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Taʿzīr against Illegal Online Loan Actors: An Analysis of Islamic Criminal Law

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Abstract:
The development of financial technology has encouraged the increasing practice of online lending, but it has also triggered the rise of illegal online loans that apply exploitative interest, misuse personal data, and intimidate in collection. This practice is not only economically harmful, but also threatens the rights, security, and dignity of the community. This study aims to analyze the accountability of illegal online loan perpetrators in the perspective of Islamic criminal law through the concept *of taʿzīr*. The research uses normative legal methods with legislative, conceptual, and comparative approaches, and is supported by literature studies on the jurisprudence literature and national regulations. The results of the study show that illegal online loans contain elements of usury, gharar, misuse of personal data, and tyranny that meet the characteristics of *jarīmah taʿzīr*. Therefore, the state is authorized to impose *proportionate taʿzīr sanctions*, including imprisonment, fines, restitution, revocation of permits, and administrative sanctions. This is expected to be able to provide a deterrent effect, protect the community, and realize benefits according to the goals of Islamic criminal law.

Kata Kunci: *Taʿzīr*, Hukum Pidana Islam, Pinjaman Online Ilegal, Perlindungan Masyarakat.

Abstrak:
Perkembangan teknologi finansial telah mendorong meningkatnya praktik pinjaman online, namun juga memicu maraknya pinjaman online ilegal yang menerapkan bunga eksploitatif, menyalahgunakan data pribadi, serta melakukan intimidasi dalam penagihan. Praktik ini tidak hanya merugikan secara ekonomi, tetapi juga mengancam hak, keamanan, dan martabat masyarakat. Penelitian ini bertujuan menganalisis pertanggungjawaban pelaku pinjaman online ilegal dalam perspektif hukum pidana Islam melalui konsep *taʿzīr*. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan komparatif, serta didukung studi kepustakaan terhadap literatur fikih jinayah dan regulasi nasional. Hasil penelitian menunjukkan bahwa pinjaman online ilegal mengandung unsur riba, gharar, penyalahgunaan data pribadi, dan kezaliman yang memenuhi karakteristik *jarīmah taʿzīr*. Oleh karena itu, negara berwenang menjatuhkan sanksi *taʿzīr* yang proporsional, meliputi pidana penjara, denda, restitusi, pencabutan izin, dan sanksi administratif. Pendekatan ini diharapkan mampu memberikan efek jera, melindungi masyarakat, serta mewujudkan kemaslahatan sesuai tujuan hukum pidana Islam.

Introduction

The transformation of digital technology has changed various aspects of people's lives, including in the financial services sector. The ease of internet access, the development of financial technology (*fintech*), and the increasing need for fast financing have given birth to various digital-based loan services or *peer-to-peer lending*. The presence of online loan services is basically an innovation that is able to expand financial access (*financial inclusion*), especially for people who have not received conventional banking services. However, behind these benefits, the development of online loans has also given birth to the phenomenon of illegal online loans that operate without authority permission, apply unreasonable interest, misuse personal data, and use billing methods that contain intimidation, threats, and even psychological violence against debtors. This phenomenon has developed into a form of digital economic crime that causes great losses to society and threatens the protection of citizens' rights.[1]

In Indonesia, the rise of illegal online loans shows that technological developments are not always followed by compliance with legal norms. Data from the Task Force for the Eradication of Illegal Financial Activities (PASTI Task Force) shows that from 2017 to May 31, 2024, as many as 9,888 illegal financial entities have been stopped, consisting of 8,271 illegal online loan entities, 1,366 illegal investments, and 251 illegal pawns. In the April-May 2024 period alone, the PASTI Task Force again found 654 illegal online loan entities, accompanied by dozens of personal loan content that has the potential to misuse people's personal data. This fact shows that even though the government is actively blocking, the emergence of illegal online loans is still taking place massively with various new modes so that a more comprehensive legal approach is required.[2]

The existence of illegal online loans not only causes economic losses, but also gives birth to various other criminal acts, such as fraud, extortion, threats, dissemination of personal data without consent, defamation, and terror through electronic media. In practice, illegal online loan actors often access all debtors' phone contacts, disseminate photos and personal identities to family, colleagues, and the public as a form of pressure for victims to make payments immediately. Such practices are clearly contrary to the principles of human rights protection, personal data protection, and the principle of legal certainty that is the foundation of the Indonesian legal state.[3]

Normatively, various provisions of laws and regulations have actually provided a legal basis to crack down on illegal online loan actors. First, Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector (P2SK Law) gives authority to the Financial Services Authority (OJK) in supervising and

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[1] Muhamad Danuri, "Perkembangan Dan Transformasi Teknologi Digital," *Jurnal Ilmiah Infokam* 15, no. 2 (2019).

