Vol. 17 No. 1, January 2024

p-ISSN 1979-4916 e-ISSN 2615-5540



# Online Lending: Choice or Threat A Review of Sharia Law

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## **ARTICLE INFO**

### Article History:

Received: 2023-07-15 Accepted: 2023-09-09 Published: 2024-01-25

#### **Keywords:**

Online loan, Sharia Law, Cyber Crime.

## **ABSTRACT**

The prevalence of online lending in the financial industry has surged due to its convenient accessibility to funding sources, while it also entails significant dangers. The objective of this study is to provide a thorough risk evaluation pertaining to online lending, with specific focus on the hazards that generate public apprehension. As part of a comprehensive study strategy, we conducted in-depth interviews with stakeholders and consumers, while also analyzing article 1 paragraph 3 of POJK 77 of 2016 and the current fatwa issued by DSN MUI (number 117/DSN MUI/II/2018) using an empirical legal approach. The primary objective of this research is to ascertain noteworthy hazards, such as extravagant interest rates, rigorous collecting policies, and ambiguous terms and circumstances. This risk assessment considers the social and economic consequences, such as the potential for heightened financial difficulties for customers and economic instability within households. In addition, the report analyzes the existing regulatory framework and identifies deficiencies in industry supervision, while offering recommendations for enhancing policy. The results of this study offer a thorough understanding of the risks linked to online lending, therefore enhancing the awareness of the general public, financial institutions, and regulatory organizations. This study not only identifies rising hazards but also examines

 viable solutions to mitigate them and minimize their
negative effects. When successful, this study may inform
policy discussions and efforts to address the issues of
extensive internet lending.

#### A. Introduction

Online lending practices pose financial hazards and lead to unethical behaviour, social impacts and many platforms operating illegally during COVID-19.<sup>1</sup> Adi report shows that there are 3,989 companies providing online lending services without having legality and supervision by the government.<sup>2</sup> The lending process was motivated by financial needs such as capital and increased unemployment during the pandemic. Thus, the emergence of this phenomenon is an interesting part of observing based on Islamic economic law and/or lending and borrowing practices based on the sharia context.<sup>3</sup> Likewise, Selika Aprita stated that online lending means that every borrower is forced to make transactions and high interest rates because the system is predetermined without a clear contract between the parties.<sup>4</sup>

The high interest rates are a lack of transparency and a hidden trap for borrowers provided by online lending applications. In addition, aggressive collection practices with the threat of personal data misuse for defaulting borrowers can cause severe psychological stress and emotional distress.<sup>5</sup> In fact Johnson and Woodhouse<sup>6</sup> adds that unregulated online loans will result in social problems such as debt spirals, increased destitution, and psychological issues, which will eventually affect economic stability and community well-being. Due to the development of illegal online financing platforms in Indonesia, this creates a dilemma for the general public. However, the

<sup>&</sup>lt;sup>1</sup> Debbi Puspito, Martin Roestamy, and Edy Santoso, "Model Perlindungan Hukum Bagi Kreditur Layanan Pinjam Meminjam Uang Berbasis Teknologi Informasi Di Masa Pandemi Covid-19," Jurnal Ilmiah Living Law 14, no. 1 (2022), https://doi.org/10.30997/jill.v14i1.5303.

<sup>&</sup>lt;sup>2</sup> Adi, "Ini Daftar Perusahaan Pinjol Yang Ditutup OJK Per April 2022," https://keuangan.kontan.co.id/news/ini-daftar-perusahaan-pinjol-ilegal-yang-ditutup-ojk-per-april-2022. 2022.

<sup>&</sup>lt;sup>3</sup> Azwar Iskandar and Khaerul Aqbar, "Kedudukan Ilmu Ekonomi Islam Di Antara Ilmu Ekonomi Dan Fikih Muamalah: Analisis Problematika Epistemologis," *NUKHBATUL 'ULUM: Jurnal Bidang Kajian Islam* 5, no. 2 (2019), https://doi.org/10.36701/nukhbah.v5i2.77.

<sup>&</sup>lt;sup>4</sup> Serlika Aprita, "Peranan Peer to Peer Lending Dalam Menyalurkan Pendanaan Pada Usaha Kecil Dan Menengah," Jurnal Hukum Samudra Keadilan 16, no. 1 (2021), https://doi.org/10.33059/jhsk.v16i1.3407.

