



Analysis of *Qawa'id Fiqhiyyah* in the Utilization of Zakat as a Solution to Illegal Online Loans

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Abstract

The phenomenon of online loans has become a pressing societal issue, affecting many individuals struggling with debt repayment, contributing to rising suicide rates. Zakat, as an Islamic social finance instrument, should help mitigate these negative impacts. This article examines the utilization of zakat funds as a solution to the online loan crisis from the perspective of *Qawa'id Fiqhiyyah* (Islamic legal maxims). Using a normative juridical approach with descriptive analysis, this study explores the application of *Qawa'id Fiqhiyyah* in utilizing zakat funds to address online loan issues. The findings reveal that zakat can address online loan problems, aligning with the maxim that "harm must be eliminated." Borrowers often experience harm, such as threats, intimidation, and data breaches when they cannot repay debts. Zakat offers assistance to victims, helping them avoid actions violating Islamic principles, in line with the maxim "hardship brings ease." However, borrowers must meet the *gharim* criteria, especially if the loans were used to purchase prohibited items under Islamic law. This study provides a novel perspective on zakat by employing the *Qawa'id Fiqhiyyah* approach to tackle the issue of online loans in Indonesia.

Kata Kunci:

Zakat; Pinjaman Online; Qawa'id Fiqhiyyah Asasiyah

Abstrak

Fenomena pinjaman online telah menjadi masalah sosial yang mendesak, mempengaruhi banyak individu yang kesulitan dalam pelunasan utang, serta turut menyumbang pada meningkatnya angka bunuh diri. Zakat, sebagai instrumen keuangan sosial Islam, seharusnya dapat membantu meredakan dampak negatif ini. Artikel ini mengkaji pemanfaatan dana zakat sebagai solusi terhadap krisis pinjaman online dari perspektif *Qawa'id Fiqhiyyah* (kaidah-kaidah hukum Islam). Dengan menggunakan pendekatan yuridis normatif dengan analisis deskriptif, penelitian ini mengeksplorasi penerapan *Qawa'id Fiqhiyyah* dalam memanfaatkan dana zakat untuk mengatasi masalah pinjaman online. Hasil penelitian menunjukkan bahwa zakat dapat mengatasi masalah pinjaman online, sesuai dengan kaidah yang menyatakan bahwa "bahaya harus dihilangkan." Peminjam sering mengalami kerugian, seperti ancaman, intimidasi, dan pelanggaran data ketika mereka tidak dapat melunasi utang. Zakat memberikan bantuan kepada korban, membantu mereka menghindari tindakan yang melanggar prinsip-prinsip Islam, sejalan dengan kaidah "kesulitan mendatangkan kemudahan." Namun, peminjam harus memenuhi kriteria *gharim*, terutama jika pinjaman tersebut digunakan untuk membeli barang-barang yang dilarang dalam hukum Islam. Penelitian ini memberikan perspektif baru tentang zakat dengan menggunakan pendekatan *Qawa'id Fiqhiyyah* untuk menangani masalah pinjaman online di Indonesia.

INTRODUCTION

Online loans are a financial technology innovation that allows individuals to access lending services through applications, eliminating the need for in-person interactions.¹ Online loans provide convenience for people in need of funds, whether for consumptive or productive purposes. Online loans have terms and conditions that are generally easier compared to conventional financial institutions, making them popular among the public due to their simplicity and fast processing time.²

The Financial Services Authority (OJK) has reported a steady increase in loans disbursed through online Peer-to-Peer (P2P) lending platforms yearly. In 2023, the total value of loans through legal online P2P lending reached 58.05 trillion IDR.³ These figures represent data from legal online loans or online lending companies registered with the OJK. However, a significant concern remains the prevalence of illegal online loans. In 2024, the OJK received 8,213 complaints related to illegal online loan practices.⁴ In response to this, the Illegal Financial Activity Eradication Task Force, or *Satgas PASTI*, has successfully shut down 9,062 illegal financial entities, including 1,235 illegal investment schemes, 7,576 illegal online lending platforms, and 251 illegal pawnshops.⁵

While online lending practices provide convenience for the public due to their quick and easy process, many people find themselves caught up in illegal online loan schemes. Illegal online loans often lack formal regulations, especially regarding interest rates. As a result, many borrowers face exorbitantly high interest rates, making it difficult to repay their debts.⁶ When repayment deadlines are missed, illegal online loan companies typically employ third-party debt collectors to handle collections who may visit the borrower's home or workplace directly.⁷ Additionally, collections are not only directed at the borrower but also at emergency contacts provided by the borrower, targeting emergency contacts with threats of fraud, defamation, and even sexual harassment. In some cases, personal data is disclosed, and unauthorized access to borrowers' devices may occur, exacerbating the situation.⁸

In recent years, online loans have been linked to a growing number of serious consequences, including increased crime rates, depression, divorce, and even suicide. One of the impacts of online loans is high interest. When someone is unable to pay the principal

¹ Sharda Abrianti, Anna Maria Tri Anggraini, and Ignatius Pradipta Probondaru, "Dampak Pinjaman Online bagi Masyarakat: Mensejahterakan atau Menyengsarakan? (Studi Tentang Pandangan Masyarakat di Wilayah Bintaro, Tangerang Selatan)," *UNES Law Review* 6, no. 4 (2024): 10420–31, <https://doi.org/10.31933/unesrev.v6i4.1926>.

