

Contextualization of Ta'zir and Amar Ma'ruf Nahi Munkar to Address Illegal Online Loans

Achmad Bissri Fanani

Program Studi Fikih wa Ushuluhu, Ma'had Aly PP An-Nur II Malang

Imam Shobari

Program Studi Fikih wa Ushuluhu, Ma'had Aly PP An-Nur II Malang

Iqbalul Muid

Program Studi Filsafat, STF Al-Faroby, Malang

Musthofa Ahmad Al-Mu'thi

Program Studi Fikih wa Ushuluhu, Ma'had Aly PP An-Nur II Malang

Moch. Rafli Nazillur Roikhan

Program Studi Fikih wa Ushuluhu, Ma'had Aly PP An-Nur II Malang

General background: Financial technology (fintech) has transformed the financial services industry, offering convenience and broader access. **Specific background:** However, the rapid growth of online loans has also given rise to illegal lending practices, marked by exorbitant interest rates, privacy violations, and exploitative collection methods, causing serious economic and psychological harm. **Knowledge gap:** Previous studies have examined illegal loans from legal, economic, and social perspectives, yet few have analyzed solutions through the framework of *industrial fiqh*. **Aims:** This study seeks to contextualize the concepts of *amar ma'ruf nahi munkar* (enjoining good and forbidding wrong) and *ta'zir* (discretionary punishment) as frameworks to address the proliferation of illegal online loans. **Results:** Findings show that economic pressures, consumptive lifestyles, and low financial literacy are primary factors driving communities into debt traps. Illegal loans are deemed unlawful in Sharia due to elements of *riba*, *gharar*, and *zulm*. **Novelty:** By applying classical fiqh principles within the theory of industrial fiqh, this study introduces practical programs: financial literacy campaigns as *amar ma'ruf* and strengthened regulation and law enforcement as *ta'zir*. **Implications:** These approaches highlight the relevance of fiqh in modern socio-economic challenges, offering a Sharia-based, preventive, and corrective framework to protect society from exploitative financial practices.

Highlights:

- Illegal online loans cause economic, social, and psychological harm.
- Fiqh principles provide preventive and corrective solutions.
- Novelty lies in contextualizing *amar ma'ruf* and *ta'zir* within industrial fiqh.

Keywords: Fintech, Illegal Online Loans, Industrial Fiqh, Amar Ma'ruf Nahi Munkar, Ta'zir

Introduction

Civilization is the result of thought applied to life activities, such as works of art, customs, and industrial systems.[1] Civilization differs proportionally from culture. According to J. Martin, civilization leans more towards social, political, and institutional aspects, while culture tends towards moral aspects. [2] The primary factor in the birth of civilization is an awareness of needs, coupled with critical and creative thinking abilities. [4] From this perspective, civilization serves as a benchmark for societal progress. The better the civilization, the more advanced the society. [5]

One example of civilization is financial technology (fintech), which enables individuals to conduct financial services industry online. [6] The financial services industry involves businesses that provide funds, such as banking, pawnshops, insurance, financing companies, capital markets, and pension funds. [7] Initially, financial services could only be conducted through direct meetings between two or more parties. However, with the advancement of technology, this industry has undergone a system transformation, allowing individuals to conduct transactions online.

Meanwhile, it's undeniable that despite fintech's many positive impacts, some parties exploit these opportunities for personal gain, even harming others. One such case is illegal online lending. Essentially, online lending has legal legitimacy in Indonesia, regulated by OJK Regulation Number 77/POJK.01/2016 concerning information technology-based money lending and borrowing services, and Bank Indonesia Regulation Number 19/12/PBI/2017 concerning the organization of financial technology (Dewan Komisioner OJK, n.d.). Online loans have rapidly grown due to their perceived practicality, easy application processes, and quick approval for fund disbursement. [8] Online loans are even considered to contribute to Indonesia's economic growth by assisting unbanked individuals who lack access to conventional banking services due to extensive administrative requirements. [9] The high demand for online loans has ultimately opened avenues for the proliferation of online loans unregistered with the OJK (illegal).

Illegal online loans often cast a negative image on fintech. This is due to their intimidating collection methods and excessively high compensation and late fees. [10] Consequently, victims often experience depression, leading to suicide. This is evidenced by cases of attempted suicide due to entanglement in illegal online loan interest and harassment. [11] Another case involved a student who borrowed Rp1.2 million from an illegal online loan application. Within three months, the loan interest ballooned to Rp19 million. [12] Nevertheless, illegal online loan transactions are still widespread; in fact, in 2024, these transactions reached a value of Rp27 billion. The following data is from the OJK (Financial Services Authority). [13]

Month	Loan Disbursement (Billion IDR)	Recipients (Million People)
April	22	9
May	25	10

June	24	10.5
July	27	11
August	27	11

Table 1. Data from the OJK (Financial Services Authority)