<sup>&</sup>lt;sup>5</sup> C. G. Stănescu, "Regulation of Abusive Debt Collection Practices in the EU Member States: An Empirical Account," *Journal of Consumer Policy*, 2021, https://doi.org/10.1007/s10603-020-09476-8

<sup>&</sup>lt;sup>6</sup> Richard L. Johnson and Murphy Woodhouse, "Securing the Return: How Enhanced US Border Enforcement Fuels Cycles of Debt Migration," *Antipode* 50, no. 4 (2018), https://doi.org/10.1111/anti.12386.

government has taken several steps to overcome this problem through interest rate regulations, transparency and clear requirements, personal data protection, and law enforcement to enforce unethical billing practices and safeguard consumer rights.<sup>7</sup> Even the Otoritas Jasa Keuangan (OJK) explained via the Investment Alert Task Force (SWI) that it would continue to monitor various facets of this internet-based criminal mode. Nevertheless, Faedlulloh et al.<sup>8</sup> stated that easy access to financing cannot be denied and that this is a viable option for people to acquire business capital during the pandemic in order to be more productive and contribute to the Pemulihan Ekonomi Nasional (PEN) process.<sup>9</sup>

On the other hand, the inability of a large number of individuals to screen will threaten their financial control over established regulations and policies. <sup>10</sup> Moreover, many muslims are hesitant to investigate online lending practices. <sup>11</sup> Therefore, this research will characterize the online lending and borrowing transaction process by analyzing sharia. Consequently, three issues are posed in this research. First, what is the transaction process in accordance with sharia law? Second, what alternative policies has the government provided to overcome this problem? Third, what negative impacts will occur if you are trapped in an illegal online loan? It is anticipated that the answer can improve to be wise in used online lending platform. So, that the public can engage in transactions on online lending platforms with greater knowledge and without being harmed.

The provision of online loans through apps is a trap for borrowers, providing high interest rates without them realising it. Meanwhile, transparency regarding interest rates is not explained in detail on the loan platform. Thus, the contribution of this research has two fundamental aspects: first, conceptual contributions to government supervision and policy making related to high interest rates and transparency. Secondly, it contributes to policy-making on massive online loan applications. This

<sup>&</sup>lt;sup>7</sup> Ryan Randy Suryono, Indra Budi, and Betty Purwandari, "Detection of Fintech P2P Lending Issues in Indonesia," *Heliyon* 7, no. 4 (2021), https://doi.org/10.1016/j.heliyon.2021.e06782.

<sup>&</sup>lt;sup>8</sup> Dodi Faedlulloh et al., "Gotong Royong Digital: Praktik Baru Solidaritas Warga Di Era Pandemi," *Jantra*. 16, no. 1 (2021), https://doi.org/10.52829/jantra.v16i1.118.

<sup>&</sup>lt;sup>9</sup> Rafi Aulia Ibrahim, Chairul Yaqin, and Marthin James Simbolon, "Optimalisasi Pengaturan Layanan Urun Dana (Crowdfunding) Berbasis Teknologi Informasi Sebagai Solusi Permodalan Usaha Mikro, Kecil, Dan Menengah Di Masa Pandemi Covid-19," *Jurnal Lex Renaissance* 6, no. 4 (2021), https://doi.org/10.20885/jlr.vol6.iss4.art7.

<sup>&</sup>lt;sup>10</sup> Fajrina Eka Wulandari, "Peer To Peer Lending Dalam Pojk, Pbi dan Fatwa DSN MUI," Ahkam: Jurnal Hukum Islam 6, no. 2 (2018), https://doi.org/10.21274/ahkam.2018.6.2.241-266.

<sup>&</sup>lt;sup>11</sup> Arief Budiono, "Penerapan Prinsip Syariah Pada Lembaga Keuangan Syariah," Law and Justice 2, no. 1 (2017), https://doi.org/10.23917/laj.v2i1.4337.

aspect shows that it can be a trap for borrowers and so unclear provisions or lack of transparency are practices that are contrary to sharia practices in Islamic law.

