparently, and responsibly. This is especially true for important areas like financing, academic contracts, and student services. (Nehad & Khanfar, 2016) (Mohd Shahid et al., 2024) (Kamali et al., 2018).

This study aims to find the types of contracts that have elements of *gharar* in the Islamic higher education system in Indonesia. It will look at everything from new student admissions to the management of university finances. It will also analyze the impacts and create recommendations to minimize the problems. By doing this, the research hopes to help strengthen the use of Sharia principles in managing Islamic higher education. The study will also create a model or framework to minimize contracts that have *gharar* in them. The results of this study are expected to give real help for the development of Islamic higher education in Indonesia. The goal is to help create an educational system that follows Sharia principles. Even though more people understand the importance of Sharia principles, there are still not many in-depth,

real-world studies about how *gharar* appears in the daily operations of PTKI in Indonesia. That is why this research is very important.

RESEARCH METHOD

Research Design

This study uses a qualitative approach (Ainissyifa, 2019), (Saparudin & Salim, 2023). This is the right way to understand the complex problem of *gharar* in Islamic higher education. The study does not want to just measure or count things. It wants to get a deep understanding of how practices with *gharar* show up and grow. This happens in an educational setting that should be following Sharia values.

Because of this, the case study method was chosen. This method lets the researcher see the *gharar* problem in a more detailed and deep way. It happens in a natural context, which is an Islamic university. A single-case study design was picked to get a deep understanding of *gharar* in the financial system and academic practices at one specific Islamic university. ("Single-Case Designs," 2019)

Research Context and Participants

This research was done at a Private Islamic Higher Education Institution (PTKI) in Indonesia. This institution was chosen on purpose. It was chosen because it has a history of trying to use Sharia principles, but it also seems to have challenges with *gharar*. It also has many different study programs and a complex management system. Another reason was that it gave the researcher good access to collect in-depth data.

The people in the study were chosen using purposive sampling (Andrade, 2021) (Memon et al., 2025). This was done to make sure the chosen people had the right knowledge, experience, and views about *gharar* practices at the university. The rules for choosing participants were that they had to be directly involved in academic or financial work. They also needed to have worked or studied there long enough. The main participants were: (a) University leaders, including the Rector/Chairperson and the Vice Rector/Vice Chairperson for academics and finance, (b) Education staff from the finance department and academic administration, (c) Permanent and non-permanent lecturers from different faculties and programs, (d) Students from different years and programs, and (e) A representative from the foundation. The number of participants was decided when no new information was being found. This is called the principle of data saturation.

Data Collection Methods

This study needed information from different places. So, the researcher used three methods to collect it. The first was in-depth interviews. The second was observation. The third was document analysis. Using all three together makes the

research findings more solid and reliable (Meydan & Akkaş, 2024) (Nightingale, 2019).

- **In-depth Interviews** (Knott et al., 2022): For the interviews, the researcher spoke with every person who was chosen for the study. The interviews were semi-structured. That means a guide was used, but the talks were allowed to be open and flexible. The main things discussed were about understanding *gharar*. They also talked about finding possible *gharar* practices, the effects of those practices, and ways to solve them. People gave their permission to have the interviews recorded. Every single word was then written down from the audio files (Golam Azam, 2022).
- **Observation** (Farid, 2022): Observation was another key method. Here, the researcher just watched important events without getting involved. Some of these events were the process for admitting new students. Others included meetings about money and the way students get academic help (Chikowore, 2023). The goal was to see the real process in action. The researcher paid attention to how people talked to each other. They also watched for any documents being used that might be related to *gharar*. Notes were taken during and after watching these events, including thoughts and descriptions.
- **Document Analysis** (Xu et al., 2022) : The last method was looking at documents. The researcher checked many of the university's official papers. These included important rules like the university statute and academic handbooks. Financial reports from past years were also checked. Other papers were the contracts for students and for teachers, ads and brochures, and other key policy documents (Morgan, 2022). The whole point of this was to search for anything that was written in an unclear way. The researcher looked for any rules or information that could have *gharar* in it.