Therefore, the role of fiqh is crucial in controlling and ensuring that the direction of civilization remains on a positive path. Fiqh serves as a guide for Muslims, regulating various aspects of life, from worship, administration, trade, politics, social life, to industry. [14] In other words, fiqh can be understood as Islamic jurisprudence. The sharpness and robustness of a society's fiqh perspective reflect the quality of civilization in that region. Theoretically, this is a reflection of the purpose of fiqh, which is to realize benefits and prevent harm in various aspects of life. [15] Practically, this view can be proven through the thoughts of Indonesian Muslim scholars. For example, KH. Abdurrahman Wahid (Gus Dur) bravely rejected the concept of an Islamic state, thereby ensuring Indonesia remained a unified nation with its diversity. [16] Another example is KH. Sahal Mahfudh with his idea of productive zakat, which has provided a real solution to alleviate poverty in society. [17] These two figures demonstrate how fiqh can contribute significantly to building a more advanced and inclusive civilization.

The problem of illegal online loans has garnered significant attention from various parties and has been researched from diverse perspectives. Below are some credible studies. Firstly, Niskaromah focused on the discussion of debt and online loans in Islamic law. The study concluded several key points: debt must be free from usury (riba) and based on the principle of mutual help (at-ta'awun); Islam provides strict rules regarding debt repayment, prohibits undue delays, and offers great rewards for lenders who show kindness, such as granting extensions or waiving debts for those unable to pay. This affirms that debt in Islam is a form of social solidarity. [18]

Next, Andre Marpudin focused on dissecting the strategies of Islamic banks to address the emergency of illegal online loans and online gambling. The study concluded that there is a financial technology (fintech) system with the potential to overcome the circulation of illegal online loans and online gambling, namely crowdfunding as a social fundraising platform. [19] Lastly, Runuk Machfiroh's research focused on community cooperatives as an alternative solution to be free from online loans in Patrolsari Village. The study concluded that savings and loan cooperatives can be an easily accessible source of financing, thereby reducing dependence on illegal online loans. [20]

From these previous studies, there is no research that specifically discusses solutions for dealing with the circulation of illegal online loans by dissecting the perspective of industrial fiqh. Therefore, this study focuses on exploring solutions by contextualizing the concepts of amar ma'ruf nahi munkar and ta'zir from the perspective of industrial fiqh to address the circulation of illegal online loans. As a supporting element in formulating solutions, the background, system, and legal aspects of illegal online loans in fiqh literature will also be presented. This study aims to present the contextualization of the concepts of amar ma'ruf nahi munkar and ta'zir. It will then conclude by formulating programs consistent with the industrial fiqh perspective to combat the spread of illegal online loans.

This study is highly interesting to undertake as it can provide a new breakthrough in addressing illegal online loans and help improve the civilization of the Indonesian nation.

Method

This research employs a descriptive qualitative method to analyze the contextual meaning of fiqh studies on the concepts of amar ma'ruf nahi munkar and ta'zir found in classical Islamic texts (kitab turats) as solutions to address the circulation of illegal online loans. The theoretical framework used for the analysis is industrial fiqh by Salih bin Ali Bafadhal. The research workflow is as follows:

Step	Description
1	Briefly explain about illegal online loans, including their driving factors, system, and legal aspects.
2	Explain the concepts of amar ma'ruf nahi munkar and ta'zir.
3	Contextualize the concepts of amar ma'ruf nahi munkar and ta'zir into a program.
4	Synchronize the program formulation with the theory of industrial fiqh.
5	Draw conclusions.

Table 2. Theoretical Framework

The object of study is the book Fath Al-Mu'in (discussing amar ma'ruf nahi munkar and ta'zir) and information on illegal online loans from authoritative references, which also serve as primary data sources. Secondary data sources will be taken from the commentary book I'alah At-Thalibin as well as information from other related references. Data collection techniques involve reading and note-taking, as well as the Miles and Huberman model of triangulation, which includes three stages: data reduction (sorting and summarizing data relevant to the research), data presentation (organizing reduced data into tables, graphs, or narratives), and drawing conclusions (interpreting the presented data to generate research conclusions). [21]

Results and Discussion

A. Industrial Fiqh

In Arabic, "industry" is called "at-tashni'" (derived from the word shanna'a). Linguistically, at-tashni' is defined as an activity that requires expertise to produce goods through a certain process. Ibn Manzhur, in Lisan al-'Arab, explains that this term describes skilled work involving a process of transforming materials, as narrated in the hadith by Ibn Umar:

عن ابنِ عُمرَ أن رَسولَ اللَّهِ، صلى الله عليه وسلم، اصْطَنَعَ خَاتَمًا مِنْ ذَهَبٍ كَانَ يَجْعَلُ فَصَّهُ فِي بَاطِنِ كَفِّهِ إِذَا لَبَسَهُ فَصَنَعَ النَّاسُ ثُمَّ إِنَّهُ رَمَى بِهِ

Meaning: *"From Ibn Umar that the Messenger of Allah (PBUH) commanded someone to make him a ring of gold. He wore the ring with its stone on the inside of his palm. So, people also made rings like that. Then, he threw it away."* [22]

Industry in terminology still has several definitions from scholars.