² Raden Ani Eko Wahyuni and Bambang Eko Turisno, "Praktik Finansial Teknologi Ilegal Dalam Bentuk Pinjaman Online Ditinjau Dari Etika Bisnis," *Jurnal Pembangunan Hukum Indonesia* 1, no. 3 (2019): 379–91, <https://doi.org/10.14710/jphi.v1i3.379-391>.

³ Rema Syelvita, M. Amin Qodri, and Fakhriyah Annisa Afro, "Korban Pinjol, Layakkah Sebagai Gharimin Dan Menerima Zakat?," *Zaaken: Journal of Civil and Business Law* 5, no. 1 (2024): 133–49, <https://doi.org/10.22437/zaaken.v5i1.32151>.

⁴ Ferry Saputra, "OJK: Pengguna Pinjol Ilegal Didominasi Kalangan Usia Muda," keuangan.kontan.co.id, 2024.

⁵ Otoritas Jasa Keuangan, "Satgas Pasti Blokir 585 Pinjol Ilegal Dan Pinpri Serta 17 Investasi Ilegal," ojk.go.id, 2024.

⁶ Sheila Wijayanti, "Dampak Aplikasi Pinjaman Online Terhadap Kebutuhan Dan Gaya Hidup Konsumtif Buruh Pabrik," *MIZANIA: Jurnal Ekonomi Dan Akuntansi* 2, no. 2 (2022): 230–35, <https://doi.org/10.47776/mizania.v2i2.592>.

⁷ Achmad Syauqi Maky et al., "Edukasi Resiko Pinjaman Online Dan Pencegahannya Dalam Perlindungan Hukum Di Desa Ciracas Kecamatan Kiarapedes Kabupaten Purwakarta," *Abdi Lakasana: Jurnal Pengabdian Kepada Masyarakat* 4, no. 3 (2023): 841–55.

⁸ Jeremy Zefanya Yaka Arvante, "Dampak Permasalahan Pinjaman Online Dan Perlindungan Hukum Bagi Konsumen Pinjaman Online," *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 2, no. 1 (2022): 73–87, <https://doi.org/10.15294/ipmhi.v2i1.53736>.

back, the interest increases, causing the debt to grow even though the initial loan was relatively small.

As the debt increases, individuals struggling with online loans often find themselves unable to pay, leading to feelings of hopelessness. For some, the overwhelming financial burden results in tragic outcomes, including taking their own lives.

In most cases, many Muslims are also entangled in online loans despite Islamic teachings that emphasize mutual assistance and financial responsibility. In addition, Islam has the instrument of zakat to circulate wealth, ensuring that ownership of wealth is not concentrated in the hands of certain groups.⁹ Zakat is an obligatory act that must be fulfilled by all Muslims and is the third pillar of Islam.¹⁰ Historically, during the caliphate of Abu Bakr Ash-Shiddiq, those who denied the obligation of *zakat* and refused to pay it were confronted, underscoring its fundamental importance in Islamic teachings.¹¹

The recipients of zakat have been defined in the Qur'an, Surah At-Taubah, verse 60, as follows:

﴿ إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَرَمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ ﴾

“Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah. And Allah is Knowing and Wise.” (At-Taubah: 60)

One of the eight categories of zakat recipients is *gharimin*, referring to individuals in debt. The phenomenon of people increasingly taking out online loans, whether for their primary needs or merely for consumptive activities, raises questions about the permissibility of using zakat for those burdened with online loan debts. However, in reality, many people use online loans primarily for frivolous spending on consumptive purposes.¹²

This study seeks to answer two research questions. First, can victims of illegal online loans be categorized as *gharimin*? Second, what is the perspective of *Qawa'id Fiqhiyyah* regarding the allocation of *zakat* for victims of illegal online loans? Previous research conducted by Syelvita et al. examined whether online loans fall under the category of *gharimin* (indebted individuals) eligible to receive zakat. Their findings suggest that victims of online loans may qualify as *gharimin* under specific conditions, such as ensuring that the debt was incurred for purposes permissible in Islamic law. This study was based on interpretations of the Qur'an and the views of Islamic scholars.¹³ Similarly, Subairi examined

⁹ Ahmad Syafiq, “Zakat Ibadah Sosial Untuk Meningkatkan Ketaqwaan Dan Kesejahteraan Sosial,” *Ziswaf* 2, no. 2 (2015): 380–400.

¹⁰ Uswatun Hasanah, Muhammad Maghfur, and Moh. Nurul Qomar, “Literasi Zakat: Interpretasi Masyarakat Terhadap Kewajiban Membayar Zakat,” *Journal of Islamic Social Finance Management* 2, no. 1 (2021): 83–92, <https://doi.org/10.24952/jisfim.v2i1.3822>.

¹¹ Rahmad Rahmad, “Manajemen Zakat: Masa Nabi Muhammad Saw Dan Sahabat Khullafaurrasyidin,” *Jurnal Tabqqa: Jurnal Ilmiah Pemikiran Hukum Islam* 18, no. 1 (2024): 70–88, <https://doi.org/10.61393/tahqiqa.v18i1.211>.

¹² Syelvita, Amin Qodri, and Annisa Afro, “Korban Pinjol, Layakkah Sebagai Gharimin Dan Menerima Zakat?”