Data Analysis Methods

The data in this study was analyzed using thematic analysis (Cernasev & Axon, 2023) (Galanis P, 2018). The analysis was done in several steps. First, the interview recordings were transcribed word-for-word. Second, the amount of data was reduced by summarizing the most important points. Third, the data was coded based on themes that were related to *gharar*. Fourth, these codes were sorted into bigger, broader themes. The last step was to interpret the findings using theory and all the data that was collected (Fryer, 2022) (DeJonckheere et al., 2024).

The data was presented carefully. It was shown using narratives or stories, easy-to-understand tables, and clear charts. This was done so that readers could fully feel and understand the research results. Finally, conclusions were made based on all the collected data. This was done to answer the research questions that were made at the start of the study.

Trustworthiness

To ensure *trustworthiness* that includes credibility, transferability, dependability, and confirmability of qualitative data (Morse, 2015), several strategies are applied:

1. Triangulation (Tuckett, 2005): Source triangulation is carried out, which is comparing data from leaders, lecturers, students, triangulation methods, namely comparing data from interviews, observations, and documents, and theoretical triangulation, which is interpreting data from various perspectives of gharar theory.
2. Member Checking (Hamilton, 2020) (Lindheim, 2022): Initial findings and interpretations are communicated back to some key participants to verify their relevance to their perspectives and experiences.
3. Peer Debriefing (Hamilton, 2020): Regular discussions are conducted with academic colleagues who understand qualitative methodologies and/or issues of Islamic education in order to obtain critical review and input into the analysis and interpretation process.
4. Audit Trail (Tuckett, 2005): Detailed records of the research process, from design to data analysis, are carried out to allow the tracing of research steps.

To maintain the validity of the data, the author uses various techniques, such as data triangulation, *member check*, and *peer review*. The author ensures that the data collected is accurate and accountable. The author ensures that the interpretation of the data is in accordance with the experience and perspective of the selected speakers. Research ethics such as privacy and confidentiality of the identity of the requesting source are kept confidential. For the selected speakers, it can be ensured that their participation in this study is voluntary. This research was conducted by the author in a purposive selected Islamic university in Indonesia. The university has a variety of study programs, a financial management system that is committed to the application of sharia principles. Therefore, a single case study design was chosen to allow for an in-depth understanding of *the gharar* phenomenon in the context of financial systems and academic practices in an Islamic college

This research method, with all its advantages and limitations, is expected to provide a comprehensive understanding of *the gharar* phenomenon in the Islamic higher education system in Indonesia. This research is expected to provide relevant recommendations to minimize the practice of *gharar* and realize an Islamic higher education system that is in accordance with sharia principles.

Research Trustworthiness

The researcher took several steps to make sure the study's findings were strong and believable. For a qualitative study, this means the results should be credible, transferable, dependable, and confirmable (Morse, 2015). Here are the steps that were taken:

- The researcher used a method called **triangulation** (Tuckett, 2005). This just means comparing information from different places to see if it matches. For example, the researcher compared what the leaders, the teachers, and the students said. They also compared what they found from interviews, from watching things, and from reading documents. Finally, they used different ideas about *gharar* to look at the findings in different ways.
- The researcher also did **member checking** (Hamilton, 2020) (Lindheim, 2022). This is when the researcher went back to some of the main people in the study. The researcher shared what they had found and what they thought it meant. The goal was to ask them, "Does this sound right to you? Does this match your experience?"
- Another step was **peer debriefing** (Hamilton, 2020). The researcher often talked with other academic colleagues. These colleagues knew a lot about this kind of research or about Islamic education. They gave feedback and fresh eyes on how the researcher was understanding the information.
- An **audit trail** was also kept (Tuckett, 2005). This just means that the researcher wrote down everything that was done during the study. Detailed records were kept from the very beginning to the very end. This helps other people to see exactly how the research was done.

To keep the data valid, the researcher used several methods. These included data triangulation, member checking, and peer review. These steps were taken to make sure the collected data was accurate and could be trusted. The researcher checked their ideas with the people in the study. This was to make sure the researcher's understanding matched what the people really experienced and thought.

The research also followed important ethical rules. The privacy of the people in the study was protected. If someone asked for their name to be kept secret, their identity was hidden. It was also made sure that everyone who participated in this research did so because they wanted to. Their participation was voluntary.

Ethical Rules

The study was careful to follow ethical rules. The people who took part had their privacy protected. If anyone wanted to stay anonymous, their name was not used. Everyone who participated did so because they wanted to. Nobody was forced to be in the study.