According to fuqaha', industry is the process of manually changing materials into a new form. [23] Meanwhile, economists define it as the processing of materials to meet human needs. In Egyptian tax law, industry is defined as the transformation of organic or inorganic materials through manual or mechanical means. [24]

From these various definitions of industry, Salih bin Ali Bafadhal formulates a single conclusion: industry is the process of changing the properties or form of materials into new products. In the current era, the object of industry is not only material but also includes services. Thus, industrial fiqh is the set of Islamic legal rules that regulate the operation of industry, including pre-production, production, and post-production.

1. Fundamental Principles of Halal Industry

The fundamental principle of industry in Islam is the freedom to act and be as creative as possible, as long as it is not prohibited by Sharia. This is based on the maxim of Al-Ashlu Al-Ibahah (the original ruling on a matter is permissibility). [25] Therefore, the primary focus of fiqh in this regard is to seek evidence that indicates prohibition. As a consequence of this principle of freedom, the state is not permitted to interfere in an individual's industry. However, if there are strong reasons necessitating intervention, the state has both the right and the obligation to do so for the sake of achieving certain benefits. Examples include fulfilling the state's need for specific products or preventing harm, such as monopolies. [26] In Sharh Al-Lubab, it is explained:

ولا ينبغي للسلطان أن يسعّر على الناس لأن الثمن حق العاقد، فالإيه تقديره؛ فلا ينبغي للحاكم أن يتعرّض لحقّه، إلا إذا تعلّق به ضرر العامة، بأن كان أرباب الطعام يتحكّمون ويتعدّون عن القيمة تعدياً فاحشاً، فحينئذ لا بأس به بمشورة أهل الرأي والبصر

Meaning: *"A ruler should not set prices for the people, because price is the right of the transacting party, so it is their right to determine it. A judge should not interfere with this right unless it will lead to widespread harm, such s*

when food merchants engage in manipulation and excessively exceed reasonable value. In this case, there is no problem with setting prices after consulting with knowledgeable and expert individuals." [27]

The government has the right to set prices for the public good. However, state intervention is not as an owner or master over the people, but rather as a representative, guardian, or party acting on behalf of the people. Imam Shafi'i stated:

منزلة الوالي من رعيته بمنزلة والي مال اليتيم من ماله

Meaning: *"The position of a leader towards his people is like the position of a guardian towards an orphan's property."* [28]

Therefore, the most important control for a leader is to ensure that every action taken aims for the public interest. Scholars also agree that all policies of a leader must be based on the welfare of the people.

2. Indicators of Haram Industry

In Islam, there are three indicators of haram (forbidden) industry. The first is al-bathl, which linguistically means to invalidate or corrupt something, whether truth or evil. Terminologically, al-bathl refers to matters explicitly or implicitly prohibited by Sharia (n.d.-a, p. 179). The second is al-fasad, meaning corruption and destruction. However, fuqaha' (Islamic jurists) usually use the word fasad as a synonym for al-bathl (Al-Hakimi, n.d.). The third is az-zhulm. This term means doing something out of place, oppression, and the like (n.d.-b, p. 319). If summarized from these three indicators, a haram industry contains corruption, falsehood, and injustice. Considering this, haram industries have a negative impact on the sustainability of the Indonesian nation's life in various aspects. [29]

B. Background of Illegal Online Loan Transactions

Illegal online loans have provided an alternative not offered by financial institutions like banks or cooperatives, especially for those with limited access to such services. The ease of application, speed of fund disbursement, and minimal administrative requirements make them a popular choice for people to meet financial needs. [30] However, there are several other factors that lead individuals to engage in illegal online loan transactions, as follows:

- **Economic and Social Factors** The involvement of the community in illegal online loans is inseparable from economic and social factors that push them to seek quick financial solutions. These needs usually relate to unplanned or unavoidable expenses, such as sudden healthcare costs, children's education needs, and daily necessities (Ayuningrum, <https://finance.detik.com>). In such situations, illegal online loans offer an instant solution desperately needed by the public, even if they have to face detrimental risks.
- **Consumptive Lifestyle** Aside from urgent needs, some people also get caught in the cycle of illegal online loans due to the influence of a consumptive lifestyle. The urge to fulfill a modern lifestyle, such as owning the latest gadgets, vacations, or other entertainment needs, often leads people to make unwise financial decisions. The inability to distinguish between needs and wants is one of the main reasons why many people get trapped in the snare of online loans. [31]

- Lack of Knowledge and Minimal Education Low financial literacy among the public is one of the main reasons why illegal online loans are increasingly widely used. [32] Many users of illegal online loans do not fully understand how the loan system works, including the inherent risks. One of the biggest risks is extremely high-interest rates, which often far exceed reasonable limits. In addition, many illegal online loans hide additional fees, so the amount of debt users have to pay is much larger than they initially estimated. This lack of knowledge often leads to being trapped in debt that is difficult to repay. [33]