[2] M Andika Yuda Pratama, "Pinjaman Online Syariah Sebagai Alternatif Atas Maraknya Pinjaman Online Ilegal: Analisis Konseptual Dan Regulasi Di Indonesia," *MAQASHID* 8, no. 1 (2025): 41–56.

[3] Kartini Dwi Sartika and Dewi Larasati, "Literature Review: Dampak Fenomena Pinjaman Online Ilegal Di Indonesia," *Innovative: Journal of Social Science Research* 3, no. 6 (2023): 2940–48.

eradicating illegal financial activities. Second, Law Number 27 of 2022 concerning Personal Data Protection provides protection against the unlawful use of personal data, including the dissemination of consumer data without consent. Third, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions provides a basis for law enforcement against the misuse of electronic systems, threats, and unlawful distribution of electronic information. In addition, various acts of illegal online loan perpetrators can also be charged through the provisions of the Criminal Code (KUHP) regarding fraud, extortion, threats, and other unlawful acts.[4]

However, the complexity of illegal online lending crimes has not been fully answered through a positive legal approach alone. Many forms of acts have developed following the dynamics of technology, so they require a more flexible criminal law policy space. It is in this context that *the concept of taʿzīr* in Islamic Criminal Law becomes relevant to be studied. In contrast to the criminal acts *of ḥudūd* and *qiṣāṣ* which have been determined in the form and degree of punishment expressly in nash, the criminal act *taʿzīr* is a category of crime whose type and sanction are left to ulil amri or the government based on considerations of benefit (*maṣlaḥah*). This flexibility allows the state to impose various forms of punishment for new crimes unknown in classical times, including *cybercrime* and illegal online lending activities.[5]

In the perspective of Islamic Criminal Law, the practice of illegal online lending contains various elements that are contrary to sharia principles. First, there is an element of usury through the application of very high and disproportionate interest. Second, there is an element of gharar due to the unclear cost, interest, and agreement mechanism. Third, there is an element of ẓulm (tyranny) in the form of intimidation, threats, and exploitation of the economic conditions of people who are in need of funds. Fourth, the practice of misusing personal data and disseminating information without permission is contrary to the principles of protection of honor (*ḥifẓ al-ʿirḍ*) and the protection of property (*ḥifẓ al-māl*) which are part of the main purpose of the Shari'ah (*maqāṣid al-sharīʿah*). Therefore, illegal online lending activities are not only seen as a violation of state law, but also as a form of jarīmah that interferes with the public interest.[6]

The concept *of taʿzīr* provides space for the government to impose sanctions that are proportionate to the level of danger caused by the perpetrator. These forms of sanctions can be in the form of imprisonment, fines, revocation of business licenses,

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[4] Muhammad Takhsin and Putri Latiffa Azzahra, "Dampak Undang-Undang Nomor 4 Tahun 2023 Tentang Pengembangan Dan Penguatan Sektor Keuangan Terhadap Ekonomi Indonesia," *Journal of Law and Economics* 2, no. 1 (2023): 52–63.

[5] Yogie Pramana Lubis, "Penyelidikan Hukum Pidana Dalam Penanganan Kasus Pinjman Online Ilegal," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 3 (2025): 2252–57.

[6] Nailah Iskandar et al., "Kajian Literatur Tentang Aspek Hukum Pidana Dan Perdata Dalam Kasus Pinjaman Online Ilegal Di Indonesia.," *Jurnal Hukum Keluarga Islam* 2, no. 2 (2024): 51–61.

confiscation of assets, blocking of digital platforms, restrictions on electronic activities, or other forms of punishment that are able to provide *a deterrent effect* while protecting the community. The main goal *of ta ʿzī r* is not merely *retributive justice*, but prevention, education, social *protection*, and the achievement of the public good. Thus, the application of *the concept of ta ʿzīr* to illegal online lenders has strong relevance to the evolving characteristics of digital crime and requires adaptive legal responses.[7]

Until now, most research on online lending still focuses on aspects of Islamic economic law, consumer protection, personal data protection, and regulation of the financial services sector. Studies that specifically analyze the criminal liability of illegal online loan perpetrators based on the perspective of Islamic Criminal Law, especially through the concept *of ta ʿzīr*, are still relatively limited. In fact, this approach is important to show that Islamic sharia has an elastic mechanism in responding to the development of modern forms of crime without having to go out of the principles of justice, benefit, and protection of human rights.