¹³ Syelvita, Amin Qodri, and Annisa Afro.

online loans from an Islamic legal perspective, focusing on the legal status of such transactions within the framework of Islamic jurisprudence.¹⁴

Muttaqin and Kamal examined the utilization of *zakat* as an alternative for debt repayment at the Baitul Mal institution in Langsa.¹⁵ Hanifuddin et al. conducted research on the distribution of zakat funds for victims of online loans through Lazismu's Bankziska program. This initiative empowers victims by utilizing the *qardhul hasan* contract, which provides interest-free loans.¹⁶ Additionally, Zakariyah and Abdulrahman conducted a Sharia analysis study regarding the provision of *qardhul hasan* loans from zakat funds to individuals who are not zakat recipients. Their study identified three differing scholarly opinions: (1) it is permissible to provide loans using *zakat* funds, (2) it is prohibited, and (3) it is permissible under specific conditions.¹⁷

This study, however, takes a distinctive approach by employing *Qawa'id Fiqhiyyah Asasiyah* (fundamental Islamic legal maxims) to analyze the application of zakat funds in assisting victims of online loans. It emphasizes the examination of Islamic legal maxims within the context of online loans, aiming to assess their consistency with Islamic legal principles. Therefore, this research seeks to explore whether zakat can serve as a viable solution to the challenges posed by online loans from the perspective of *Qawa'id Fiqhiyyah Asasiyah*.

RESEARCH METHODS

This research uses an empirical juridical approach with a descriptive analysis method. This method serves to describe the object of study through the data that has been collected.¹⁸ This study describes and analyzes zakat as an instrument to address the online loan phenomenon from the perspective of *Qawa'id Fiqhiyyah*. The study relies on secondary data, collected from books, scholarly articles, news portals, and other relevant sources. The criteria for selecting data sources in this study include books on Islamic law, such as *fiqh* and *usul fiqh* texts written by scholars. Scientific articles used as data sources must at least present studies on Islamic law based on the Qur'an, *Sunnah*, consensus (*ijma'*), or the opinions of scholars. Additionally, news portals serving as data sources must be credible national portals, with their content providing information from experts, such as direct coverage of religious scholars. The research process began with an examination of the online loan phenomenon, including its underlying concepts, contractual frameworks, and other relevant aspects. The findings were then analyzed through the lens of *Qawa'id Fiqhiyyah*, comparing the arguments of Islamic scholars to assess the consistency of online lending

¹⁴ Atik Andrian Subairi, "Pinjaman Online Dalam Perspektif Hukum Islam," *Madani: Jurnal Ilmiah Multidisiplin* 1, no. 8 (2023): 14–24, <https://doi.org/10.5281/zenodo.8305934>.

¹⁵ Zainal Muttaqin and Safwan Kamal, "INVESTIGASI PENDAYAGUNAAN ZAKAT ASNAF GHARIM MENJADI ALTERNATIF HUTANG PIUTANG (Studi Pada Baitul Mal Langsa)," *J-EBIS (Jurnal Ekonomi Dan Bisnis Islam)* 7 (2023): 371–98, <https://doi.org/10.32505/j-ebis.v7i2.4793>.

¹⁶ Iza Hanifuddin, Nur Kasanah, and Eficandra, "Al-Qard al-Hasan Program of Bankziska: Zakat Fund-Based Empowerment Model for Victims of Loan Sharks," *Juris: Jurnal Ilmiah Syariah* 23, no. 1 (2024): 1–12, <https://doi.org/10.31958/juris.v23i1.10799>.

¹⁷ Habeebullah Zakariyah and Mansab Mahsen Abdulrahman, "Providing Qard Hasan from Zakat Fund for Non-Recipients of Zakat: A Shariah Analysis Study," *Al-Rashad Journal of Islamic Finance* 1, no. 3 (2021): 89–105, <https://doi.org/10.46722/ajif.1.3.21d>.

¹⁸ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D* (Bandung: Alfabeta, 2021).

practices with Islamic legal principles. Finally, conclusions were drawn based on the analytical findings.

RESULTS AND DISCUSSION

Qawa'id Fiqhiyyah Asasiyah

The word *qawa'id* is the plural form of *qa'idah*, which in Indonesian is known as *kaidah*, meaning a rule or guideline. Linguistically, as explained by al-Zamakhshari in *Tafsir al-Kashshaf*, *kaidah* refers to the foundation or origin upon which something is built.¹⁹ Terminologically, Imam al-Suyuti defines it as a *kulli* (comprehensive) legal principle that encompasses various related aspects.²⁰

The word *fiqh* comes from the Arabic word *al-fahmu*, which means understanding. Terminologically, *fiqh* originally referred to religious knowledge that encompasses all aspects of religion, including beliefs, ethics, and practices (worship), which is equivalent to the meaning of *syariah islamiyyah*. However, over time, *fiqh* came to be understood as a part of *syariah islamiyyah*, specifically the knowledge of Islamic legal rulings related to the actions of mature and rational individuals, derived from detailed legal evidence.²¹

Therefore, *Qawa'id Fiqhiyyah*, as stated by Imam Tajuddin al-Subki, is a *kulli* matter that corresponds to many *juziyyah* parts, from which the rulings of these *juziyyah* can be derived.²² The *Qawa'id Fiqhiyyah* that can serve as the basis and evidence for *ijtihad* are the foundational principles (*al-qawaid al-fiqhiyyah al-asasiyah*) along with all their branches. *Qawa'id Fiqhiyyah asasiyah*, or foundational principles, are often referred to as *al-qawa'id al-kubra*, which are a simplification (a more detailed explanation) of these basic principles of *syariah*. These foundational principles are *fiqh* rules whose validity is recognized by all schools of Islamic jurisprudence.²³ These principles are as follows:

الْأُمُورُ بِمَقْصِدِهَا

“Every matter depends on its intention.”