1. System of Illegal Online Loans

Illegal online loans are online-based money lending services that do not have official permits from financial authorities, such as the Financial Services Authority (OJK) in Indonesia. [34] The practice of illegal online loans has flourished with the development of financial technology, which provides easy access to financial services. However, this ease is often misused by irresponsible parties who operate illegal online loan systems with methods that harm users and violate principles of justice. Illegal online loans have characteristics that differentiate them from legal online loans, including: no official permits, unreasonable interest rates and fines, privacy violations, and aggressive collection. [35]

2. The Law of Illegal Online Loans in Fiqh Studies

From an Islamic perspective, illegal online loans present a number of serious problems that contradict Sharia principles. The system of illegal online loans directly violates Islamic law, which prohibits *riba*, *gharar*, and *zhulm*, and protects individual privacy. Below is a detailed discussion of the elements of illegal online loans that contradict Islamic law:

- a. **Riba (Usury/Interest)** The majority of illegal online loans apply very high interest rates, which are categorized as *riba* in Islam. *Riba* is one of the major sins explicitly forbidden in the Quran, Hadith, and the consensus (*ijma*) of scholars. Allah SWT says in the Quran: "*Allah has permitted trade and forbidden riba*" (QS. Al-Baqarah: 275). Linguistically, *riba* means an excess or addition, while terminologically, *riba* is an addition given in debt-based or sales transactions. [36] In the context of illegal online loans, the interest charged is not only high but often increases over time due to late fees. Fiqh scholars agree that any transaction involving *riba* is *haram* (forbidden), regardless of good or bad intentions. Therefore, Muslims are obliged to avoid illegal online loans.
- b. **Gharar (Uncertainty)** *Gharar* in fiqh terminology refers to uncertainty, ambiguity, or deception in a transaction. [37] In illegal online loans, the element of *gharar* is often found, especially in terms of unclear terms and conditions, such as fluctuating interest rates, hidden additional fees, and undisclosed late penalties. [38] In Islam, transactions containing *gharar* are prohibited because they can cause harm to one of the parties. The Prophet Muhammad (PBUH) said: "*Do not sell something that is unclear (gharar).*" (HR. Muslim). This ambiguity often becomes an entry point for the exploitation of victims by illegal online loan providers.
- c. **Privacy Violation** Illegal online loans often violate user privacy by accessing personal data without permission. This data is then used for intimidation, such as contacting contacts on the user's phone or spreading personal information on social media [39]. In Islam, individual privacy is highly respected and protected. [40] Allah

SWT says: *"And do not spy on one another, nor backbite one another..."* (QS. Al-Hujurat: 12). Actions that violate the privacy of others, whether for intimidation or other purposes, contradict Sharia principles that emphasize respect for human rights.

C. The Concept of Amar Ma'ruf Nahi Munkar

Fath Al-Mu'in

قوله وفروضها كثيرة (كقيام بحجج دينية) - الى أن قال - (وأمر بالمعروف) أي واجبات الشرع والكف عن محرماته فشمّل النهي عن منكر - ي المحرم - لكن محله في واجب أو حرام مجمع عليه، أو في اعتقاد الفاعل والمخاطب به كل مكلف لم يخف على نحو عضو ومال وإن قل ولم يغلب على ظنه أن فاعله يزيد فيه عناداً وإن علم عادة أنه لا يفيد به أن يغيره بكل طريق أمكنه من يد فلسان فاستغاثه بالغير فإن عجز أنكره بقلبه

Meaning: *"...And these fard Kifayah (collective obligations) are numerous (such as establishing religious proofs), ...And enjoining what is right (ma'ruf), which refers to the obligations of Sharia, and forbidding what is unlawful (haram). This also includes prohibiting munkar (forbidden acts). However, this applies to obligations or prohibitions that have been agreed upon, or are in accordance with the conviction of the perpetrator of the act. Those entrusted with this obligation are every mukallaf (accountable individual) who does not fear a threat to their person or property, even if slight, and does not strongly suspect that the perpetrator will become more rebellious. If one knows that typically the perpetrator will not benefit from the warning, one should still strive to change that munkar by any means one is capable of, starting with one's hand, then one's tongue, and even seeking assistance from others. If one is unable, then it is sufficient for one to disapprove with one's heart."* [41]

I'arah at-Thalibin

واعلم أنه ورد في الأمر بالمعروف والنهي عن المنكر من الآيات والاحبار شيء كثير لا يكاد يحصر، فمن الأول قوله تعالى: (ولتكن منكم أمة يدعون إلى الخير ويأمرون بالمعروف وينهون عن المنكر وأولئك هم المفلحون) ومن الثاني قوله عليه السلام: من رأى منكم منكراً فليغيره بيده، فإن لم يستطع فبلسانه، فإن لم يستطع فبقلبه. وذلك أضعف الإيمان وفي رواية أخرى: ليس وراء ذلك - يعني الإنكار بالقلب - من الإيمان مثقال ذرة وقوله عليه الصلاة والسلام: ليس منا من لم يرحم صغيرنا، ويوقر كبيرنا، ويأمر بالمعروف، وينهى عن المنكر.