Based on this description, this study aims to analyze how *the concept of ta ʿzīr* can be applied to illegal online loan actors in the perspective of Islamic Criminal Law and examine its relevance to Indonesia's national criminal law system. This research is expected to make a theoretical contribution to the development of the study of contemporary Islamic Criminal Law, as well as provide conceptual recommendations regarding the formulation of more effective criminal sanctions in dealing with the crime of illegal online loans in the era of digital transformation.

Method

This research uses normative legal research methods with a conceptual *approach*, a statute *approach*, and a *comparative approach*.[8] The conceptual approach is used to examine the concept *of ta ʿzīr* in Islamic Criminal Law and the principles that underlie it, while the legislative approach is used to analyze various regulations that regulate the eradication of illegal online loans in Indonesia, including Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector, Law Number 27 of 2022 concerning Data Protection Personal, Law Number 1 of 2024 concerning Information and Electronic Transactions, and the Criminal Code. The comparative approach is used to compare the characteristics of criminal sanctions in positive law with the concept *of ta ʿzīr* in Islamic Criminal Law.[9] The research data is in the form of primary, secondary, and tertiary legal materials obtained through literature studies of laws and regulations, court decisions, scientific literature, reputable journals, books on Islamic Criminal Law, as well as official documents from

[7] Resky Karty Kahar, "Kajian Lex Certa Terhadap Efektivitas Penegakan Hukum Pasal 221 Ayat (2) KUHP Tentang Obstruction of Justice Perspektif Istihsan Istihnā'i" (IAIN Parepare, 2025).

[8] Suhaimi Suhaimi, "Problem Hukum Dan Pendekatan Dalam Penelitian Hukum Normatif," *Jurnal Yustitia* 19, no. 2 (2018).

[9] Derita Prapti Rahayu, M SH, and Sesi Ke, "Metode Penelitian Hukum," *Yogyakarta: Thafa Media*, 2020.

the Financial Services Authority and related agencies. Data analysis was carried out qualitatively with descriptive-analytical techniques through legal *interpretation* and normative analysis to formulate the construction of *the application of taʿzīr* to illegal online loan perpetrators based on the principles of justice, benefit (*maṣlaḥah*), and the purpose of punishment in Islamic law.[10]

Result and Discussion

The Dynamics of the Development of Illegal Online Loans in Indonesia's Digital Finance Ecosystem

The transformation of the digital economy has brought fundamental changes to the Indonesian financial system. The development of information technology, increasing internet penetration, and the wider use of smartphones have encouraged the birth of various digital financial services (*financial technology/fintech*) innovations. One of the fast-growing innovations is information technology-based lending and borrowing services (*peer-to-peer lending/P2P lending*). The presence of this service was initially intended to expand financial *inclusion* by providing fast, easy, and efficient access to financing to people who have not been fully reached by banking institutions. The digitization of the loan application process, electronic identity verification, and disbursement of funds in a short time is the main attraction for the public, especially micro, small, and medium enterprises (MSMEs), informal sector workers, and community groups who have limited access to banking credit.[11]

In its development, the rapid innovation of financial technology not only provides economic benefits, but also gives birth to various forms of deviations that utilize technological advances as a means of committing criminal acts. One form of such irregularities is the emergence of illegal online loans that operate without permission from the competent authorities. In contrast to online loan providers that have obtained permits and are supervised by the Financial Services Authority (OJK), illegal operators carry out their business activities without meeting governance standards, consumer protection, and prudential principles as stipulated in laws and regulations. This condition causes people to be in a very vulnerable position to various forms of abuse, both in the lending process and at the debt collection stage.[12]

The phenomenon of illegal online loans is growing as the public's need for short-term financing increases. Economic factors, low financial literacy, ease of obtaining loans without collateral, and approval processes that only require personal identity are the main reasons for people to use these services. On the other hand, illegal

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[10] Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (2020): 20–33.

