

**VIRTUAL MONEY EXCHANGE (CRYPTOCURRENCY) WITH REAL MONEY
(RUPIAH) BASED ON SHARIA ECONOMIC LAW PERSPECTIVE****Masithoh*, Ahmad Imam Hambali**Universitas Muhammadiyah Surakarta, Surakarta, Central Java, Indonesia²

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Abstract

The purpose of this research is to analyze the exchange of virtual cryptocurrency money with real rupiah money from the perspective of sharia economic law. Currently there is a lot of money in virtual form, one of which is bitcoin. The emergence of this type of virtual money is proof of one of the latest technological advances. Bitcoin has been widely used by several countries and even makes it a transaction tool. Cryptocurrency is becoming a booming trend as a new investment opportunity. Not even a few believe that crypto becomes an attraction because it is considered to have different characteristics in solving expenses without using a third party. Some of the provisions in the exchange contract between the same and different currencies, namely exchanging money with similar types such as rupiah with Rupiah and must be done in cash, if different currencies such as Rupiah and Dollar must also be in cash, if the exchange occurs between money and commodities, the most important thing is agreement between the seller and the buyer. Cryptocurrency (Bitcoin) is legal to use for people who accept and acknowledge it, but MUI and OJK do not allow it as a commodity and similarly BI does not allow it as a legal transaction tool to be used in Indonesia because it is considered not to meet the requirements as a currency like Rupiah. and in the perspective of sharia economic law that cryptocurrency (Bitcoin) is an object or object that is not allowed (haram).

Keywords: Cryptocurrency; exchange agreement; Sharia economic law

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INTRODUCTION

The phenomenon of cryptocurrencies has attracted many enthusiasts from various groups who want to use it as an investment, because it is considered very safe and easy to use which is managed by a peer to peer network, namely recipients and sellers. One of the attractions is in the form of files on a computer network (Ben Mariem, Casas, & Donnet, 2018).

The progress of science and information technology that continues to develop is the main support for a necessity, which today's world system relies on technology in its implementation. Goldman Sach even speculated about Cryptocurrency

that could one day shift the dominance of conventional currencies (Cali & Fifield, 2019).

The development Cryptocurrency is becoming a trend among young people who are Mining Trade to get high profits in an easier way. Through the policy of the Minister of Trade of the Republic of Indonesia Number 99 of 2019 concerning the General Policy for the Implementation of Crypto Asset Futures Trading which in essence stipulates that "Crypto Assets (crypto assets) are determined as Commodities that can be used as Futures Contract Subjects traded on the Futures Exchange", as specified in Article 1 (Nitha & Westra, 2020).

The aggregate gross ICO yield, defined as the amount of market cap in the

first instance after the digital currency entered public trading, increased exponentially in the second half of 2017, showing the same pattern as the cumulative number of ICOs. This was apparently initiated by the Tezos ICO, the largest ICO so far, raising \$232 million. This dramatic increase is illustrated in Amsden and Schweizer (2018) which show that the aggregate market volume of alt-coins (i.e. all cryptocurrencies except Bitcoin) increased from \$2.4 billion to \$373 billion in 2017 alone, exceeding the entire European venture capital industry. Interestingly, the cumulative funds raised in ICOs, as of October 2018, totaled \$21.3 billion (Momtaz, 2021). Goldman Sachs even speculated about Cryptocurrency that could one day shift the dominance of conventional currencies. Goldman Sachs concluded that the factors behind the rising positive trend of Bitcoin are that there is no satisfaction from the public towards conventional currencies in various aspects. Goldman Sachs concluded that the factors behind the rising positive trend of Bitcoin are that there is no satisfaction from the public towards conventional currencies in various aspects.

But in today's digital era, it requires people to be smart in interacting with each other, because various digital innovations are constantly evolving. With the advent of electronic money, one of them is cryptocurrency that allows people to carry out financial transactions without using cash anymore. The development of electronic money is due to the development of information and communication technology and is very efficient in using it (Mikhaylov, 2020).