Meaning: *"And know that there are many verses of the Qur'an and hadiths about the command of amar ma'ruf nahi munkar (enjoining what is right and forbidding what is wrong), their number is so vast that it is difficult to count them. Among these verses is the word of Allah Ta'ala: 'And let there be [arising] from among you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful.' (QS. Ali Imran: 104) Among the hadiths is the saying of Rasulullah (peace be upon him): 'Whoever among you sees an evil, let him change it with his hand. If he is unable, then with his tongue. If he is unable [to do that] too, then with his heart, and that is the weakest of faith.' In another narration, it is mentioned: 'There is no faith after that (i.e., disapproving with the heart) even the weight of a dharrah (atom).' And another saying of Rasulullah (peace be upon*

him): *'He is not from us who does not show mercy to our young, nor respects our elders, nor enjoins what is right, nor forbids what is wrong.'*"

Data Analysis

Amar ma'ruf nahi munkar is one of the teachings of Islam. This teaching is related to efforts to uphold good and prevent evil in society. In addition, this teaching also serves as one of the collective obligations (fardhu kifayah) that Muslims must carry out in order to create a life order in accordance with Sharia. In the book Fath Al-Mu'in by Sheikh Zainuddin al-Malibari, amar ma'ruf nahi munkar is explained as the obligation to command what is good (ma'ruf), namely everything that is obligatory (by consensus (ijma)), and to forbid munkar (evil), namely everything prohibited by Allah and His Messenger (by consensus (ijma)).

The obligation of amar ma'ruf nahi munkar is imposed on every mukallaf (person who meets the conditions for being burdened by legal rulings) who does not fear a threat to their body or property, even if the threat is small. Amar ma'ruf nahi munkar in Fath Al-Mu'in has several stages that must be followed according to one's ability, as follows:

- a. If a person has the power or authority, then they are obliged to eliminate the munkar physically
- b. If unable to do so physically, the next effort is to provide advice or admonition verbally.
- c. If unable to change the munkar with their hand or tongue, then it is sufficient for them to hate the munkar in their heart. This stage is referred to as the weakest faith, as mentioned in the Hadith of Rasulullah SAW. This concept is also strengthened in I'anah At-Thalibin, which quotes verses from the Qur'an and Hadith of Prophet Muhammad SAW.

D. The Concept of Ta'zir

Fath Al-Mu'in

فصل في التعزير (ويعزر) أي الامام أو نائبه (لمعصية لا حد لها ولا كفارة) سواء كانت حقاً لله تعالى أم لأدمي كمباشرة أجنبية في غير فرج وست ليس بقذف وضرب لغير حق (غالباً) وقد يشرع التعزير بلا معصية كمن يكتسب باللهو الذي لا معصية فيه، وقد ينتفي مع انتفاء الحد والكفارة: كصغيرة صدرت ممن لا يعرف بالشر لحديث صححه ابن حبان: أقبلوا ذوي الهيئات عثرائهم إلا الحدود

Meaning: *"Chapter on Ta'zir (And a person is given ta'zir punishment), that is by the imam (leader) or his deputy, (for a transgression that has no hadd punishment or kaffarat), whether it relates to the right of Allah Ta'ala or the right of human beings, such as touching a non-mahram woman without committing zina (fornication/adultery), insulting someone without an accusation of zina, or hitting someone without right (in general). However, ta'zir can also be imposed without a transgression, such as a person earning income from entertainment activities that are not essentially sinful. Ta'zir can also be waived even if there is no hadd or kaffarat, for instance, a minor mistake*

committed by someone known to be good and not accustomed to doing wrong, based on the hadith narrated by Ibn Hibban: 'Forgive the honorable people for their slips, except in matters that have a hadd punishment. '"

Data Analysis

Ta'zir is a punishment given by the imam (leader) or his deputy for a transgression that does not have a hadd punishment (a punishment explicitly prescribed by Sharia) or a kaffarat (expiation). This punishment can be applied to violations concerning both the rights of Allah Ta'ala and the rights of fellow human beings. Examples of transgressions subject to ta'zir include touching a non-mahram woman without committing zina, insulting someone without an accusation of zina, or hitting someone without a valid reason.

However, there are certain situations where ta'zir can be given even without a transgression, such as a person earning income from entertainment activities that are not essentially sinful. Furthermore, ta'zir can be waived for minor mistakes committed by someone known to be good and not accustomed to bad behavior. This is based on the hadith narrated by Ibn Hibban: "Forgive the honorable people for their slips, except in matters that have a hadd punishment." The right to impose ta'zir is not limited to the imam or government. Parents, including grandparents, husbands, and sayyids (masters), also have the right to impose ta'zir.