#### B. Method

This research uses a qualitative descriptive method with an empirical juridical and literature study approach. The author provides an overview from a legal perspective in muamalah fiqh, sharia law that applies in Indonesia, and explains the phenomena that have occurred during the pandemic until now based on actual data that can be verified. The primary data in this research is the result of a deep interview with one of the online borrowers, while the secondary data consists of classical and modern jurisprudence and related literature. This research seeks to provide empirical knowledge and contribute to existing knowledge for future research which explains the transaction process in accordance with sharia law as a form of interaction in community implementation of positive legal provisions and the ability to recognize the basis of community behavior in sharia law related to influencing positive legal provisions that apply in the government as a form of solution policy. The transaction process framework and government policy were analyzed regarding the implementation of online loans through in-depth interviews to confirm the policy and the actual situation. Thus, the author can achieve optimal results by utilizing this research procedure.

### C. Finding and Discussion

### 1. Online Loans in General

Online lenders, regularly referred to as fintech companies, enable the provision of online loans to individuals and businesses. Online loans offer expedited processing and need minimal documentation compared to traditional bank or credit union loans. According to Gopal Online loans offer fast approval and disbursement through automated credit rating methods, with different forms available for personal, payday, installment, and small business loans. They provide flexible terms and conditions, but interest rates and fees can vary. Borrowers should be cautious about high interest rates, hidden fees, and predatory lending. Regulations for internet lending vary by country and region, but online loans provide financial accessibility and inclusivity for underserved groups. Responsible borrowing is essential to avoid financial problems.

<sup>12</sup> Christopher K. Odinet, "Consumer BitCredit and Fintech Lending," *Alabama Law Review* 69, no. 4 (2018).

<sup>&</sup>lt;sup>13</sup> Manasa Gopal and Philipp Schnabl, "The Rise of Finance Companies and FinTech Lenders in Small Business Lending," *Review of Financial Studies*, 2022, https://doi.org/10.1093/rfs/hhac034.

With the progression of time, the process for lending to a financial institution becomes less complicated. Recently, the term fintech, which is an abbreviation for financial technology was introduced to Indonesia. According to Fitra<sup>14</sup> fintech is an innovation in financial services. Credit guarantees, infrastructure underwriting, export provisioning, secondary housing finance, pawnshops, social security, and microfinance are examples of typical financial services. The phenomenon that has been proliferating recently is the issue of online loans, which has been the subject of extensive discussion. According to POJK No. 77 of 2016, Information Technology (IT)-based moneylending services are a type of financial services that connect debtors and creditors directly through electronic media and the internet. This will likely present creditors with a dilemma regarding the legality of online lending platforms and their relationship to sharia law. To ensure the safety of online loan users, Mas'ulah<sup>15</sup> suggests that all parties involved in the administration of online loans pay heed to the prohibitions specified in Sharia law. Fitra<sup>16</sup> also stated that the implementation's illegality would increase due to the implementation's expediency. "Predatory Lending" or lending practices that corner and burden creditors, as well as data thievery are prevalent. During the COVID-19 pandemic, this was due to a lack of financial literacy and Pemutusan Hubungan Kerja (PHK).<sup>17</sup>

#### 2. Online Loans in Indonesia: Transaction Process Accordance Sharia Law

The online loan transaction process in Indonesia refers to the provision of loans via digital platforms or applications that enable individuals or businesses to obtain loan funds online. The industry is expanding and developing significantly in Indonesia, but there are issues that must be addressed. To prevent losses to one of the parties, sharia law provides practices that provide loans in accordance with sharia principles, such as the avoidance of interest and provisions that are fair and compliant with sharia law. Following is a summary of the online lending transaction procedure in Indonesia based on sharia law.

<sup>&</sup>lt;sup>14</sup> Arinda Elsa Fitra, "Dilema Pinjaman Online Di Indonesia: Tinjauan Sosiologi Hukum Dan Hukum Syariah," *DIKTUM: Jurnal Syariah Dan Hukum* 19, no. 2 (2021).

<sup>&</sup>lt;sup>15</sup> Isnaini Mas'ulah, "Legalitas Pinjaman Online Dalam Perspektif Hukum Islam," *Jurnal Hukum Ekonomi Islam* 5, no. 2 (2021).

<sup>&</sup>lt;sup>16</sup> Fitra, "Dilema Pinjaman Online Di Indonesia: Tinjauan Sosiologi Hukum Dan Hukum Svariah."

<sup>&</sup>lt;sup>17</sup> Hari Sutra Disemadi, "Fenomena Predatory Lending: Suatu Kajian Penyelenggaraan Bisnis Fintech P2P Lending Selama Pandemi COVID-19 Di Indonesia," *Pandecta Research Law Journal* 16, no. 1 (2021).