RESULTS AND DISCUSSION

The Meaning of Gharar in Islamic Law

The word *gharar* means risk or danger. It comes from the Arabic words "Gharar, taghrir, or yaghara". These words mean to trick someone or to make someone interested in doing something wrong. One type of *gharar* is trading something when there is an unknown or hidden part of the deal. The goal is to cause harm or loss. *Gharar* is the uncertainty in a deal that happens when the rules of Sharia

are not followed in that deal (Nehad & Khanfar, 2016) (Mohd Shahid et al., 2024) (Kamali et al., 2018).

The effect of a deal that has *gharar* is that one person is treated unfairly. Because of this, it is forbidden in Islam. There are a few types of *gharar*. One is about quantity, like when a weight or measurement is wrong. Another is about quality, when the quality of the item is not clear. A third is about price, like when there are two different prices in one deal. The last one is about time, when it is not clear when the item will be delivered. If there is uncertainty because Sharia rules were not followed, then it is forbidden *gharar*. But, sometimes uncertainty still exists even after all Sharia rules are followed. This kind of uncertainty is a natural part of life (*sunnatullah*). It cannot be removed, but it can be managed. Some Fiqh scholars have shared their views on *gharar*. These scholars include:

Imam as-Sarakhsi, a prominent scholar from the Hanafi school, defines *gharar* as something whose outcome is hidden or uncertain. This aligns with the broader understanding of *gharar* in Islamic finance, which emphasizes the prohibition of transactions involving excessive uncertainty (Mohd Shahid et al., 2024) (Kamali et al., 2018) (Waemustafa & Sukri, 2016).

"Imam al-Qarafi's definition of *gharar* as something uncertain regarding its acquisition aligns with the broader Islamic finance principles aimed at eliminating ambiguity and ensuring fairness in transactions. Understanding and addressing *gharar* is crucial for the integrity and sustainability of Islamic financial practices."

"Imam Shirazi's definition of *Gharar* as something with unknown outcomes and hidden consequences is consistent with the broader Islamic jurisprudence. The concept is crucial in ensuring fairness and transparency in financial transactions, although its application in modern finance continues to evolve and face challenges." (Kamali et al., 2018) (Waemustafa & Sukri, 2016)

"Ibnu Taimiyah said *gharar* is when the result is not known."

"Ibnul Qayyim said that *gharar* is something where you are not sure you will get it. It doesn't matter if the thing is there or not. An example is selling a wild horse. You might not be able to catch it, even though you can see that the horse exists." This idea is shown through the practical example of selling a wild horse that may not be caught even though it is visible in an open field (Rahman, 2018) (Muchtar, 2017) (Kamali et al., 2018).

"Ibnu Hazm defined *gharar* as a situation where the buyer does not know what he is buying, or the seller does not know what he is selling."

Sayyid Sabiq in his book *Fiqh Sunnah* says that *gharar* is "a deception that would likely cause displeasure if it were looked into closely." Then, Hashim Kamali says "*Gharar* means deception." There are many definitions of *gharar* in different books. Legally, *gharar* can be explained in a few ways. First, *gharar* can be about a doubtful case or uncertainty. For example, when it is not sure if something will

happen or not. Second, *gharar* can be about something that is unknown, not just doubtful. Third, *gharar* can be a mix of both of these things. It can be both unknown and doubtful. As-Sarakhasi defined it this way, saying you find *gharar* when the result is not known. This third definition is very popular in Islamic law.

There are two main ideas of *gharar*. The first is the idea of risk that is mostly full of doubt, probability, and uncertainty. The second is the idea of doubt that is connected to deception or a crime by one person against another.

The Quran clearly forbids all business deals that have any kind of cheating against another person. This could be any kind of deception or crime. It could also be getting a profit unfairly or taking a risk that leads to uncertainty. This is mentioned in the Quran, in Surah al-An'am, verse 152.

Gharar is forbidden in Islam. Because of this, it is not allowed to make a deal or add a condition to a contract that has *gharar* in it. A hadith says: "The Prophet Muhammad (peace be upon him) forbade sales that have *gharar*." (HR. Bukhari Muslim). In fiqh, *gharar* can be excused if there is a great need (*hajat*) or a very difficult situation (*dharurah*).