Market Cryptocurrency is a self-organized system which in many cases is thought of as a network of market agents consisting of a number of connected and dependent parts. Like Crypto individuals. Cryptocurrency is a technology based on cryptography and algorithms, which can mathematically compose various codes and

passwords used to track virtual currencies (Bielinskyi & Soloviev, 2018).

METHOD

This study uses library research. The approach used is a normative-descriptive approach. From the results of normative - descriptive research where normative theory is able to explain what should be done and descriptive method is a method in researching the status of human groups, an object, a condition, a system of thought or a class of events in the present. to obtain data to draw conclusions related to cryptocurrency exchange.

Secondary data is one of the main ingredients in this study to obtain related data including books, articles, journals, newspapers, as well as those related to this research. What needs to be done in this research is to find a relationship between theory and the results that occur in the field in the form of a literature review (Dimiyati, 2013).

RESULTS AND DISCUSSION

Cryptocurrency is one of the new financial assets that is developing in the Millennial era. So that many people are plunged into the world Cryptocurrency because they get instant profits just by monitoring the ups and downs on the price movement chart, but don't forget that behind this convenience there is a high risk of investing which causes large losses and rapid loss of assets (Thompson, 2020). A trader must create a personal account to enter the world Cryptocurrency service provider company trading. Verification is done peer to peer (P2P) from the company to the account owner, because Cryptocurrencies are decentralized (Huda & Hambali, 2020).

Decision making Trader is influenced by the analysis used in viewing price movement charts, because charts reflect supply and demand. Cryptocurrency exchange cannot be directly converted to Rupiah, because Rupiah is included in Exotic

Currency Pair. Cryptocurrency follows the USD Dollar price, then enters the E-Wallet (Virtual Wallet) to store the profits and capital deposits entered. After that, the USD Dollar is converted into the Rupiah currency price at that time.

The time required for withdrawing funds to a personal account takes about 1x24 hours, the history of rupiah withdrawals will show the status of the withdrawal which is still pending because it is still in process, if the funds have been disbursed, the status will automatically change and the funds will go directly to the privately-owned local bank. has been registered in a crypto account with cash funds of 25,000 and to withdraw funds through an ATM, approximately 6000 rupiah will be charged. The supply of bitcoins is indeed not widely circulated, in contrast to rupiah currency, the circulation continues and never stops because it is a legal means of payment and is used every day for transactions and is used to buy goods and services (Liana Threestayanti, 2021).

A. Analysis of Virtual Money Exchange (Cryptocurrency) With Real Money (Rupiah) Sharia Economic Law Perspective

In al-Baqarah 282-283 which we can learn from the main teachings in conducting a transaction, especially in non-cash transactions or those carried out over time, it is required to record, the need for witnesses, as well as guarantees carried out with full responsibility. The practice that occurs in the real world on Cryptocurrency is that there are no witnesses, guarantees and so on so that losses are only borne by individuals, prices are unstable. So this is clearly not in accordance with what has been mentioned in the letter al-Baqarah verses 282-283 (RI, n.d.).

Cryptocurrencies including usury Ba'i there are two objects in Riba Ba'i that are often found in everyday life, namely Riba Fadhl and Riba Nasi'ah. Riba Fadl usury that often occurs in the proper

measure. For example, replacing one hundred thousand bills with fifty thousand notes. But what is returned is not in accordance with the initial dose, aka reduced from the initial nominal, then this has taken place usury in it. Riba is a muamalah activity which is prohibited in Islam, every Muslim must understand it. Preferably in conducting transactions, it should be in accordance with the Shari'a without any reduction from economic activities carried out for personal gain. More harm than benefit contained in it. As a Muslim, do not take usury for granted because Allah has explained it in the Qur'an. Second: Riba Nasi'ah usury occurs in the process of buying and selling with a certain tempo, transacting with two types of usury goods with suspension or in payment. For example, two people exchange twenty-four carat gold. The first party has submitted it while the second party has submitted it next month (Dr. Erwandi Tarmizi, 2019).