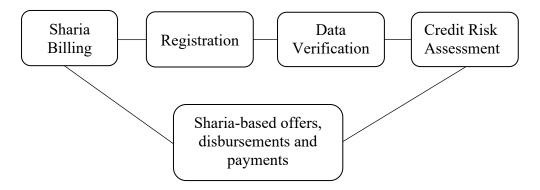


Figure 1. Sharia Online Loan Process Framework

The borrower registers on the downloaded application or platform for sharia-compliant online lending by supplying some of the required personal and financial information. The online lending platform will then verify this information, including identity, credit history, and payment ability. This is the premise for determining whether a borrower is eligible for a loan, and it also ensures that the bidding, payment, and collection processes adhere to sharia principles.

Following the online loan process framework, Islam recognizes the term Al Qardh, which literally translates to "debt." Etymologically, al qardh refers to al qath'u, which can be interpreted as a fragment. According to the consensus of the academicians, this entails donating wealth to those in need out of compassion and using it appropriately. In Fatwa No. 19/DSN-MUI/IV/2001, the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) defines qardh as follows: "Al-Qardh is a loan given to customers (muqtaridh) who need it."

Al Qardh is valid if it meets the predetermined pillars and conditions. If any of the conditions and pillars are not met, the contract is null and void. According to jumhur ulama, there are three pillars of qardh: a) The contracting parties comprise of muqaridh and muqtaridh, b) Items borrowed from others, c) *Shighat* assent and consent.

While the qardh terms are as follows: a) Contracting parties must be competent, intelligent, and self-reliant. It indicates the ability to operate legally, b) Muqaridh is an individual with the authority and capability to perform tabarru'. This indicates that the lent property is his, c) Assets owed or lent can be weighed, measured, and measured. Available as a service, d) There is delivery or transfer

<sup>&</sup>lt;sup>18</sup> Mas'ulah, "Legalitas Pinjaman Online Dalam Perspektif Hukum Islam."

because the qardh contract contains tabarru' requirements. Tabarru' is insufficient without a surrender, e) Debts do not result in advantages for muqaridh (debt-givers), f) Those who owe are accountable for their debt. This indicates that the debtor returns the same amount or same value, g) The nature and quality of the delinquent assets are known.

In 2018, DSN MUI issued fatwa number 117/DSN-MUI/II/2018 concerning Information Technology-Based Financing Services in accordance with Sharia principles. The fatwa demonstrates that sharia-compliant financing services utilizing information technology are possible. The most essential factor is that the requirements and pillars are met.

Given the general law that applies in Indonesia, the position of Sharia law has not been able to encompass it as the primary reference for protection and punishment. If it collides with a social review in which the process of financing transactions is straightforward, there is no mechanism for safeguarding the parties or imposing sanctions. The new Sharia law regulates the implementation mechanism in accordance with sharia principles normatively, but it has not yet reached the stage of protection and imposition of sanctions. The position of Sharia law in Indonesian legal politics remains equivalent to the doctrine/opinion of legal professionals.

This country uses positive law governed by Law No. 11 of 2008 concerning Electronic Information and Technology, as amended by Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Electronic Information and Technology, in order to be able to follow up on defaults by one of the parties in the implementation of financing through online lending platforms. POJK No. 77/POJK.01/2016 is another regulation that constitutes the basis for protection and imposition of sanctions. The protection mechanism in the regulation consists of formal protection through administration and material protection through data verification, whereas the sanctions mechanism consists of administrative sanctions for the revocation of business licenses.

#### 3. Government Preventive Measures to Address Online Lending Issues.

Preventive measures are being implemented by the government in this instance to mitigate the adverse effects associated with online loans. Additionally, online loans that comply with sharia principles are backed by the government.<sup>19</sup>

<sup>&</sup>lt;sup>19</sup> Achsania Hendratmi, Muhamad Nafik Hadi Ryandono, and Puji Sucia Sukmaningrum, "Developing Islamic Crowdfunding Website Platform for Startup Companies in Indonesia," *Journal of Islamic Marketing* 11, no. 5 (2020), https://doi.org/10.1108/JIMA-02-2019-0022.

This measure is implemented to ensure that loan services that are available adhere to the sharia principles that govern the Islamic finance sector. Among the preventive measures implemented by the government are the subsequent:

### a. Supervision and Regulation

Government regulations pertaining to sharia-compliant online loans are established and strengthened.<sup>20</sup> Thus, the developed regulations can be held accountable and ensure that they adhere to the principles of practicability, sound administration, and safeguarding consumer interests. Mikella<sup>21</sup> further stated that it is anticipated that this establishment will serve as the foundation for averting recurring adverse consequences for individuals who have fallen prey to online loans.