A business with *gharar* is a business that "does not follow the agreement and cannot be trusted, is in danger, and has an unknown price, item, condition, or delivery time." A *gharar* business, when seen as speculation, is considered the same as gambling. This is because both the seller and the buyer are uncertain. This kind of practice is often done in modern society. For example, buying all the crops from a field that have not been harvested yet. If we connect this to the rules for a valid contract in the Indonesian Civil Code (Pasal 1320), a contract with *gharar* is legally void. This means the people in the deal do not know the limits of their rights from that deal. In fiqh, classic examples of *gharar* are buying fish that are still in a pond, or buying fruits that are still unripe on the tree. This practice is not allowed. One reason is to stop arguments and bad actions between the two sides from happening later.

But it is important to know there is an exception to make the sale of an undelivered item okay. For example, Qudamah said that it is okay to sell fish that are still in the sea if the seller owns the fish (*mamluk*) and the water is shallow enough that the fish can probably be caught. A study by Rahman supports this. It says this view is more useful in today's world because modern technology can catch fish with high accuracy.

From examples like this, *gharar* has been classified into two types. Major (*fahish*) *gharar* is very significant and there is no way to measure it. Minor (*yasir*) *gharar* is not significant and can be ignored because it does not cause fights. In life today, there are many situations where information is missing. Sometimes this is impossible to avoid but can be tolerated to a certain level.

In general, *Gharar* can be put into two categories:

First is **Tolerated Gharar**. This is *gharar* that is acceptable to both people in the deal. It will not affect the main point of the contract. For example, buying a specific car from a dealer that will be delivered next week for an agreed price of Rp 100 million. The car is not here today (there is uncertainty), but the dealer will make sure the car is delivered to person A at the agreed time. Regarding the hadith that forbids selling something the seller does not own, some law experts like Imam Ahmad bin Hanbal and his followers, including Ibn Taymiyyah and Ibn al-Qayyim, say this is about when a seller is unable to deliver the item at the agreed time. Islamic law experts agree that this kind of situation can be tolerated and is allowed.

Second is **Forbidden Gharar**. This is when the uncertainty is very high and it controls the whole contract. It might happen because the buyer or seller cannot take responsibility. Ibn Rushd stressed this. He said *gharar* comes from being ignorant and not having enough information about an item's nature and features. It can be doubt about if the item is available or exists, doubt about its quantity and quality, or not having clear information on the price, the currency for the price, and the payment terms. It is also related to the time of payment and delivery of the item.

Based on the explanations of *gharar* from the experts written above, we can conclude this. The term *gharar* means something that is not yet certain. Because of this, it can lead to a crime in the form of deception. So, if we break it down into its parts, *gharar* has two parts. The first part is "not yet certain." The second part is "a crime in the form of deception." If a business deal, especially in Sharia Banking, is proven to have both uncertainty and deception, then it is definitely *gharar*. The legal result is that the business deal must be declared against the law, especially Islamic law.

Finding Types of Gharar in the Islamic Higher Education System

This study found several types of *gharar* in different parts of the Islamic higher education system in Indonesia. These findings came from in-depth interviews with many different people. They also came from direct observation in the field and from looking at important documents.

***Gharar* in New Student Admissions**

Some Islamic universities use a registration system that is not very clear. This is especially true for the fees that new students have to pay. Information about the details of the costs is not always given clearly. These costs include tuition fees, living costs, dorm fees, and other fees. This can make new students feel uncertain and could have elements of *gharar*.

"When I registered, they only told me the total amount to pay, without clear details. I was confused and worried that there might be hidden costs I didn't know about," said one new student who was interviewed.

Also, some universities have a selection system that is not very transparent. The rules for grading and how the selection works are not always clearly explained to

the new students. This can make students guess and feel suspicious. They might think the selection process is not fair or clear.

Gharar in the Learning Process

During the learning process, some *gharar* practices were found. These were related to the facilities and support tools that are available. Some universities do not give clear information about the facilities they have. These include things like labs, libraries, or sports facilities. This can make students feel disappointed after they have been accepted and started their classes.

"I was promised there would be a complete laboratory for our practical work, but it turned out the facilities were very limited and not good enough," one student complained.