The two objects above are related to the exchange between two types of usury goods, this includes the type of usury nasi'ah. In short, a trader who buys a coin at a low price at first can make a lot of profit. When he sells a coin when the price of the coin goes up or holds it and waits for the price to jump higher, he can also lose if the coin price drops. Based on the AAOIFI international standard, a gharar is called that if gharar is heavy, is in a business transaction, not a social one, and on the object of sale, not on the complement. Gharar in terms of legal subjects according to Ibn Hazm al-Zhairi the buyer does not know the goods or the form of an item to be purchased and only explains in terms of advantages, not disadvantages (Fuji Pratiwi, 2018).

Hadith narrated by Ibn Abbas and followed by the people of Mecca, they allow buying and selling differently and what is prohibited is only usury of nasi'ah.

سَعِيدِ أَبِي عَن تَافِعٍ، عَن مَالِكٍ، رَوَاهُ مَا
- وَسَلَّمَ عَلَيْهِ اللَّهُ صَلَّى - اللَّهُ رَسُولَ أَنَّ الْخُدْرِيَّ
بِمِثْلٍ، مِثْلًا إِلَّا بِالذَّهَبِ الذَّهَبَ تَبِعُوا لَا: قَالَ
صَةَ الْفِ تَبِعُوا وَلَا بَعْضَ، عَلَى بَعْضًا تُشِفُّوا وَلَا
عَلَى بَعْضًا تُشِفُّوا وَلَا بِمِثْلٍ، مِثْلًا إِلَّا بِالْفِصَّةِ
|| الصَّامِتِ اِدَّةَ. الْبَابِ || «اجْرِ ائْبًا || لَا بَعْضُ
الْبَابِ

Meaning: what was narrated by Malik from Nafi' ibn Abu Sa'id that the Messenger of Allah said: "Do not buy gold with gold unless it is the same, and do not distinguish one from another. Do not buy silver with silver unless they are equal, and do not overestimate one another this is the most legitimate History (Abu Walid Muhammad bin Ahmad bin Muhammad bin Ahmad Rusydi Al-Qurtuby 2004) Jumhur said that what was printed was not the same as the law, in contrast to muawiyah, which allowed it if it had become goods because there was an additional fee.

Cryptocurrencies have become the center of attention for investors and their recipients are getting wider (Poongodi et al., 2020), even those who were previously anti-coin now have invested a lot and are predicted to be able to replace the money used today. However, it is not easy to reach this stage because of the very prominent difference between cryptocurrencies and Rupiah where crypto is decentralized while paper money is centralized (Contribution & Contribution, 2018). It means centralization (centralized) where the currency is controlled by the authorities. Other hand, Cryptocurrencies is decentralized every time a transaction is recorded in a ledger managed by all crypto users around the world so that it looks more transparent while in Islamic law money printed by the government is only recognized for its existence because it is a form of protection from fraud and fraud in the financial sector, in terms of Islamic law Bitcoin does not comply with the criteria for money in terms of Islamic economics,

only from speculation that is very high in profit, causing harm to individuals and the state and in essence it does not have clear sources and balances but there is only moral guarantee (Fatarib & Sali, 2020).

The great scholar Al-Ghazali said, "Those who carry out usury transactions on Dinars and Dirhams really have disbelieved in favors and have committed injustice. Since the Dinar and Dirham were created as a medium and not an end, this contradicts the original purpose of money being created. Therefore, it is not permissible to sell Dirhams with different nominal dirhams and it is not permissible to sell them futures (not cash), this can prevent people from turning them into commodities and traders will not do this to make a profit."

Basically, the principle of exchange is divided into two parts, namely, the exchange that is allowed and the exchange that is not allowed. First: the exchange is allowed as long as the transaction does not go beyond the limits that have been determined by syara'. Second: the exchange that is not allowed which contains elements of usury, gharar, tadbis, ghabn maisir (Prof. Dr. H. Fathurrahman Djamil, MA 2012).