### **b.** Setting Interest Rate Limits

This provides a concrete reason why individuals fall prey to online loan scams, as the interest rates are exorbitant and lacking in transparency. The necessity for the government to impose interest rate limits in order to mitigate excessive usury practices.<sup>22</sup> This is implemented to govern the interest rates that can be imposed by financial institutions, such as banks and lending institutions. The rationales for implementing interest rate caps can encompass several factors pertaining to societal welfare and financial equilibrium. In addition to those factors, the restriction is also motivated by considerations of consumer protection, inflation reduction, financial stabilization, and adherence to sharia principles.

### c. Promoting Transparency and Openness

The inventory of online loans made available to the general public has been revised by the government.<sup>23</sup> By utilizing publicly accessible online media or platform pages, which can serve as informational resources prior to lending and borrowing. Prospective clients will be informed and comprehend the terms

<sup>&</sup>lt;sup>20</sup> Siti Aminah Caniago, Denny Mustoko, and Bagaskara Sagita Wijaya, "Challenges, Strategies, and Islamic Ways for Effective Indonesian Economic Digitalization in the Post Covid-19 Pandemic," *HIKMATUNA: Journal for Integrative Islamic Studies* 7, no. 2 (2021), https://doi.org/10.28918/hikmatuna.v7i2.4290.

<sup>&</sup>lt;sup>21</sup> Mikella Hurley and Julius Adebayo, "Credit Scoring in the Era of Big Data," *Yale JL & Tech.*, 2016, 18: 148. 18, no. 1 (2016).

<sup>&</sup>lt;sup>22</sup> Dirk Andreas Zetzsche and Tsany Ratna Dewi, "The Paradoxical Case Against Interest Rate Caps for Microfinance And: How FinTech and RegTech Resolve the Dilemma," *SSRN Electronic Journal*, 2018, https://doi.org/10.2139/ssrn.3159202.

<sup>&</sup>lt;sup>23</sup> Renata Gabryelczyk, "Has COVID-19 Accelerated Digital Transformation? Initial Lessons Learned for Public Administrations," *Information Systems Management* 37, no. 4 (2020), https://doi.org/10.1080/10580530.2020.1820633.

of the loan they select in this manner. Thus, to ensure that potential borrowers do not experience any future disadvantages and to reduce the occurrence of information failure following the completion of the acquisition procedure.

#### d. Consumer Education

The government has implemented socialization through online media as its subsequent preventive measure. There are numerous instances in which individuals are ultimately enticed by the dissemination of illicit online loan connections.<sup>24</sup> Customers are severely affected by this, resulting in the acquisition of data that is both forced and illegal. With the increasing frequency of such instances, the importance of this outreach program becomes even more evident.

### e. Consumer Safeguards

In the event of a future issue, the government will ensure the security and protection of consumers through the provision of legal recourse; however, this must adhere to the criteria outlined in the list of registered online lending institutions.<sup>25</sup> This is another measure that has been taken to prohibit activities that are detrimental to consumers, such as the establishment of late fees or fine caps.<sup>26</sup>

# f. Audit and Inspect

The government and banking agencies conduct ongoing monitoring on online lending practices.<sup>27</sup> The prolonged impact of the epidemic is the primary reason why people feel better at ease when their online presence is increased.<sup>28</sup> As a result, the government is paying more attention to ensuring that sharia norms and regulations are followed.

### g. Sharia Certification

<sup>&</sup>lt;sup>24</sup> Arjan Reurink, "FINANCIAL FRAUD: A LITERATURE REVIEW," *Journal of Economic Surveys* 32, no. 5 (2018), https://doi.org/10.1111/joes.12294.

<sup>&</sup>lt;sup>25</sup> Chuanman You, "Recent Development of FinTech Regulation in China: A Focus on the New Regulatory Regime for the P2P Lending (Loan-Based Crowdfunding) Market," *Capital Markets Law Journal* 13, no. 1 (2018), https://doi.org/10.1093/cmlj/kmx039.

<sup>&</sup>lt;sup>26</sup> Amirah Madihah Adnan et al., "Definisi 'Penipuan' Dalam Pembelian Dalam Talian: Analisis Terhadap Peruntukan Undang-Undang Di Malaysia," *International Journal of Law, Government and Communication* 5, no. 21 (2020).