[11] Devia Syahfitri Purba et al., "Analisis Perkembangan Ekonomi Digital Dalam Meningkatkan Pertumbuhan Ekonomi Di Indonesia," *Jurnal Masharif Al-Syariah: Jurnal Ekonomi Dan Perbankan Syariah* 10, no. 1 (2025).

[12] Armin Aryadi et al., *Ekonomi Digital Dan Transformasi Bisnis Di Indonesia* (Tohar Media, 2024).

online loan providers take advantage of this condition by offering instant disbursement of funds through applications or digital links without conducting an adequate creditworthiness analysis. This kind of business model is ultimately more oriented towards exploiting the economic needs of the community than on providing healthy and sustainable financing services.[13]

The development of illegal online loans is also influenced by the characteristics of the digital space that are borderless. Digital platforms can be easily created, moved, or operated from other countries' jurisdictions, making it difficult to supervise and enforce laws. Perpetrators can change the name of the application, use servers abroad, take advantage of fictitious company identities, and spread loan links through social media and messaging applications. As a result, although the government periodically blocks illegal online loan applications and sites, in a short time new platforms with different identities but using the same operational pattern have emerged. This phenomenon shows that illegal online lending crimes have dynamic and adaptive characteristics to the development of digital technology.[14]

Empirically, the development of illegal online loans in Indonesia still shows an alarming trend. The Task Force for the Eradication of Illegal Financial Activities (Satgas PASTI) periodically stops various illegal financial entities operating in Indonesia. Until mid-2024, thousands of illegal online lending entities have been stopped from operating because they do not have permits and are proven to have committed various violations of the law. The findings show that the practice of illegal online lending is no longer a mere administrative offense, but has evolved into part of organized digital economy crime. In fact, in many cases, these activities involve cross-regional and cross-border networks by utilizing information technology to avoid the law enforcement process.[15]

The main characteristic of illegal online loans lies in the operational pattern that ignores the principle of consumer protection. From the registration stage, users are often asked to provide access to all data stored on their mobile phones, including contact lists, photos, locations, and personal documents. Approval of the use of data is generally carried out through standard clauses that are difficult for the public to understand. After the loan is approved, the personal data then becomes the main instrument in the collection process if the debtor experiences a delay in payment. Not a few organizers disseminate debt information to their families, colleagues, and the

[13] Dedek Kurnia Sebayang and Agusmidah Agusmidah, "Fenomena Judi Online Dan Pinjaman Online Dalam Perspektif Sosiologi Hukum: Pencucian Uang Melalui Pinjaman Online," *Jurnal Retentum* 6, no. 2 (2024): 155–65.

[14] Iskandar Rifai, Silvya L Mandey, and Stnass Levyna H V Joyce Lapian, *Fenomena Pinjaman Online (Konsep Dan Strategi Pemasaran)* (uwais inspirasi indonesia, 2023).

[15] Laura Prilia Sipahutar, "Peranan Satuan Tugas Pemberantasan Aktivitas Keuangan Ilegal (Satgas PASTI) Dalam Upaya Pemberantasan Investasi Ilegal Dengan Skema Ponzi (Studi Kasus PT XFA AI)" (Universitas Sumatera Utara, 2025).

wider community as a form of psychological pressure so that debtors immediately pay off their obligations. Such practices not only violate the right to privacy, but also injure the human dignity guaranteed in the national legal system as well as human rights principles.

In addition to the misuse of personal data, illegal online loans are also synonymous with the application of very high interest and additional fees. Information about interest, administrative fees, and late fines is often not communicated transparently to consumers. As a result, the amount of obligations that debtors have to pay increases significantly in a relatively short period of time. This condition creates the phenomenon of *debt trap* , which is a situation when debtors constantly take new loans to pay off previous loans. This prolonged cycle of debt not only worsens the family's economic condition, but also triggers various social problems, such as domestic conflicts, job loss, mental health disorders, and even suicide triggered by inhumane billing pressures.

From a legal perspective, the existence of illegal online loans shows that technological developments are faster than the ability of regulation and law enforcement to anticipate new forms of crime. The government has actually built a regulatory framework through Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector, Law Number 27 of 2022 concerning Personal Data Protection, Law Number 1 of 2024 concerning the Second Amendment to the Information and Electronic Transactions Law, and various regulations of the Financial Services Authority regarding information technology-based co-funding services. The regulation provides a legal basis for the supervision of fintech operators, consumer protection, personal data security, and enforcement against the misuse of electronic systems. However, the effectiveness of regulations still faces various challenges, especially related to the identification of perpetrators, proof of digital-based crimes, inter-agency coordination, and law enforcement against perpetrators operating outside Indonesian jurisdiction.