Discussion and Analysis
Contextualization of the Concept of Amar Ma'ruf Nahi Munkar as a Solution for the Circulation of Illegal Online Loans
The contextualization of the concept of amar ma'ruf nahi munkar as a solution for the circulation of illegal online loans can be realized into a systematic program executable by mahasantri (students, particularly those at Islamic boarding schools/universities). In this case, the program's objective is to raise public awareness about the risks and how to choose legal online loans. The program design is as follows:

Program Item	Description
Program Name	Education and Financial Literacy
Program Objective	To equip the community with knowledge about legal and illegal online loans.
Program Strategy	- Organize seminars and workshops in local communities, schools, and campuses. - Create social media campaigns using infographics and educational videos. - Distribute guides on how to choose safe online loans, in accordance with OJK recommendations.
Program Implementation	Collaboration with educational institutions, local government, and community organizations.
Accountability	- "Don't Click Before You Check" campaign to verify the legality of online loans through the official OJK website. - Mahasantri

Table 3. Program Design**1. Synchronization of the Program with the Concept of Amar Ma'ruf Nahi Munkar**

The financial education and literacy program is a result of contextualizing the concept of amar ma'ruf nahi munkar. The following are points from the program that align with the concept of amar ma'ruf nahi munkar as proof of accurate contextualization. The program's objective is to provide the community with knowledge about legal and illegal online loans, along with an appeal not to engage in debt transactions through illegal online loans due to their forbidden (haram) status.

The program's implementation involves cooperation with educational institutions, local governments, and community organizations. Furthermore, the "Don't Click Before You Check" campaign aims to ensure the legality of online loans through the official OJK website. This represents a form of amar ma'ruf.

2. Synchronization of the Program with Industrial Fiqh Theory

The financial education and literacy program aligns with industrial fiqh theory. This alignment can be viewed from the aspect that both emphasize protecting the community from harmful practices. Through this education program, public awareness of the risks of illegal online loans can be increased, preventing indiscriminate online loan transactions. However, for the program to achieve its goals, several steps must be taken, including: developing relevant educational materials, targeting participants from various backgrounds, and collaborating with relevant institutions.

3. Contextualization of the Concept of Ta'zir

The contextualization of the concept of ta'zir as a solution for the circulation of illegal online loans can be realized into a systematic program executable by the government. In this case, the program's objective is to take firm action against illegal online loan providers and provide legal protection for victims. The program design is as follows:

Program Item	Description (English)
Program Name	Strengthening Regulation and Law Enforcement
Program Objective	To take firm action against illegal online loan providers and provide legal protection for victims.
Program Strategy	- Regulatory strengthening through revision of laws related to consumer protection and personal data protection. - Joint operations between OJK, the Police, and the Ministry of Communication and Informatics (Kominfo) to shut down illegal online loan platforms and impose appropriate sanctions.
Program Implementation	- Blocking access to illegal online loan applications or websites. - Capacity building for authorities in identifying and handling illegal online loan cases.

Responsible Party	Government
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Table 4. Program Design

4. Synchronization of the Program with the Concept of Ta'zir

The program for strengthening regulation and law enforcement is a result of contextualizing the concept of ta'zir. The following points from the program align with the concept of ta'zir as proof of accuracy in contextualization:

- The program's objective is to take firm action against illegal online loan providers. This is a form of ta'zir because the prohibition of offering illegal online loan services does not entail hadd (prescribed) punishment or kaffarat (expiation).
- The implementation of the program, by increasing the capacity of law enforcement to identify and handle illegal online loan cases, serves as an intermediary for imposing ta'zir on illegal online loan companies.
- The party responsible for the program is the government. This aligns with the concept of ta'zir, where the government is one of the entities authorized to implement it.

5. Synchronization of the Program with Industrial Fiqh Theory

Connecting program data with Islamic industrial theory provides a comprehensive perspective in efforts to address illegal online loans. The "Strengthening Regulation and Law Enforcement" program and the concept of industry in Islam emphasize that the state has the right and obligation to intervene in economic activities for the public welfare, as outlined in the fundamental principles of halal industry. Strengthening regulations and conducting joint operations to shut down illegal online loan platforms are legitimate forms of state intervention to prevent harm and uphold justice, in accordance with the principle that actions detrimental to society must be intervened.

Conclusion

In building human civilization, the role of fiqh cannot be overlooked. Fiqh plays a highly strategic function as a benchmark and controller in societal life. Fiqh exists to realize benefits (maslahah) and prevent harm (mafsadah). This principle makes fiqh relevant throughout the ages and capable of addressing various problems faced by humanity, including contemporary challenges such as the phenomenon of illegal online loans that have harmed a wide segment of society. Illegal online loans have now become a serious problem afflicting society, especially in the digital era. Although initially presented with the promise of quick solutions for financial needs, the practice of illegal online loans often deviates from Islamic ethics and Sharia. Illegal online loans not only cause economic harm to the community but also create significant psychological impacts. Many cases of suicide have emerged due to the pressure from illegal online loans, such as exorbitant interest, collection threats, and even the spread of personal data that shames victims. In this situation, fiqh offers practical and effective solutions that can be implemented in society. One way to address these challenges is by contextualizing classical fiqh teachings into the reality of modern life. The teachings of amar ma'ruf nahi munkar (enjoining what is right and forbidding what is wrong) and ta'zir

(discretionary punishment) can serve as a basis for formulating effective programs to overcome the problem of illegal online loans, as discussed. The programs outlined in the discussion align with the objectives of industrial fiqh, which are to eliminate al-bathil (that which contradicts Sharia), al-fasad (corruption/harm), and az-zhulm (oppression/injustice) in society.