This principle is the first foundational principle. It explains the concept of intention. Among the Shafi'iyyah scholars, it is understood as the intention to do something, accompanied by its execution. Intention is crucial in determining the quality or meaning of a person's actions, whether they perform an act to worship Allah or whether they do the act not for the sake of Allah, but merely out of desire or habit.²⁴

الْيَقِينُ لَا يَزُولُ بِالشَّكِّ

“Certainty is not overcome by doubt.”

¹⁹ Muhammad Al-Zarqa, *Syarh Al-Qawa'id al-Fiqhiyyah* (Damsyiq: Darul Ammar, 1998).

²⁰ As-Suyuthi, *Al-Asybah Wa al-Nazhair Fi Qawa'id Wa Furu' Fiqh al-Syafi'i* (Beirut: Darul Kutub Ilmiyah, 1979).

²¹ Rachmat Syafe'i, *Fikih Mu'amalat* (Bandung: Pustaka Setia, 2004).

²² Asjmun A. Rahman, *Qaidah-Qaidah Fiqh* (Jakarta: Bulan Bintang, 1976).

²³ H. Johari and Wahidin, *Kaidah-Kaidah Fiqh Dan Penerapannya Dalam Ijtihad Medis Kontemporer* (Yogyakarta: Kalimedia, 2022).

²⁴ Djazuli, *Kaidah-Kaidah Fiqih: Kaidah-Kaidah Hukum Islam Dalam Menyelesaikan Masalah Yang Praktis* (Jakarta: Kencana, 2007).

The second fiqh principle is the principle concerning certainty and doubt, meaning that this principle clearly states that something which is firm and certain cannot have its position invalidated by doubt.

المَشَقَّةُ تَجْلِبُ التَّيْسِيرَ

“Difficulty brings ease.”

This principle means that difficulty leads to ease, or that difficulty brings ease for the *mukallaf* (the subject of law). Therefore, *syari'ah* alleviates the burden, enabling the *mukallaf* to apply and carry out the law in certain situations and conditions without encountering difficulty or hardship.²⁵

الضَّرَرُ يُزَالُ

“Harm must be eliminated.”

This principle explains that, first, harm must be eliminated. Second, a state of necessity can permit what is normally prohibited. Third, such permission is limited to what is necessary. Fourth, harm should not be removed by a similar harm. Fifth, specific harm can be borne to prevent general harm.²⁶

الْعَادَةُ مُحَكَّمَةٌ

“Customs can be considered in establishing and applying the law.”

Al-'adah or *al-'urf* refers to what is considered good and right by people in general (*al-'adah al-'ammah*), which is repeatedly practiced until it becomes a custom.¹ There are two types of *'urf*: valid (*'urf shahih*) and invalid (*'urf fasid*). Valid *'urf* refers to customs that have become widespread among people and do not contradict the *dalil syara'* (Islamic law), do not permit what is prohibited, and do not invalidate what is obligatory. On the other hand, invalid *'urf* refers to customs that contradict *syara'* law, permit what is forbidden, or invalidate what is obligatory.²⁷

Foundation of Zakat Implementation

Linguistically, *zakat* means blessing, fertility, purity, and goodness. In terminological terms, *zakat* refers to a portion of wealth or staple food that an individual is required to give to those in need. *Zakat* is believed to bring blessings and goodness, purifying wealth and allowing it to grow. Every Muslim who possesses wealth that reaches the *nisab* threshold is obligated to pay *zakat*.²⁸

In the terminology of the book *al-Hawi*, *al-Mawardi* defines *zakat* as a specific portion taken from certain wealth, according to certain conditions, and given to specific groups. The person who gives *zakat* is called *muzaki*, while the person who receives *zakat* is called

²⁵ Zulhamdi, “Al Masyaqqaḥ Tajlibut Taysir (Kesulitan Mendatangkan Kemudahan),” *Syarab: Jurnal Hukum Islam & Ekonomi* 10, no. 2 (2021): 235–52, <https://doi.org/10.47766/syarah.v10i2.216>.

²⁶ Risdianto, Rini Fatma Kartika, and Usman Alfarisi, *Qawaid Fiqhiyyah Terhadap Fatwa MUI Dalam Pelaksanaan Ibadah Di Masa Covid-19*, Penerbit Tahta Media (2023: Tahta Media, 2023).

²⁷ Imam Musbikin, *Qawa'id Al-Fiqhiyah* (Jakarta: PT. Raja Grafindo Persada, 2001).

²⁸ Ahsin W. Alhafidz, *Kamus Fiqh* (Jakarta: Amzah, 2013).

mustahik. The obligation of zakat is stated in the Qur'an, Surah At-Taubah, verse 103, where Allah says:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ عَلِيمٌ

“Take, [O, Muhammad], from their wealth a charity by which you purify them and cause them increase, and invoke [Allah 's blessings] upon them. Indeed, your invocations are reassurance for them. And Allah is Hearing and Knowing.” (At-Taubah: 103).

In the tafsir of Al-Muyassar, the verse is interpreted as: 'Take (O, Muhammad) from the wealth of those who have repented, who mix good deeds with bad ones, a charity (zakat) that purifies them from the filth of their sins and elevates them from the ranks of the hypocrites to the level of the sincere, and pray to Allah for them, asking forgiveness for their sins, and seek forgiveness for them. Indeed, your prayer and request for forgiveness will be a mercy and tranquility for them. Allah is the All-Hearing of every prayer and utterance, and the All-Knowing of the conditions and intentions of His servants. He will reward each person according to their deeds.