The problem of illegal online loans is essentially not only related to the legality aspect of business, but also concerns the dimensions of business ethics, the protection of consumer rights, and economic justice. In the context of the digital economy, technological innovation should be used to improve people's welfare, not to be an instrument of exploitation for groups in vulnerable economic conditions. Therefore, the eradication of illegal online loans is not enough to be carried out through a repressive approach in the form of blocking applications or imposing criminal sanctions alone, but also requires strengthening digital financial literacy, increasing public legal awareness, developing a technology-based supervision system, as well as synergy between the government, financial services authorities, law enforcement officials, digital service providers, and the public.[16]

From the perspective of Islamic Criminal Law, the dynamics of the development of illegal online lending reveal a new form of crime which, although not explicitly known in classical times, has similarities with various sharia prohibitions, such as fraud (*tadlīs*), usury, coercion (*ikrāh*), unlawful taking of property (*akl al-māl bi al-bāṭil*), and tyrannical acts (*ẓulm*). The practice of misuse of personal data, intimidation of debtors, and the imposition of exploitative interest is contrary to the purpose of the Shari'ah (*maqāṣid al-sharīʿah*), especially the protection of property (*ḥifẓ al-māl*), soul (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), and honor (*ḥifẓ al-'irḍ*). Thus, the development of illegal online loans is not only seen as a violation of positive law, but also as a form of *jarīmah* that interferes with the public interest and thus requires an effective criminal policy through the application of *taʿzī r* sanctions. This approach provides space for the state to determine proportionate forms of punishment according to the level of harm caused, while realizing the goals of Islamic law in the form of justice, prevention, community protection, and the creation of common interests.[17]

Jarīmah Qualification of Illegal Online Loans in the Perspective of Islamic Criminal Law

The development of financial technology has given birth to various forms of economic transactions that were previously unknown in classical fiqh literature, including online lending services. However, changes in the form and medium of transactions do not change the basic principles of Islamic sharia in assessing an act. Islamic Criminal Law is not solely oriented to the formal form of a criminal act, but to the substance of the act, the element of harm (*mafsadah*), and its impact on individuals and society. Therefore, the practice of illegal online lending can be qualified as *jarīmah* if it fulfills the elements of acts prohibited by sharia, causes losses to other parties, and interferes with the public interest (*al-maṣlaḥah al-'āmmah*). Although online loans were not known in classical times, the various acts inherent in them, such as unlawful taking of property, fraud, exploitation, intimidation, and misuse of personal data, have normative equivalents in Islamic Criminal Law.[18]

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[16] Niken Savitri Primasari, Rizki Amalia Elfita, and Luluk Khoiriyah, "Peningkatan Kesadaran Keuangan Digital Melalui Literasi Berbasis Web Untuk Mengatasi Resiko Pinjaman Online: Pengabdian Masyarakat Prodi Akuntansi Di Madrasah Aliyah Darul Ittihad, Madura," *Jurnal Abdimas Mandiri* 8, no. 2 (2024): 91–97.

[17] Ricky Satria Hamonangan Tampubolon, "Paya Penegakan Hukum Pidana Oleh Kepolisian Terhadap Tagihan Pinjaman Online Ilegal Dengan Ancaman Terhadap Konsumen" (Universitas Medan Area, 2024).

[18] Wa Ode Sartika and Muhammad Suriyadarman Rianse, "Perkembangan Teknologi Finansial (Financial Technology) Dan Implikasinya Terhadap Sistem Keuangan: Sebuah Tinjauan Literatur," *Jurnal Ilmiah Fakultas Manajemen Dan Bisnis Universitas Karya Persada Muna (ALASKA)* 2, no. 1 (2026): 103–12.