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References

- [1] S. Abrianti, A. M. T. Anggraini, and I. P. Probondaru, "Dampak Pinjaman Online Bagi Masyarakat: Mensejahterakan atau Menyengsarakan? (Studi Tentang Pandangan Masyarakat di Wilayah Bintaro, Tangerang Selatan)," *UNES Law Review*, vol. 6, no. 4, pp. 10420–10431, 2024.
- [2] W. al-Zuhayli, *Al-Fiqh al-Islami wa Adillatuh*. Damascus, Syria: Dar al-Fikr, 2004.
- [3] R. Al-Hakimi, "Al-Fasad wa al-Ifsad fi al-Ardh," *Alhassanain.org*. 2025. [Online]. Available: <https://alhassanain.org/arabic/?com=content&id=2211#:~>. [Accessed: Aug. 25, 2025].
- [4] A. bin M. Al-Jarzani, *Kitab al-Ta'rifat*. Beirut, Lebanon: Dar al-Kutub al-'Ilmiyah, 1983.
- [5] Z. al-Malibari, *Fath al-Mu'in*. Beirut, Lebanon: Samela, 2020.
- [6] A. bin A. bin S. Al-Qulyubi, *Hasyiyah al-Qulyubi 'ala Sharh al-Mahalli*. Beirut, Lebanon: Dar al-Fikr, 1995.
- [7] A. Anantama and J. K. H. Dewantara, "Ancaman Data Pribadi di Era Digital dalam Perspektif Islam," *Ath-Thariq: Jurnal Dakwah dan Komunikasi*, vol. 6, no. 2, 2022.
- [8] S. Arif, "Moderasi Beragama dalam Diskursus Negara Islam: Pemikiran KH Abdurrahman Wahid," *Jurnal Bimas Islam*, vol. 13, no. 1, pp. 73–104, 2020.
- [9] Al-Shafi'i, *Al-Umm*. Beirut, Lebanon: Dar al-Fikr, 1983.
- [10] J. al-Suyuthi, *Al-Ashbah wa al-Nazair*. Beirut, Lebanon: Dar al-Kutub al-'Ilmiyah, 1983.
- [11] R. Ayuningrum, "Terungkap! Penyebab Banyaknya Orang Indonesia Terlilit Utang Pinjol," *DetikFinance*, 2024.. [Online]. Available: <https://finance.detik.com/moneter/d-6923622/terungkap-penyebab-banyaknya-orang-indonesia-terlilit-utang-pinjol>
- [12] Dewan Komisiner OJK, "Peraturan Otoritas Jasa Keuangan Nomor 77/POJK.01/2016 tentang Layanan Pinjam Meminjam Berbasis Teknologi Informasi," OJK.2016. [Online]. Available: <https://www.ojk.go.id/id/ regulasi/ otoritas-jasa-keuangan/peraturan-ojk/Documents/Pages/POJK-Nomor-77-POJK.01-2016/SAL%20->
- [13] H. Firmansyah et al., *Teori dan Praktik Manajemen Bank Syariah Indonesia*. Yogyakarta, Indonesia: Penerbit Insania, 2021.
- [14] A. Helim, "Otoritas Maslahat dalam Membangun Fikih Dinamis," *Jurnal Studi Agama dan Masyarakat*, vol. 3, no. 2, pp. 117–130, 2006.
- [15] A. Hidayah, "Membongkar Sisi Gelap Fintech Peer-to-Peer Lending (Pinjaman Online) pada Mahasiswa di Yogyakarta," *Journal of Humanity Studies*, vol. 1, no. 1, pp. 1–17, 2022.
- [16] F. Husna, F. Lubis, S. Wardani, and S. Al Fatia, "Periodisasi dan Perkembangan Peradaban Islam dan Ciri-Cirinya," *Journal on Education*, vol. 5, no. 2, pp. 2899–2907, 2023.