Paying *zakat* is an obligation for financially capable Muslims. *Zakat* involves allocating a portion of one's wealth to support those in need, serving both as an act of worship and a means of social justice. This obligation is fulfilled annually as a religious humanitarian contribution, from those who are well-off to help alleviate the hardships of life and meet the needs of those who are impoverished.²⁹ Neglecting zakat is considered a serious violation in Islam, as it reflects a failure to uphold a core tenet of the faith.³⁰ Even Khalifah Abu Bakar Ash-Shidiq waged war against those who refused to pay zakat.³¹ Rasulullah SAW firmly said in a hadith:

مَنْ آتَاهُ اللَّهُ مَالًا فَلَمْ يُؤَدِّ زَكَاتَهُ مُتَّلَّ لَهُ مَالُهُ يَوْمَ الْقِيَامَةِ سُجَاعًا أَفْرَعُ لَهُ رَبِيبَتَانِ يُطَوِّفُهُ يَوْمَ الْقِيَامَةِ ثُمَّ يَأْخُذُ بِلَهْمَتَيْهِ يَغْنِي بِشِدْقِيهِ ثُمَّ يَقُولُ أَنَا مَالِكَ أَنَا كَنْزُكَ.

“Whoever Allah grants wealth but does not pay its zakat, on the Day of Judgment, that wealth will transform into a male serpent with horns and two fangs. It will coil around that person on the Day of Judgment, then bite him with its jaws, saying, 'I am your wealth, I am your stored treasure.” (Bukhari: 1315).

The hadith explains the punishment in the hereafter that will be inflicted on those who refuse to pay *zakat* for their wealth. This demonstrates that zakat is an obligation that must not be neglected by any Muslim who meets the requirements for its obligation. In line with the commands of the Qur'an and Sunnah, scholars and the Muslim community as a whole agree on the obligation of zakat, establishing it as a binding consensus (*ijma'*) for all

²⁹ Samsul Munir Amin and Haryanto Al-Fandi, *Etika Beribadah Berdasarkan Alqur'an & Sunnah* (Jakarta: Amzah, 2011).

³⁰ Muhamad Zainul Abidin, “Kedudukan Zakat Dalam Islam Perspektif Al-Qur'an Dan Hadis,” *La Zhulma | Jurnal Ekonomi Dan Bisnis Islam* 1, no. 1 (2020): 29–43, <https://doi.org/10.70143/lazhulma.v1i1.10>.

³¹ Muhammad Iqbal, “Hukum Zakat Dalam Perspektif Hukum Nasional,” *Jurnal Asy-Syukriyyah* 20, no. 1 (2019): 26–51, <https://doi.org/10.36769/asy.v20i1.43>.

Muslims.³² The zakat law also specifies those who are entitled to receive zakat funds, so that not just anyone can receive zakat wealth. Those eligible to receive zakat, as stated in Allah's words in Surah At-Taubah, verse 60:

﴿ إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَرَمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ ﴾

"Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah. And Allah is Knowing and Wise." (At-Taubah: 60)

One of the eight categories of zakat recipients is *gharimin*, or those who are in debt. According to the interpretation from the Ministry of Religious Affairs, this verse provides a detailed explanation of those who are entitled to receive zakat. There are eight groups eligible to receive zakat, namely:³³

1. The poor: those who do not have a stable source of income and thus cannot meet their basic needs.
2. The needy: those who have some income but not enough to meet their basic living needs adequately, whether they beg for assistance or not.
3. *Amil Zakat*: individuals assigned to manage zakat funds.
4. *Muallaf*, or those whose hearts are softened, referring to individuals who have recently embraced Islam.
5. *Ar-Riqab*, for freeing enslaved individuals.
6. *Al-Gharimin*, to assist those burdened by debt undertaken to meet essential needs that exceed their income.
7. *Fisabilillah*, for those engaged in activities in the path of Allah.
8. *Ibnu Sabil*, for travelers on lawful journeys who have run out of resources.

People who are in debt, or *gharimin*, are among the eight categories entitled to receive zakat. As the Prophet Muhammad (SAW) said:

عَنْ أَنَسٍ، أَنَّ رَجُلًا مِنْ بَنِي تَمِيمٍ جَاءَ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: يَا رَسُولَ اللَّهِ، إِنِّي ذُو مَالٍ كَثِيرٍ وَوَلِيٍّ وَوَلَدٌ وَحَشَمٌ، وَلَا تَبْلُغُنِي الصَّدَقَةُ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: فَأَعْطِ الْغَارِمَ

"It was narrated from Anas bin Malik that a man from Bani Tamim came to the Prophet and said, "O Messenger of Allah, I have much wealth, many children, and servants, but I do not receive zakat." The Prophet (SAW) replied, "Give it to those who are in debt (gharim)." (Bukhari dan Muslim).

The hadith emphasizes that those who are in debt are entitled to receive financial assistance. However, not everyone in debt qualifies as a "*gharimin*" entitled to zakat, as seen in the current phenomenon of online loans, which are often used to fulfill lifestyle needs rather than essential requirements.

³² Abidin, "Kedudukan Zakat Dalam Islam Perspektif Al-Qur'an Dan Hadis."

³³ Kementerian Agama, *Tafsir Ringkas Al-Qur'an Al-Karim* (Lajnah Pentashihan Mushaf Al-Qur'an, 2016).

Based on experts' opinions, there are criteria for *gharimin* entitled to receive zakat. Among them are: a) *Gharim* is a Muslim; b) *Gharim* is a poor person; c) The debt is not intended for sin, which means it is used to meet the needs of life; d) *Gharim* is unable to work again; and e) The debt has passed its due date. Regarding the related conditions that debts that may be paid through zakat are debts that are not for sin, *Gharim* can be divided into four types, namely: a) debts are made to meet the *gharim's* own needs; b) debts are made to reconcile disputes; c) debts are made for the public interest; and d) debts are made because *gharim* is responsible for someone else's debt.