As the meaning of a hadith narrated from Hakim bin Hizam, he said: "I went to the Messenger of Allah and said: A man came to me asking that I sell an item. which I don't have, I will buy it for him in the market and then I sell it to that person. Rasulullah SAW replied: "Do not sell something that you do not have". (HR Tirmidhi) (Kusuma, 2020).

The Qur'an has regulated in Surah Al-Baqarah verse 275 regarding buying and selling that it can be done if it is in accordance with the Shari'ah. Allah forbids usury and justifies buying and selling.

كَمَا إِلَّا يَقُومُونَ لَا الرِّبَا يَأْكُلُونَ الذِّبْنَ
ذَلِكَ ُ الْمَسِّ مِنَ الشَّيْطَانِ يَتَخَبَّطُهُ الَّذِي يَقُومُ
الْبَيْعِ اللَّهُ وَأَحَلَّ ُ الرِّبَا مِثْلَ الْبَيْعِ إِنَّمَا قَالُوا يَا نَهْمُ
فَأَنْتَهُي رِيَّهُ مِنْ مَوْعِظَةٍ جَاءَهُ فَمَنْ ُ الرِّبَا وَحَرَّمَ

فَأُولَٰئِكَ عَادَ وَمَنْ ٱلَّهِ إِلَىٰ وَأَمْرُهُ سَلَفَ مَا فَلَهُ
خَالِدُونَ فِيهَا هُمْ ٱلنَّارِ أَصْحَابُ

Meaning: "Those who eat usury can not stand but like the establishment of a demon possessed by madness. That is because they say that buying and selling is the same as usury. Whereas Allah has justified buying and selling and forbade usury. Whoever gets a warning from his Lord, then he stops then what he got first belongs to him and his business (up to) to Allah. Whoever repeats it, then they are the inhabitants of Hell, they will abide in it forever."

Cryptocurrency is one of the new technologies that was launched as a testament to the sophistication of today's technology and requires an accurate understanding of how this virtual type works to jump right in so you don't lose when you use it and feel the benefits (Putri, Ilham, Sinurat, Majied, & Saragih, 2021). In the Islamic world to date, there has been no specific fatwa related to cryptocurrencies that serves as a guideline for agreeing on laws against cryptocurrencies. Now crypto money only depends on its users whether it is used for evil or for good (Abdeldayem, Dulaimi, & Nekhili, n.d.).

By basing on the purpose of transactions justified by the Qur'an and Hadith as well as the Fatwa of the National Sharia Council regarding the sale and purchase of foreign exchange, there are several types of Foreign Exchange Transactions, namely; Spot Transactions, Forward Transactions, Swap Transactions, Option Transactions (Dewan Syariah Nasional-Majelis Ulama Indonesia (DSN-MUI), 2002).

Judging from the Fatwa of DSN-MUI Number: 28/DSN-MUI/III/2002 concerning the Sale and Purchase of Currency. It is allowed to exchange real money for Crypto. Provided that the value is the same and in cash, if the transaction is made against currency. During this

latest pandemic, cryptocurrencies have increased and increased until they have gained abundant popularity. However, the price of bitcoin had also weakened in April by touching the figure of 779 million from 930 million last March which was a record high.

Based on the Fatwa Syabaqah Islamiyah Number 251170 In currency transactions, there must be a handover (taqabudh) and the same quantity if the type is the same. And it is required to be taqabudh, although the quantity may not be the same, if different types. And taqabudh can be done haqiqi (there is money, there is bitcoin held), it can also be status (hukmi) (Fatwa of Syabaqah Islamiyah no. 251170) (Moslem today, 2016).

Another thing that becomes a challenge that needs to be faced to invest in cryptocurrencies is the absence of a clear division and it is not certain that crypto- to-currency as a currency or only as a commodity, there is an act of fraud that can divert people's trust in something (Naqvi, 2018). Almost all cryptocurrencies are not controlled by a central bank which makes the value of cryptocurrencies not dependent on inflation or other economies involving banks.