<sup>&</sup>lt;sup>27</sup> Sara Hsu, Jianjun Li, and Hong Bao, "P2P Lending in China: Role and Prospects for the Future," *Manchester School* 89, no. 5 (2021), https://doi.org/10.1111/manc.12332.

<sup>&</sup>lt;sup>28</sup> Jiyoung Kim et al., "Hope, Fear, and Consumer Behavioral Change amid COVID-19: Application of Protection Motivation Theory," *International Journal of Consumer Studies* 46, no. 2 (2022), https://doi.org/10.1111/ijcs.12700.

Online lending institutions receive government awards for their sharia and operations.<sup>29</sup> The government can also use this to its advantage in order to better monitor related institutions and ensure that they continue to comply with sharia law. Through the use of this certification, the organization will also earn the trust and authority of the general public.

### h. The Formation of Associations

Improvements to the internet lending industry can also be made by associations that are established by the government. Because of this, it will be simpler for institutions that are connected to one another to share their experiences and information regarding the most effective business strategies.<sup>30</sup>

Thus, this government preventive action seeks to create a safe, fair, and Islamic financial sharia environment. Can protect consumers and boost online loan fund providers. The chief of the Indonesian police (KAPOLRI) emphasized that he would pursue illegal online loan providers. In addition, OJK, Bank Indonesia, and KOMINFO will continue to work to solve this issue. The primary issue in this case is the perpetrator's simple access to funding. However, the application of high interest rates violates various information technology and fintech industry governance standards. AFPI (Indonesian joint funding Fintech association) believes that this preventative measure will reduce anxiety among individuals who have endured negative and unpleasant experiences. According to data from the OJK for October 2021, there were 106 licensed fintech companies that had distributed a total of IDR 251.42 trillion to 68,414,603 borrower accounts. Illegal online loans, which were discovered on 4,800 websites over the past five years, have thwarted these advantages.

Pandu Sjahrir, the president of AFTECH (Indonesian Fintech Association), has supported and collaborated with the government by introducing cekfintech.id, which is used to filter illegal fintech that is spreading throughout society. In addition, AFTECH and AFPI have launched a code of conduct for information technology providers in the financial services industry in order to establish a responsible ecosystem for digital financial innovation. Thus, individuals must investigate and exercise caution when utilizing fintech online lending services by ensuring they are licensed and registered with the OJK.

<sup>29</sup> Paolo P Biancone, Silvana Secinaro, and Mohamad Kamal, "Crowdfunding and Fintech: Business Model Sharia Compliant," *European Journal of Islamic Finance* 12 (2019).

<sup>&</sup>lt;sup>30</sup> Hannah Kremer, Isabel Villamor, and Herman Aguinis, "Innovation Leadership: Best-Practice Recommendations for Promoting Employee Creativity, Voice, and Knowledge Sharing," *Business Horizons* 62, no. 1 (2019), https://doi.org/10.1016/j.bushor.2018.08.010.

### 4. Discovery of Individuals Trapped in Illegal Online Loans

During the in-depth interview with Mr. X, one of those trapped in the unlawful online lending circle, it became clear that he had no intention of applying for a loan. This began when he received a foreign message and, without hesitation, clicked on the link for a fast loan. Mr. X stated, however, that this was an error resulting in regret. Mr. X Then, unscrupulous and aggressive collection actions, such as making threats or verbal harassment, will place the borrower under significant psychological pressure. Moreover, illegal internet loans have deprived consumers of their rights and resulted in substantial financial losses. This is because of the opaque nature of lending policies. We must be cautious of messages claiming quick cash and ensure that the online loan is licensed and registered with the OJK. Consult a reputable financial institution and file a police report if we find ourselves ensured by an online loan. In addition, make financial plans and increase financial literacy regarding online loans, particularly sharia-compliant online loans.