Gharar in Financial Management

Gharar practices were also found in how the universities manage their money. Some universities are not transparent when managing their finances. This is especially true about how they use student funds. Financial reports are not shared transparently with students and other related people. This can make students feel suspicious and distrustful of how the university manages its money.

"We never know where the money we pay every semester is used. The financial reports are never published transparently," said one student.

Possible Gharar in Contracts and Education Services at PTKI X

Watching the library services showed that there were often not enough textbooks for the main courses. This was true even though the academic guidebook says there will be enough learning resources. Also, employee Y said in an interview on May 13, 2025, "In our work contract as permanent employees, the parts about guaranteed work hours and job descriptions or contract renewal are often not clear. We also often get extra work that is outside of our stated duties."

The Effects of Gharar in the Islamic Higher Education System

Gharar practices in the Islamic higher education system can have big effects. These effects are on students, the universities, and society as a whole.

Effects for Students

- **Uncertainty and Worry:** Students feel unsure and worried about their future at the university. This is especially about education costs and the facilities.
- **Distrust:** Students lose their trust in the university and how it is managed.
- **Financial Loss:** Students can lose money. This can happen because of unclear information or costs they did not expect.

Effects for the University

- **Bad Reputation:** The university can get a bad reputation in the eyes of the public and future students.
- **Losing Students:** The university can lose students. This can happen because of distrust and unhappiness.
- **Internal Conflict:** *Gharar* practices can start conflicts inside the university. These can be between students, lecturers, and the university managers.

Effects for Society

- **Loss of Trust:** The public can lose trust in the whole Islamic higher education system in general.
- **Low-Quality Graduates:** *Gharar* practices can affect the quality of the university's graduates. In the end, this is bad for society.

Ways to Reduce *Gharar* in the Islamic Higher Education System

Based on what this study found, there are some things that can be done to reduce *gharar* practices in the Islamic higher education system:

- **Be Transparent with Information:** Universities must be transparent. They must share information about education costs, facilities, and the selection process clearly.
- **Be Accountable with Money:** Universities must be accountable for how they manage money. They must publish their financial reports in a transparent way.
- **Have Strict Oversight:** There needs to be strict oversight. This is for financial management and other practices that might have elements of *gharar*.
- **Increase Awareness:** It is important to raise awareness. University managers, lecturers, students, and other related people need to know how important it is to avoid *gharar*.

Discussion

1. Summary of Main Research Findings

The research at PTKI X found some practices that could have *gharar*. These include unclear fee information for new students. They also include unclear contracts for permanent and non-permanent lecturers, as well as for staff. There was also a lack of transparency in some of the promised services. The effects felt by people were financial uncertainty and a loss of trust.

2. A Look at the Concept of *Gharar* in Islamic Law

To understand these findings more, it is important to understand the idea of *gharar* in Islamic law. The word *gharar* means risk or danger. It comes from the Arabic words "Gharar, taghrir, or yaghara". These words mean to trick someone or to make them interested in doing something wrong. One type of *gharar* is trading something

when there is an unknown or hidden part of the deal. The goal is to cause harm or loss. *Gharar* is the uncertainty in a deal that happens when the rules of Sharia are not followed in that deal (Nehad & Khanfar, 2016) (Mohd Shahid et al., 2024) (Kamali et al., 2018).

Based on what the experts say, we can conclude this. The term *gharar* is something uncertain that can lead to the crime of deception. So, *gharar* has two parts. The first part is "not yet certain." The second part is "deception." If a business deal, like in Sharia Banking, is proven to have both uncertainty and deception, then it is definitely *gharar*. The legal result is that the deal is against the law, especially Islamic law.

3. Analysis of Gharar Practices at PTKI X from a Fiqh Muamalah View

The finding about unclear information on semester fees for new students at PTKI X can be seen as a practice with *gharar*. The definition of *gharar* is 'uncertainty in a deal because Sharia rules are not met' (Nehad & Khanfar, 2016; Mohd Shahid et al., 2024). The lack of clear fee details creates uncertainty for students. They do not know what they are paying for. This could be a type of *gharar* related to unclear quality or quantity. It could also be an unclear price, which can harm students. This is like what Ibnu Hazm said. He said *gharar* happens when 'the buyer does not know what he is buying'.