In the theory of Islamic Criminal Law, *jarīmah* is any act that is prohibited by the Shari'ah and threatened with certain sanctions because it causes damage to the five main purposes of the Shari'ah (*maqāṣid al-sharī'ah*), namely the protection of religion (*ḥifẓ al-dīn*), the soul (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), descendants (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*). Based on the type of sanction, *jarīmah* is classified into *ḥudūd*, *qiṣā ṣ-diyāt, and* taʿ *zīr*. The practice of illegal online lending does not fall into the categories *of ḥudūd* or *qiṣāṣ*, because there are no nash provisions that specifically regulate the form or level of punishment. Thus, the criminal act is within the scope of *jarīmah taʿzīr*, which is an act whose type of violation and sanction are determined by the government (*ulil amri*) based on considerations of the benefit and development of the community.[19]

The first qualification for illegal online loans is related to the element of unlawful taking of property (*akl al-māl bi al-bāṭil*). The Qur'an expressly prohibits any form of acquisition of wealth that is done through unauthorized means, as stated in Surah al-Baqarah verse 188 and Surah an-Nisā' verse 29. The prohibition covers all forms of transactions that contain exploitation, manipulation, coercion, or abuse of dominant positions to obtain unfair advantages. In the practice of illegal online lending, perpetrators obtain profits through mechanisms that are contrary to the principles of justice, such as charging interest and hidden fees that are not transparently informed, imposing disproportionate fines, and taking advantage of the public's ignorance of the content of electronic agreements. Obtaining profits in such a way is a form of unlawful control of the property of others so as to fulfill the elements of *akl al-māl bi al-bāṭil*.[20]

The second qualification is the existence of the element of usury. In the fiqh of muamalah, any addition required to the debt due to the time factor is included in the category *of ribā al-nasī'ah* which is prohibited based on the Qur'an, hadith, and ijmak ulama. Many illegal online loan providers apply daily or weekly interest rates at very high rates, accompanied by the accumulation of late fines that cause the amount of debt to increase exponentially. The supplement is not compensation for productive trading or investment activities, but rather a profit obtained solely due to the delay in debt payments. From the perspective of Islamic Criminal Law, such a practice not only violates the provisions of jurisprudence, but also becomes an indicator of exploitative behavior that harms society and is contrary to the principles of Islamic economic justice.[21]

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[19] Sufriadi Ishak, "Teori-Teori Penghukuman Dalam Hukum Islam:(Perbandingan Dengan Hukum Pidana Umum)," *Ameena Journal* 1, no. 1 (2023): 89–100.

[20] Muh Arafah, "Peluang Dan Tantangan Pembiayaan Online Syariah Dalam Menghadapi Pinjaman Online Ilegal," *IQTISHADUNA: Jurnal Ilmiah Ekonomi Kita* 11, no. 1 (2022): 65–77.

[21] Abdurrazaq Triansyah et al., "Peran Otoritas Jasa Keuangan Dalam Perlindungan Hukum Bagi Pengguna Pinjaman Online Ilegal (Studi Kasus Pinjol Ilegal Di Yogyakarta)," *Cross-Border* 5, no. 2 (2022): 1090–1104.

The third qualification is the elements of gharar and tadlīs in the contract. *Gharar* refers to the ambiguity of the object, rights, obligations, and legal consequences in a transaction, while *tadlīs* is the act of concealing facts or providing misleading information so that the other party makes a transaction based on mistakes. In the practice of illegal online lending, consumers often do not obtain adequate information about the effective interest amount, administrative fees, penalty mechanisms, and the consequences of late payments. Electronic agreements are structured in the form of standard clauses that are difficult to understand and do not provide consumers with the opportunity to negotiate. As a result, the consent given does not fully reflect the willingness (*riḍā*) which is a valid condition of the contract in Islamic law. Thus, the transaction contains elements of *gharar* and *tadlīs* which can be the basis for the imposition of *taʿzīr* sanctions.

The fourth qualification relates to the misuse of personal data and violations of human honor. One of the characteristics of illegal online loans is the request for access to phone contacts, photo galleries, locations, and various personal information which is then used as a pressure tool when the debtor experiences a late payment. In the perspective of Islamic Criminal Law, honor (*'irḍ*) is a fundamental right that must be protected. The dissemination of personal data without permission, insults through electronic media, intimidation of the debtor's family, and the threat of disseminating information are forms of violation of *ḥifẓ al-'irḍ* as one of the main purposes of sharia. Therefore, even though the form of the violation uses digital technology, the substance of the act is still seen as a tyrannical act that damages human dignity and disrupts social order.