The Concept of *Qawa'id Fiqhiyyah* Asasiyah and Its Implementation on Zakat as a Solution to Online Loans

The rise of online loans has become an increasingly prevalent phenomenon in society. In today's digital era, online loans provide easy access for people to quickly obtain loans without going through complicated processes, making them highly popular among Indonesia's predominantly lower-middle-class population. However, despite their convenience, online loans also bring various challenges and negative consequences that warrant serious attention.

Issues arise primarily because many online loan companies, especially illegal ones, operate without official regulations governing interest rates, debt collection practices, and consumer protection. The consequences of online loans mostly occur when the payment due date arrives and consumers are unable to settle their debts. In such cases, lenders deploy debt collectors to recover payments, typically by visiting borrowers at their homes or workplaces using the personal information provided during registration. Debt collectors gain access to the consumer's personal data, including information stored on the phone, according to the IMEI registered. This data can include social media accounts, personal photos in the gallery, online shopping accounts, transportation apps, and even email data. In more severe cases, consumers may experience undue harassment, such as receiving incessant calls at all hours, threats via phone calls or text messages, and even cyberbullying by spreading their personal data and photos to people in their contact list, causing significant distress.³⁴ Tragically, some victims, overwhelmed by relentless pressure and intimidation, have been driven to take their own lives.³⁵

The Indonesian Ulema Council (MUI) has issued a fatwa regarding online loans. As a result of this fatwa, MUI recommends:³⁶

1. The government, in this case the Ministry of Communications and Information Technology (Kominfo), the National Police (POLRI), and the Financial Services Authority (OJK), should continue to enhance protection for the public, conduct

³⁴ Wijayanti, "Dampak Aplikasi Pinjaman Online Terhadap Kebutuhan Dan Gaya Hidup Konsumtif Buruh Pabrik."

³⁵ Tsania Nala Kandi, "Dinamika Psikologis Pengguna Pinjaman Online: Studi Kasus Pada Mahasiswa Yang Melakukan Pinjaman Online" (Undergraduate Thesis, Semarang, Universitas Islam Sultan Agung Semarang, 2024), <https://repository.unissula.ac.id/36638/>.

³⁶ Majelis Ulama Indonesia, "Apa Hukum Pinjol Menurut Islam? Begini Penjelasan Fatwa MUI," mui.or.id, 2024, <https://mui.or.id/baca/berita/apa-hukum-pinjol-menurut-islam-begini-penjelasan-fatwa-mui>.

supervision, and take strict action against the abuse of online loans or peer-to-peer lending financial technology (fintech lending) that causes public distress.

2. The organizers of online loans should make the MUI fatwa a guideline for all transactions they conduct.
3. Muslims should choose financial services that align with Islamic principles.

Furthermore, a member of the Fatwa Council of the Indonesian Ulema Council, Endy Astiwarana, stated that Islam has instruments to help victims of online loans, namely through zakat, but it must meet certain conditions.³⁷ Zakat, as a social financial instrument, can be a solution to the problems of online loans, as stated in the principle:

الضَّرُّ يُزَالُ

“Danger must be eliminated.”

The principle states that danger must be eliminated. In the context of online loans, borrowers who are unable to repay often face various forms of harm – whether physical, mental, or financial – that must be addressed and prevented. Many online loan services impose excessively high interest rates, placing a heavy financial burden on borrowers. Sometimes, even when borrowers have repaid the principal loan, borrowers find themselves trapped in a cycle of debt due to the accumulating interest, making full repayment nearly impossible. The financial difficulties faced by borrowers can affect their mental health, and in many cases, borrowers may even choose to end their lives.

The zakat funds given to victims of online loans will provide them with ease and relief in repaying their debts. As stated in the principle:

الْمَشَقَّةُ تَجْلِبُ التَّيسِيرَ

“Difficulty brings ease.”

The principle states that hardship should be met with ease. In the context of online loans, a person trapped in debt is facing difficulty, not only financially but also psychologically.³⁸ Borrowers may be unable to pay off their debts due to high interest rates, and many borrowers resort to borrowing more money to cover their debts, a cycle known as “digging a hole to fill another”. Islam, as a religion that advocates for ease and compassion, offers a solution through the distribution of *zakat* funds. The goal is to provide ease for those in debt and experiencing financial problems. Furthermore, even if zakat funds cannot help a debtor pay off their entire debt, partial assistance is better than no assistance at all, as stated in the principle:

مَا لَا يُدْرِكُ كُلَّهُ لَا يُتْرَكُ كُلَّهُ

“What cannot be achieved in its entirety, should not be abandoned in its entirety.”

This principle explains that what cannot be achieved in its entirety should not be abandoned entirely. In the context of online loans, if someone is a victim of online loans and

³⁷ CNN Indonesia, “MUI: Korban Pinjol Boleh Terima Zakat Dengan Syarat,” [cnnindonesia.com](https://www.cnnindonesia.com), 2021.

³⁸ Sesep Saepul Alam, “Dampak Riba Pada Bunga Pinjaman Online Terhadap Psikologis Masyarakat,” *An Nuqud* 2, no. 2 (2023): 1–15, <https://doi.org/10.51192/annuqud.v2i2.420>.

falls under the category of *gharimin* (those in debt), zakat funds can help the victim pay off their debts. Although zakat funds may not be able to cover the entire debt, they can help alleviate part of the burden, thereby reducing the victim's financial strain and assisting them in breaking free from the cycle of debt.