#### D. Conclusion

On the basis of the preceding discourse, the following conclusions can be derived about online loans in the context of the review of sharia law: Online loans are fundamentally transactions that fall within the ambit of muamalah figh, so they are permissible in the absence of contrary evidence. According to DSN-MUI Fatwa No. 19/DSN-MUI/IV/2001 concerning Al-Qardh and No. 117/DSN-MUI/II/2018 concerning Information Technology-Based Financing Services Based on Sharia Principles for the development of other sharia contract models, online loans can be made with a gardh agreement. The sharia review in this article remains normative, concluding only formal matters, despite the fact that the rules for protection and imposition of sanctions continue to depend on the positive law that applies in Indonesia via the ITE Law and POJK Number 77. /POJK.01/2016. Apart from that, the public must also be more aware of the negative influence of illicit online loans that are spreading in society and in this case the government has provided solutions and preventive measures to avoid similar incidents that have disturbed the Indonesian people. And what is even more essential is to use sharia online loans for the security and convenience of transactions because they have implemented the principles of qadhrul hasan and avoided the detrimental elements of maysir, gharar, and riba.

#### Reference

- Adi. "Ini Daftar Perusahaan Pinjol Yang Ditutup OJK Per April 2022." https://keuangan.kontan.co.id/news/ini-daftar-perusahaan-pinjol-ilegal-yang-ditutup-ojk-per-april-2022, 2022.
- Adnan, Amirah Madihah, Norhoneydayatie Abdul Manap, Zamzuri Zakaria, Mohd Al Adib Samuri, Mat Noor Mat Zain, Azlin Alisa Ahmad, Tze Chin Ong, and Farhah Abdullah. "Definisi 'Penipuan' Dalam Pembelian Dalam Talian: Analisis Terhadap Peruntukan Undang-Undang Di Malaysia." *International Journal of Law, Government and Communication* 5, no. 21 (2020).
- Azwar Iskandar, and Khaerul Aqbar. "Kedudukan Ilmu Ekonomi Islam Di Antara Ilmu Ekonomi Dan Fikih Muamalah: Analisis Problematika Epistemologis." *NUKHBATUL 'ULUM: Jurnal Bidang Kajian Islam 5*, no. 2 (2019). https://doi.org/10.36701/nukhbah.v5i2.77.
- Biancone, Paolo P, Silvana Secinaro, and Mohamad Kamal. "Crowdfunding and Fintech: Business Model Sharia Compliant." *European Journal of Islamic Finance* 12 (2019).
- Budiono, Arief. "PENERAPAN PRINSIP SYARIAH PADA LEMBAGA KEUANGAN SYARIAH." *Law and Justice* 2, no. 1 (2017). https://doi.org/10.23917/laj.v2i1.4337.
- Caniago, Siti Aminah, Denny Mustoko, and Bagaskara Sagita Wijaya. "Challenges, Strategies, and Islamic Ways for Effective Indonesian Economic Digitalization in the Post Covid-19 Pandemic." *HIKMATUNA: Journal for Integrative Islamic Studies* 7, no. 2 (2021). https://doi.org/10.28918/hikmatuna.v7i2.4290.
- Debbi Puspito, Martin Roestamy, and Edy Santoso. "MODEL PERLINDUNGAN HUKUM BAGI KREDITUR LAYANAN PINJAM MEMINJAM UANG BERBASIS TEKNOLOGI INFORMASI DI MASA PANDEMI COVID-19." *JURNAL ILMIAH LIVING LAW* 14, no. 1 (2022). https://doi.org/10.30997/jill.v14i1.5303.
- Disemadi, Hari Sutra. "Fenomena Predatory Lending: Suatu Kajian Penyelenggaraan Bisnis Fintech P2P Lending Selama Pandemi COVID-19 Di Indonesia." *Pandecta Research Law Journal* 16, no. 1 (2021).
- Faedlulloh, Dodi, Intan Fitri Meutia, Devi Yulianti, and Vina Karmilasari. "Gotong Royong Digital: Praktik Baru Solidaritas Warga Di Era Pandemi." *Jantra*. 16, no. 1 (2021). https://doi.org/10.52829/jantra.v16i1.118.