Furthermore, the practice of collecting with threats, psychological terror, and intimidation can also be qualified as forms of ikrāh (coercion) and ẓulm (tyranny). Providers of illegal online loans often use the threat of personal data dissemination, insults on social media, and pressure on the debtor's family and workplace to make payments immediately. In Islamic Criminal Law, coercion that causes physical and psychological suffering is a reprehensible act that is contrary to the principles of the protection of the soul (*ḥifẓ al-nafs*) and reason (*ḥifẓ al-'aql*). In fact, in various cases, psychological pressure carried out by the perpetrator causes the victim to experience severe depression, job loss, domestic conflicts, and suicide. These impacts show that illegal online lending is no longer just a breach of contract, but has evolved into a crime that threatens individual safety and social stability.[22]

Viewed from the perspective of *maqāṣid al-sharī'ah*, the practice of illegal online lending is contrary to almost all the main objectives of the sharia. First, it undermines the protection of property (*ḥifẓ al-māl*) through illegitimate profit-taking and economic

[22] Diah Permata Sari et al., "Sosialisasi Literasi Bahaya Pinjaman Online (Pinjol) Ilegal Dan Judi Online (Judol) Di Kelurahan Karang Asem Cilegon Banten," *Jurnal Pengabdian Sosial* 1, no. 11 (2024): 2090–96.

exploitation. Second, threatening the protection of life (*ḥifẓ al-nafs*) due to psychological distress and intimidating actions that can endanger the safety of the victim. Third, it interferes with the protection of the mind (*ḥifẓ al-'aql*) because prolonged mental stress has the potential to cause psychological disorders. Fourth, it undermines the protection of honor (*ḥifẓ al-'irḍ*) through the dissemination of personal data, defamation, and insult to debtors. Thus, the losses incurred are not only individual, but also have an impact on family life and society at large.[23]

Since there are no sanctions directly stipulated in the Qur'an or the Sunnah against the practice of illegal online lending, the form of violation falls under the category *of jarīmah taʿzīr*. In the concept *of taʿzīr*, the government has the authority to determine the type and severity of punishment based on the level of danger caused by an act. This flexibility makes *taʿzīr* a very relevant instrument in dealing with the development of contemporary digital crime. Sanctions can be in the form of imprisonment, fines, confiscation of assets resulting from crimes, revocation of business licenses, blocking electronic systems, restrictions on digital activities, and other forms of punishment that aim to provide a deterrent effect, protect the community, and prevent the recurrence of similar criminal acts.[24]

In addition, the application *of taʿzīr* to illegal online lenders is also in line with the fiqh rule "taṣarruf al-imām 'ala al-ra'iyyah manūṭun bi al-maṣlaḥah", which is that every government policy towards the community must be based on benefits. In the context of the modern state, this authority is manifested through the formation of laws, law enforcement, supervision of financial service providers, and the imposition of criminal sanctions against digital economy criminals. Thus, penal policies not only function as a repressive instrument, but also as a means of maintaining public order, protecting vulnerable groups of society, and realizing the goals of sharia in creating justice and welfare.[25]

Based on this description, illegal online loans can be qualified as *jarīmah taʿzīr* because they contain various elements of acts that are prohibited by sharia, namely *akl al-māl bi al-bāṭil*, riba, *gharar*, *tadlīs*, *ikrāh*, and *ẓulm*, and threaten the realization of *maqāṣid al-shari'ah*. These qualifications show that Islamic Criminal Law has an adequate normative foundation to respond to the development of contemporary digital crime. Through *the taʿzīr approach*, the state is given space to formulate sanctions

[23] Adjie Putra Wijaya, "Analisis Kritis Praktik Perjudian Daring (Online) Terhadap Stabilitas Ekonomi Rumah Tangga: Tinjauan Hukum Ekonomi Syariah Dan Maqashid Syariah," *AL-IKHTISAR: The Renewal of Islamic Economic Law* 5, no. 2 (2024): 81–89.

[24] Jesa Salsa Billa and Lola Yustrisia, "Analisis Viktimologi Terhadap Perlindungan Hukum Korban Penyalahgunaan Data Pribadi Dalam Pinjaman Online," *El-Faqih: Jurnal Pemikiran Dan Hukum Islam* 11, no. 2 (2025): 505–18.

[25] Muhammad Rizqi Arya Pratama, "Tinjauan Hukum Pidana Dan Hukum Pidana Islam Terhadap Tindakan Ancaman Penarikan Paksa Dan Kekerasan Oleh Debt Collector (Analisis Putusan Nomor. 211/Pid. B/2024/PN. Blt)" (Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, n.d.).

that are adaptive, proportionate, and benefit-oriented so as to be able to provide effective legal protection for the public while maintaining the integrity of the digital financial system.