- [17] A. D. Kase, D. S. Sukiatni, and R. Kusumandari, "Resiliensi Remaja Korban Kekerasan Seksual di Kabupaten Timor Tengah Selatan: Analisis Model Miles dan Huberman," *INNER: Journal of Psychological Research*, vol. 3, no. 2, pp. 301–311, 2023.
- [18] Kementerian Agama Kuwait, *Al-Mausu'ah al-Fiqhiyyah al-Kuwaytiyyah*. Kuwait: Dar al-Salasil, 2022.
- [19] J. E. Lambanon, C. J. Waha, and M. E. Kalalo, "Kajian Yuridis Penyalahgunaan Data Pribadi pada Layanan Pinjaman Online Dikaitkan dengan Hak Atas Privasi di Indonesia," *Innovative: Journal of Social Science Research*, vol. 3, no. 4, pp. 718–727, 2023.
- [20] M. Mabsuti and R. Nurtresna, "Perlindungan Hukum terhadap Konsumen Pinjaman Online dalam Sistem Hukum Indonesia," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, vol. 2, no. 1, pp. 235–243, 2022.
- [21] R. Machfiroh, K. Usman, and D. A. Rahmad, "Koperasi Kerakyatan Menjadi Salah Satu Solusi Gerakan Anti Pinjol," *Journal Pengabdian Masyarakat*, vol. 3, no. 1, pp. 163–166, 2023.
- [22] N. C. Majid, *Islam, Doktrin dan Peradaban*. Jakarta, Indonesia: Gramedia, 2019.
- [23] J. Ma'mur, "Zakat Produktif: Studi Pemikiran KH. MA. Sahal Mahfudh," *Religia*, vol. 18, no. 1, pp. 109–128, 2015.
- [24] A. Marpudi, "Strategi Perbankan Syariah dalam Mengatasi Darurat Judol dan Pinjol di Indonesia," *Literasi Nusantara Abadi*, 2024.
- [25] A. Mina, "Kredit Pinjol Indonesia Capai Rp27 Miliar di Tahun 2024," Goodstats. 2018. [Online]. Available: <https://data.goodstats.id/statistic/kredit-pinjol-indonesia-capai-rp27-miliar-di-tahun-2024-BbpFQ>
- [26] S. Mudji, *Filsafat Kebudayaan*. Jakarta, Indonesia: Hujan Kabisat, 2022.
- [27] C. Mulya, *Peran Industri Keuangan Non Bank terhadap Perekonomian Nasional*. Jakarta, Indonesia: OBOR, 2019.
- [28] N. Niskaromah, "Telaah Utang Piutang Perspektif Islam dan Pinjol," *Journal of Innovation Research and Knowledge*, vol. 3, no. 8, pp. 1721–1736, 2024.
- [29] F. Novika, N. Septivani, and I. Indra, "Illegal Online Loans Become a Social Disaster for the Millennial Generation," *Management Studies and Entrepreneurship Journal*, vol. 3, no. 3, pp. 1174–1192, 2022.
- [30] B. Rahmadyanto and M. Ekawaty, "Tren Pinjaman Online dalam Milenial: Telaah Kontributor Internal dan Eksternal," *Journal of Development Economic and Social Studies*, vol. 2, no. 2, pp. 249–258, 2023.
- [31] T. Ratnaningrum, R. Dewi, and I. Ilham, "Sisi Gelap Dampak Digital Teknologi di Indonesia (Pinjaman Online Ilegal di Indonesia)," *Innovative: Journal of Social Science Research*, vol. 4, no. 1, pp. 11715–11726, 2024.
- [32] F. Rochman, "Minimnya Literasi Keuangan Jadi Penyebab Seseorang Terjebak Pinjol," *Antara News*, 2018. [Online]. Available: <https://www.antaranews.com/berita/3699039/minimnya-literasi-keuangan-jadi-penyebab-seseorang-terjebak-pinjol>
- [33] S. bin Ali, *Ahkam al-Tasni'*. Cairo, Egypt: Resalah, 2015.
- [34] D. P. Sari et al., "Sosialisasi Literasi Bahaya Pinjaman Online (Pinjol) Ilegal dan Judi Online (Judol) di Kelurahan Karang Asem Cilegon Banten," *Jurnal Pengabdian Sosial*, vol. 1, no. 11, pp. 2090–2096, 2024.
- [35] A. Savitri, A. Syahputra, H. Hayati, and H. Rofizar, "Pinjaman Online di Masa Pandemi Covid-19 bagi Masyarakat Aceh," *E-Mabis: Jurnal Ekonomi Manajemen dan Bisnis*, vol. 22, no. 2, pp. 116–124, 2021.
- [36] R. Syahril, "Polisi Sebut Kasus Pria Bunuh Diri karena Diteror Pinjol Terjadi di Sumsel," *Kompas Megapolitan*. 2020. [Online]. Available: <https://megapolitan.kompas.com/read/2023/09/21/15085981/polisi-sebut-kasus-pria-bunuh-diri-karena-diteror-pinjol-terjadi-di>
- [37] A. B. Syatha, *I'annah al-Talibin*. Beirut, Lebanon: Samela, 1997.
- [38] A. G. Thalib al-Hanafi, *Al-Lubab fi Sharh al-Kitab*. Beirut, Lebanon: al-Maktabah al-'Ilmiyah, 2021.
- [39] A. Toni, *Fintech Syariah: Teori dan Terapan*. Surabaya, Indonesia: Scopindo, 2019.
- [40] A. L. Weri, *Memahami Makna Kebudayaan dan Peradaban*. Bandung, Indonesia: Nusamedia, 2001.
- [41] Z. Zumaroh, "Bisnis Haram dan Pengaruhnya terhadap Fisik dan Psikis Manusia," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan*, vol. 4, no. 2, pp. 149–158, 2018.
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