In the same way, the unclear work contracts about work and teaching hours and contract renewal at PTKI X show uncertainty about time. This is about when rights and duties will be given over time. This can be linked to the definition from Imam as-Sarakhsi. He said *gharar* is something with a hidden or uncertain result. If this is not managed well, it risks becoming forbidden *gharar* (non-tolerated *gharar*). This is because it can cause loss and unfairness to the lecturers. This goes against the rule not to be unjust in Islamic deals (Q.S. al-An'am: 152).

• Research Implications and Recommendations

The findings about practices with potential *gharar* at PTKI X have some important implications. They are important for theory and for real-world practice. These implications are the basis for strategic recommendations.

a. Theoretical Implications

This study gives some new ideas to the academic world.

- Expanding the Idea of Gharar to Education Services: Usually, studies about *gharar* are about business and finance, like buying and selling, insurance, or banking. This study expands the idea of *gharar* to Islamic higher education services. This area has not been studied much. The findings show that contracts in education are not just about paying money for knowledge. They are also about contracts of trust, certainty of services, and job security. All of these can have *gharar*.

- Finding "Educational Gharar" Dimensions: This study shows there is a specific type of *gharar* called "educational gharar." It is not just about financial uncertainty (*gharar al-fahish*). It also includes:
 - *Gharar al-Khidmah* (Service Gharar): Uncertainty about the quality, quantity, or timing of promised services and facilities.
 - *Gharar al-'Aqd al-Wazhifi* (Work Contract Gharar): Uncertainty about the length, rights, duties, and future of a work relationship. This is especially for non-permanent teachers.
 - *Gharar al-Ma'lumat* (Information Gharar): Unclear or ambiguous information that is very important for new students or staff when they make decisions.

b. Practical Implications

In a practical sense, these findings are like a mirror. They give important feedback to different groups.

- For PTKI Management: Practices with *gharar* can directly break the trust of students and lecturers. It can lower their satisfaction. It can also damage the university's reputation as a place based on Islamic values. This uncertainty can cause fights inside and outside the university, which wastes resources.
- For Regulators (Ministry of Religion/BAN-PT): These findings show that accreditation and oversight rules may need to be sharper. They need to check for transparency and fairness in education and work contracts. Judging the quality of Sharia governance is not enough just by looking at the rules on paper. It must also be judged by how it is practiced every day, free from forbidden things like *gharar*.

c. Recommendations

Based on the implications above, here are some real recommendations that can be done. These steps can help reduce *gharar* practices at PTKI:

1. Recommendations for PTKI Management:

- **In Finance and New Student Admissions (Financial Transparency):**
 - Create a Complete "Student Financial Guidebook": The university should publish a guide (in print and online). This guide should be given to every new student when they register. The guide must clearly show:
 - Full details of the main tuition fee (UKT) for each semester.
 - An estimate or a clear list of all other costs outside of UKT that might show up during the study period (like fees for practical work, KKN, graduation, certification, etc.).
 - Clear rules about payment plans, late fees, and how to ask for financial help or to leave the university.

- Build an Accountable Student Finance Portal: Every student must have access to an online portal. On the portal, they can check their payment history, current bills, and any money they still owe in real-time.
- **In Human Resources (Clear Contracts for Lecturers & Staff):**
 - Make a Standard Operating Procedure (SOP) for Work Contracts: The university should create and use a standard SOP for hiring and managing non-permanent lecturers. The SOP must include:
 - Clear contract terms about how long the job lasts, the minimum teaching load, the payment plan, rights to take leave, and other duties.
 - A clear system and timeline for performance reviews. It should also say when lecturers will be told if their contract is renewed or ended. This information should be given at least 2-3 months before the contract ends.
 - Clear information about career paths or chances to become a permanent lecturer.
- **In Communication, Marketing, and Academic Services:**
 - Audit Promotional Materials to Check for Accuracy: The university should regularly do internal audits. This is to make sure all information, pictures, and promises in brochures, websites, and social media match the real facilities and service quality that they actually have.
 - Create a Responsive Complaint Service Unit: The university should make a complaint system that is easy to use (like through an app, a special email, or a service desk). This system is to handle complaints about problems with service *gharar*. The system must have a clear process for handling complaints. It must also promise to give a response to the person who made the complaint.