In Islam, individuals in debt are among the eight categories of zakat recipients. However, it is important to consider whether victims of online loans qualify as *gharimin* (debtors) eligible to receive zakat. This classification must be done first to determine which online loan victims are eligible for zakat as *gharimin*. With easy access to online loans, many people, particularly Gen Z, use these loans not for urgent or essential needs but for consumptive purposes, such as buying concert tickets, upgrading smartphones, and other lifestyle expenses. Online loan victims are essentially *mustahik* from the *gharim* group, but some conditions must be considered to determine whether they are eligible to receive zakat. One crucial consideration is whether the debtor possesses other assets beyond their primary residence. If these assets exceed their basic needs, they are required to liquidate them to repay their debt before seeking zakat assistance.³⁹ The conditions for someone to be categorized as a *gharim* according to Yusuf al-Qaradhawi are as follows:⁴⁰

1. There is a need that must be fulfilled through debt. This applies to a *gharim* who has assets but does not have enough to pay off their debt, as well as to a *gharim* who does not have assets and is unable to work or commit to repaying the debt. The need referred to here is a primary or essential/basic need.
2. The utilization of debt must be for purposes that are permitted by Islamic law. The use of debt for *haram* (forbidden), *makruh* (discouraged), sinful, or excessive purposes may disqualify a *gharim* from receiving zakat.
3. The debt in question must be due and payable. Although some opinions allow zakat to be given to a *gharim* whose debt is not yet due, this is less relevant to the principle of *darurah* (necessity) in Islam.
4. A *gharim* can receive zakat if the debt is incurred for the benefit of the public or for the benefit of others, even if they have assets to repay it.

In line with the view of Ibn al-Athir in *Jami' al-Ushul fi Ahadith al-Rasul*, an *al-gharim* is defined as either someone who guarantees the repayment of another person's debt or an individual who borrows to meet their basic needs—provided the funds are not used for sinful acts or extravagant lifestyles. Additionally, scholars such as Imam Malik, al-Shafi'i, and Ahmad classify *gharim* into two categories: first, someone who incurs debt for their own needs, and second, someone who incurs debt for the benefit of others. Both categories are eligible to receive zakat, as long as the *gharim* falls under the category of the poor (*fakir miskin*) and genuinely lack the means to repay their debts. That means that individuals in debt who are eligible for zakat assistance are *gharim* among the poor who do not have assets to settle their debts. Their possessions should only be sufficient to cover their daily needs. For example, someone may lose their wealth due to a disaster or natural calamity

³⁹ Syelvita, Amin Qodri, and Annisa Afro, "Korban Pinjol, Layakkah Sebagai Gharimin Dan Menerima Zakat?"

⁴⁰ Eja Armaz Hardi, "Gharim Sebagai Penerima Zakat Perspektif Yusuf Al Qaradawi," *Disertasi*, UIN Sunan Ampel Surabaya, 2021.

and subsequently become a *gharim* because they no longer possess any wealth or assets to repay their debt.⁴¹

Therefore, not all victims of online loans fall under the category of *gharimin*, because in some cases, the funds borrowed through online loans are used for consumptive activities, such as attending concerts.⁴² It is not for meeting their primary needs. However, individuals who take out online loans to fulfill necessities may be eligible to receive zakat under this category. Scholars and zakat institutions have discussed the eligibility of online loan victims as zakat recipients under the category of *gharimin* (indebted individuals). According to the National Amil Zakat Agency (BAZNAS), victims of online loan can be considered *gharimin* if the debt was incurred to meet basic needs and not for activities that violate Islamic principles. Furthermore, they must genuinely lack the financial ability to repay their debts.⁴³

This perspective aligns with the statement of the Deputy Secretary of the Bahtsul Masail Institution of PBNU, K.H. Mahbub Maafi, who asserts that individuals burdened by online loan debts, provided the debts are incurred to meet essential needs rather than for illicit activities, and they lack the financial capacity to repay, are eligible to receive zakat assistance.⁴⁴ Endy Astiwara, a member of the Fatwa Council of the Indonesian Ulema Council (MUI), emphasized that zakat management institutions must carefully assess the reasons behind an individual's decision to take out an online loan.⁴⁵ Therefore, it is important to assess whether a person trapped in online loans meets the criteria as *gharimin* or not, because if every debtor were automatically classified as *gharimin*, it could create a culture of financial irresponsibility, encouraging reckless borrowing without consideration for repayment.

Zakat plays a strategic role in religion, social affairs, economics, and the welfare of society. As an Islamic financial instrument, zakat is not only an individual act of worship to draw closer to Allah but also a social mechanism that strengthens human relationships and enhances the economic well-being of the *ummah*.⁴⁶ In the context of illegal online lending (loan sharks), zakat can play a crucial role by providing an alternative solution for individuals trapped in debt cycles. Zakat can be utilized to support basic needs, provide financial education, and aid the economic recovery of individuals and families affected by the predatory practices of illegal online lending. This role of zakat aligns with the teachings of the Qur'an and Hadith, which promote empowerment and social solidarity.

Zakat funds can be directly provided to victims of online loans who fall under the *asnaf* of *gharimin*, provided they meet the necessary conditions. However, in its implementation, some institutions use *zakat* funds for online loan victims through the *Qardhul Hasan*

⁴¹ Tempo, "Syarat Korban Pinjol Bisa Menerima Zakat," tempo.co, 2022, <https://www.tempo.co/info-tempo/syarat-korban-pinjol-bisa-menerima-zakat-831333>.