B. Analysis Cryptocurrency Based on Laws and Regulations

Cryptocurrency cannot be a medium of exchange in Indonesia because Bank Indonesia requires payments using rupiah in cash or non-cash. As per Bank Indonesia Regulation No. 17/3/PBI/2015 Concerning the Obligation to Use Rupiah in the Territory of the Unitary State of the Republic of Indonesia, in Article 2 number (1) says; Each party is required to use Rupiah in transactions conducted within the Territory of the Unitary State of the Republic of Indonesia (Indonesia, 2003).

Normally, Bank Indonesia has regulated virtual currencies and the like, but there are still many people who

practice this practice. Cryptocurrency can become a medium of exchange for anyone who recognizes it. However, it is very vulnerable to carry out illegal cross-border transactions and funds transferred between each other can be misused because the presence of cryptocurrency is a new innovation that is present in the financial world today that brings benefits but in the early stages of mafsadah so far it has been proven by the activities of

outside parties that are not continuous. of system weaknesses. The purpose of the publication is also unknown and can damage the security of the country, although it is possible for the community to provide broad use, on the other hand, the public also does not understand the transactions offered by cryptocurrencies, so the government must build an economic system that is more secure and protects it strictly (Benetton, 2021).

Table 1
Cryptocurrency exchange

| No | Bitcoin | Allowed | Not allowed |
|----|--------------|--|--|
| 1 | Object | Cryptocurrency exchange is allowed with operational supervision under the approval of BAPPEBTI if it is used as a futures asset. | OJK and MUI do not allow crypto as a commodity and similarly BI does not allow crypto as a legal means of transaction to be used in Indonesia because it is considered <i>cryptocurrency</i> does not qualify as a medium of exchange such |
| 2 | Time | It must be done in cash simultaneously as well. Installments can be made at the specified time and the same price. | Delaying payments for speculation prices will rise and make a profit. |
| 3 | Transactions | It should have been exchanged for real money to be replaced with real goods | Become a direct medium of exchange. |

CONCLUSION

Cryptocurrency exchange with Rupiah in Indonesia has indeed been widely practiced, specifically cryptocurrency can be used as an exchange and investment, but Cryptocurrency itself is not an official currency and does not yet have a clear legal umbrella such as regulations for the use of Rupiah in accordance with Bank Indonesia Regulations. No. 17/3/PBI/2015 so that if cryptocurrency is determined as a currency it will be against the rules above. The exchange of the two different types of money becomes an attraction for people who are tempted to join because it is considered easier and achieves big profits without having to work hard. The practice of exchanging cryptocurrencies with Rupiah in Indonesia, a trader simply sells crypto on a personal

account when the price goes up and mines if the price drops, if you want to withdraw just wait a few minutes the funds have entered the account that has been registered in a personal account and the funds later it can be withdrawn at an ATM, but before that the Trader has registered to get a personal account from a company that provides trading services then the account holder can immediately make a deposit after obtaining approval from the company. A very easy way without connecting with third parties or other institutions when making transactions and it is enough between the two parties concerned during the transaction process exchange Cryptocurrency is allowed with operational supervision under BAPPEBTI approval if it is used as a futures asset. However, OJK and MUI do not allow crypto as a commodity and

similarly BI does not allow crypto as a legal transaction tool to be used in Indonesia because it is considered cryptocurrency does not meet the requirements as a medium of exchange such as rupiah. Cryptocurrencies have no clarity on their prices and can change at any time.

Cryptocurrency in the perspective of Islamic economics, an object or object that is not allowed (haram). In practice, the exchange contains elements of gharar and maisir, because one party does not know whether the item is or not and only relies on mutual trust. The element maisir or gambling contained in practice is that traders only expect profits which are uncertain and speculative. The form is not real so it is very vulnerable to fraud. If cryptocurrency is used as a medium of exchange, no one guarantees its authenticity and value and it could be worth it someday and lose because cryptocurrency is only stored on a computer so it is very vulnerable to being hacked by hackers who want to steal it. It can be concluded cryptocurrency, whether used as a medium of exchange or investment, is haram.

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