2. Recommendations for Regulators and PTKI Associations:

- Add Contract Transparency to Accreditation Checks: BAN-PT and other accreditation groups should add new items to their evaluation forms. These items should directly measure how clear financial information is for students. They should also measure how clear work contracts are for lecturers and staff. They can ask for proof like the financial guidebook, the contract SOP, and results from satisfaction surveys.
- Hold Training on *Gharar*-Free PTKI Management: The Ministry of Religion or PTKI associations can create workshops for PTKI leaders. These workshops should be about how to use Fiqh Muamalah in a practical way. They should especially focus on how to reduce *gharar* in modern university management.

3. Recommendations for Future Research:

- Do a quantitative study with a bigger survey. This is to find out how common *gharar* practices and views are in many different PTKI in Indonesia.

- Do a comparative study. This could be between PTKIN and PTKIS, or between PTKI and general universities. It should be about their transparency and contract practices.
- Develop and test a Sharia-based, anti-*gharar* management model. This can be done through action research at one PTKI.

4. Research Limitations

The researcher knows that this study has some limitations. Just like other studies, it is not perfect. These limitations do not make the findings less valuable. But they give context for understanding the results. They also give ideas for future research. Here are some of the limitations:

Generalizability (Making General Conclusions)

This study used a single-case study design. It focused very deeply on only one Islamic Higher Education Institution (PTKI) in Indonesia. Because of this, the findings about the types and effects of *gharar* at this one school cannot be directly used for all PTKI in Indonesia. The number of PTKI is very large. They are all different in size, status (state or private), and the way they work. But it is important to say that the goal of this study was not to make a general rule for everyone. Instead, the goal was to get a rich and deep understanding of the situation. This deep understanding can be like a mirror for other PTKI. It can give them a starting idea or valuable lessons if they have similar problems.

Researcher's Subjectivity (The Researcher's Personal Views)

In this type of qualitative research, the researcher is the main tool for collecting and understanding the information. The researcher's own background, understanding, and talks with the people in the study can affect the results. This is especially true when deciding if an unclear situation is a practice with *gharar*. To reduce this limitation, some steps were taken to make the data trustworthy. These steps included triangulation (comparing data from interviews, observation, and documents), member checking (asking key people if the understanding was correct), and peer debriefing (talking with academic friends).

Limited Access to Sensitive Data

This research topic was about practices that could be seen as negative (*gharar*). Because of this, the researcher had a hard time getting access to some very sensitive information. For example, it was very hard to get detailed internal financial reports. It was also hard to get notes from leadership meetings about staff rules. This limited access might mean the data about high-level official policies is not complete. But the researcher tried to make up for this. They did this by collecting more deep data from other sources, like in-depth interviews with many different people to hear about their real-life experiences.

Time Limitation (A Snapshot in Time)

The data for this study was collected during a specific time period. For example, it was during the second semester of the 2024/2025 academic year. The findings in this report are a picture of how things were at that time. The rules, leaders, and practices at the university can change over time. So, the *gharar* practices that were found might be different now, after the research was finished.

CONCLUSION AND RECOMMENDATIONS

Basically, the main takeaway from this research is that *gharar* is a real problem at these Islamic universities. It's not just one single thing, either. You find it when the schools are not clear about student fees. You find it in confusing work contracts for the staff. It even shows up when promises about the campus don't match what's really there. And this causes a lot of trouble. It makes people worry about their money and they start to lose trust. This can give a school a bad reputation. It's a serious management issue, not a small problem. The schools really need to fix this if they want to operate according to Sharia principles.

So, what's the solution? It really has to start with the universities themselves. They need to be totally upfront about costs. That means making a simple guide that lists every possible fee—no hidden surprises. An online portal for students to track their money would help, too. Then there are the work contracts. They just can't be vague. They have to clearly state the job terms, the duties, and what happens with renewals. Whatever they promise in their ads has to be true. And people need a simple way to complain and get a real response. But it's not just on the schools. The government and groups like BAN-PT should also step in. They should make this kind of transparency a part of their official school reviews. Holding some training workshops for school leaders would be a good idea as well.

This research is just the beginning, though. There's more to do. A bigger survey would be great to see just how widespread this problem is. Comparing the state and private universities would also tell us a lot. What's a really good next step? It would be for a researcher to design a whole anti-*gharar* plan and actually test it at a university. That's how we'll find solutions that really work.

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