⁴² Novik Andriana, Elly Malihah, and Siti Nurbayani, "The Impact of Online Loans on Consumptive Behavior Among Students in The City of Bandung," *Jurnal Sosiologi Pendidikan Humanis* 8, no. 2 (2023): 130, <https://doi.org/10.17977/um021v8i2p130-144>.

⁴³ Tempo, "Syarat Korban Pinjol Bisa Menerima Zakat."

⁴⁴ Andrian Saputra, "Dana Zakat Digunakan Untuk Melunasi Utang Pinjol, Bolehkah?," republik.id, 2021.

⁴⁵ CNN Indonesia, "MUI: Korban Pinjol Boleh Terima Zakat Dengan Syarat."

⁴⁶ Nur Efendi and Mustofa Hasan, "The Application of Ijma' in Islamic Law: Utilizing Zakat, Infaq, and Sadaqah (ZIS) for Humanitarian Crises," *LAA MAISYIR: Jurnal Ekonomi Islam* 11, no. 2 (2024): 310–30, <https://doi.org/10.24252/lamaisyir.v11i2.53792>.

contract, which involves lending *zakat* funds to the victims to settle their debts. The victims then repay their debts to the institution without any interest, thus easing their financial burden. Yusuf al-Qaradawi argues that lending to *gharimin* is more valid than lending to others, as individuals in the *gharimin* category have a greater right to benefit from *zakat* funds without interest, compared to borrowing from other parties that charge interest.⁴⁷

The implementation of the *Qardhul Hasan* contract in the Bankziska program at Lazismu has yielded positive results, evident in the growth of partners, the increasing loan amounts, and the outstanding balance of *Qardhul Hasan* loans recorded in the financial statements.⁴⁸ Although some scholars permit the use of *zakat* funds for online loan victims through *Qardhul Hasan*, a comprehensive study is required for its implementation. This study should be based on a clear Islamic legal foundation, such as a fatwa from the Indonesian Ulema Council (MUI). The results of this collective *ijtihad* can serve as a foundation for the application of *zakat* funds for online loan victims. It is also important to ensure how it is implemented, whether *zakat* funds are directly given to *gharimin* or if the *Qardhul Hasan* contract is used so that the victims repay their debts through the *zakat* institution without interest. The anticipated outcomes from utilizing *zakat* funds for online loan victims include freeing individuals from the cycle of usurious debt, improving the economic well-being of society, and preventing both social and psychological distress.

From the perspective of *maqasid al-shariah*, giving *zakat* to victims of online loans aligns with the protection of religion (*hifzh ad-din*), protection of wealth (*hifzh al-mal*), and protection of life (*hifzh an-nafs*). *Zakat* can help online loan victims get out of the trap of loans with exorbitant interest rates, thus protecting them from the dangers of usury (*hifzh ad-din*). Directly assisting online loan victims with *zakat* funds can help them pay off their debts while using a *qardhul hasan* scheme allows the victims to repay their debts more easily as there is no interest, thus protecting their wealth (*hifzh al-mal*). The heavy burden on online loan victims often harms their physical and mental health, with some even choosing to end their lives due to the psychological pressure. Therefore, by helping online loan victims through *zakat* funds it can protect their lives, freeing them from the severe pressure that endangers their well-being (*hifzh an-nafs*).

CONCLUSION

Based on the *Qawa'id Fiqhiyyah Asasiyyah*, there are principles such as “harm must be eliminated” and “difficulty brings ease.” In the context of online loans, borrowers often face harm or difficulties — physically, mentally, and financially. They are frequently subjected to continuous threats, both direct and indirect, which can lead some to even consider ending their lives. In line with these principles, the harm or difficulties faced by borrowers can be alleviated through *zakat*. The Qur'an also mentions that those burdened by debt (*gharimin*) are one of the eight categories entitled to *zakat*. Victims of online loans can potentially fall under this category, but certain conditions must be met to determine their eligibility for

⁴⁷ Yusuf Qardhawi, *Fiqih al Zakat* (Beirut: Muassasah ar Risalah, 1991).

⁴⁸ Hanifuddin, Kasanah, and Eficandra, “Al-Qarḍ al-Ḥasan Program of Bankziska: Zakat Fund-Based Empowerment Model for Victims of Loan Sharks.”

zakat. According to Yusuf al-Qardhawi, the conditions include: first, there must be a need to be fulfilled through debt; second, the debt must be used for lawful purposes, not for haram, immoral activities, or excessive spending; third, the debt must be due and must be paid immediately; and fourth, the debt must be for public interest, as this category is allowed to receive zakat. If these conditions are met, the borrower qualifies as a *gharim* and is entitled to receive zakat assistance. In practice, several institutions, such as the *Kembang Sharia Cooperative* and *Lazismu*, provide zakat funds to victims of online loans through the *Qardhul Hasan* contract. While some scholars permit the use of zakat funds for online loan victims, a comprehensive discussion involving scholars, such as the Indonesian Ulema Council (MUI), is needed to establish a clear Islamic legal basis for this practice. The novelty of this study provides a fresh perspective on zakat studies by employing the *Qawa'id Fiqhiyyah* approach to tackle the widespread issue of online loans in Indonesia. The *qawaid fiqhiyyah* approach that underlies the permissibility of utilizing zakat funds for victims of online loans is based on the principles that, "danger must be eliminated", "Difficulty brings easy", and "What cannot be achieved in its entirety, should not be abandoned in its entirety".

CONFLICT OF INTEREST

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