- Fitra, Arinda Elsa. "Dilema Pinjaman Online Di Indonesia: Tinjauan Sosiologi Hukum Dan Hukum Syariah." *DIKTUM: Jurnal Syariah Dan Hukum* 19, no. 2 (2021).
- Gabryelczyk, Renata. "Has COVID-19 Accelerated Digital Transformation? Initial Lessons Learned for Public Administrations." *Information Systems Management* 37, no. 4 (2020). https://doi.org/10.1080/10580530.2020.1820633.
- Gopal, Manasa, and Philipp Schnabl. "The Rise of Finance Companies and FinTech Lenders in Small Business Lending." *Review of Financial Studies*, 2022. https://doi.org/10.1093/rfs/hhac034.
- Hendratmi, Achsania, Muhamad Nafik Hadi Ryandono, and Puji Sucia Sukmaningrum. "Developing Islamic Crowdfunding Website Platform for Startup Companies in Indonesia." *Journal of Islamic Marketing* 11, no. 5 (2020). https://doi.org/10.1108/JIMA-02-2019-0022.
- Hsu, Sara, Jianjun Li, and Hong Bao. "P2P Lending in China: Role and Prospects for the Future." *Manchester School* 89, no. 5 (2021). https://doi.org/10.1111/manc.12332.
- Hurley, Mikella, and Julius Adebayo. "Credit Scoring in the Era of Big Data." *Yale JL & Tech.*, 2016, 18: 148. 18, no. 1 (2016).
- Ibrahim, Rafi Aulia, Chairul Yaqin, and Marthin James Simbolon. "Optimalisasi Pengaturan Layanan Urun Dana (Crowdfunding) Berbasis Teknologi Informasi Sebagai Solusi Permodalan Usaha Mikro, Kecil, Dan Menengah Di Masa Pandemi Covid-19." *Jurnal Lex Renaissance* 6, no. 4 (2021). https://doi.org/10.20885/jlr.vol6.iss4.art7.
- Johnson, Richard L., and Murphy Woodhouse. "Securing the Return: How Enhanced US Border Enforcement Fuels Cycles of Debt Migration." *Antipode* 50, no. 4 (2018). https://doi.org/10.1111/anti.12386.
- Kim, Jiyoung, Kiseol Yang, Jihye Min, and Brechey White. "Hope, Fear, and Consumer Behavioral Change amid COVID-19: Application of Protection Motivation Theory." *International Journal of Consumer Studies* 46, no. 2 (2022). https://doi.org/10.1111/ijcs.12700.
- Kremer, Hannah, Isabel Villamor, and Herman Aguinis. "Innovation Leadership: Best-Practice Recommendations for Promoting Employee Creativity, Voice, and Knowledge Sharing." *Business Horizons* 62, no. 1 (2019). https://doi.org/10.1016/j.bushor.2018.08.010.
- Mas'ulah, Isnaini. "Legalitas Pinjaman Online Dalam Perspektif Hukum Islam." Jurnal Hukum Ekonomi Islam 5, no. 2 (2021).

- Odinet, Christopher K. "Consumer BitCredit and Fintech Lending." *Alabama Law Review* 69, no. 4 (2018).
- Reurink, Arjan. "FINANCIAL FRAUD: A LITERATURE REVIEW." *Journal of Economic Surveys* 32, no. 5 (2018). https://doi.org/10.1111/joes.12294.
- Serlika Aprita, Serlika Aprita. "Peranan Peer to Peer Lending Dalam Menyalurkan Pendanaan Pada Usaha Kecil Dan Menengah." *Jurnal Hukum Samudra Keadilan* 16, no. 1 (2021). https://doi.org/10.33059/jhsk.v16i1.3407.
- Stănescu, C. G. "Regulation of Abusive Debt Collection Practices in the EU Member States: An Empirical Account." *Journal of Consumer Policy*, 2021. https://doi.org/10.1007/s10603-020-09476-8.
- Suryono, Ryan Randy, Indra Budi, and Betty Purwandari. "Detection of Fintech P2P Lending Issues in Indonesia." *Heliyon* 7, no. 4 (2021). https://doi.org/10.1016/j.heliyon.2021.e06782.
- Wulandari, Fajrina Eka. "PEER TO PEER LENDING DALAM POJK, PBI DAN FATWA DSN MUI." *Ahkam: Jurnal Hukum Islam* 6, no. 2 (2018). https://doi.org/10.21274/ahkam.2018.6.2.241-266.
- You, Chuanman. "Recent Development of FinTech Regulation in China: A Focus on the New Regulatory Regime for the P2P Lending (Loan-Based Crowdfunding) Market." *Capital Markets Law Journal* 13, no. 1 (2018). https://doi.org/10.1093/cmlj/kmx039.
- Zetzsche, Dirk Andreas, and Tsany Ratna Dewi. "The Paradoxical Case Against Interest Rate Caps for Microfinance And: How FinTech and RegTech Resolve the Dilemma." *SSRN Electronic Journal*, 2018. https://doi.org/10.2139/ssrn.3159202.