The Concept of Taʿzīr as a Basis for Criminalization of Illegal Online Loan Perpetrators

The development of digital technology has given birth to various new forms of criminal acts that were unknown during the formation of classical Islamic law, including the crime of *illegal online lending*. These characteristics of crimes show that violations do not only occur in civil relations between creditors and debtors, but have developed into criminal acts that include abuse of electronic systems, economic exploitation, personal data breaches, intimidation, extortion, as well as various forms of psychological violence against victims. In this context, Islamic Criminal Law has an adaptive instrument to respond to the development of modern crime through the concept *of taʿzīr*. In contrast to *ḥudūd* and *qiṣāṣ* which have been explicitly specified in the nash, *taʿzīr* gives the state the authority to determine the type, form, and degree of punishment for any act that contains harm but does not have permanent sanctions provisions in the Qur'an or Sunnah. This flexibility makes *taʿzīr* a relevant criminal basis in dealing with the complexity of digital economy crimes, including illegal online lending practices.[26]

Etymologically, *the word taʿzīr* comes from the root *word 'azzara* which means to prevent, reject, educate, encourage, or pay homage. In the terminology of jiyah fiqh, *taʿzīr* is defined as a punishment imposed on an immoral act or criminal act that is not determined in form or degree by nash, so that the determination is left to *ulil amri* or judges based on the degree of wrongdoing of the perpetrator, the impact caused, and the benefit of the community. The fuqahas, both from the Hanafiyah, Malikiyah, Shafi'iyah, and Hanabilah schools, in principle agree that *taʿ zīr* is a form of state authority to maintain public order (*ḥifẓ al-niẓām al-'ām*) and prevent the development of behavior that damages social life. Thus, the main goal *of taʿzīr* is not only to inflict suffering on the perpetrator, but also to build a deterrent effect, improve behavior (*iṣlāḥ*), protect society, and maintain social stability.[27]

The normative basis *of taʿzīr* can be found in various verses of the Qur'an and hadith that give authority to the government to uphold justice and prevent evil. The word of Allah SWT. in Surah an-Nisā' verse 58 commands that trust be conveyed to those who have the right and the law to be enforced fairly, while Surah an-Naḥl verse 90 emphasizes the obligation to uphold justice (*al-'adl*) and prohibit all forms of tyranny. In addition, the Prophet (peace and blessings of Allaah be upon him) also

[26] risadi Sakri, "Sanksi Pidana Bagi Pelaku Hacker Akun Media Sosial Yang Melakukan Tindak Pidana Penipuan Perspektif Ta'zir" (IAIN Parepare, 2025).

[27] Nur Rahmi Latif, "Tinjauan Yuridis Terhadap Penyebarluasan Konten Pornografi Dengan Motif Balas Dendam" (Universitas Islam Negri Palopo, 2025).

provided space for leaders to punish various forms of offense that did not fall into the category *of ḥudūd*. Based on these postulates, scholars developed the concept that the state has the authority to impose sanctions on new forms of crime in accordance with the development of the times as long as it aims to realize benefits (*jalb al-maṣlaḥah*) and prevent damage (*dar' al-mafsadah*).[28]

In the context of illegal online lending, the application *of taʿ zī r* gained legitimacy because the crime not only violated Islamic economic norms, but also contained various elements of criminal acts that endanger society. The practice of lending with exploitative interest, manipulation of information, misuse of personal data, intimidation of debtors, and threats of identity dissemination are acts that are contrary to the principles of justice (*al-'adl*), honesty (*ṣidq*), trust, and the prohibition of taking other people's property illegally (*akl al-māl bi al-bāṭil*). Therefore, even though the form of criminal act is a product of modern technological developments, the substance of the violation remains within the scope of the act prohibited by the Shari'ah so that it deserves to be sanctioned *taʿzīr*.

From the perspective of Islamic criminal theory, *the application of taʿzīr* to illegal online loan actors has several purposes. First, the preventive goal (*al-rad'u wa al-zajr*), which is to prevent perpetrators and the community from committing similar acts through the provision of punishments that provide a deterrent effect. The high number of illegal online lending platforms shows that administrative threats alone have not been able to stop the practice. Therefore, strict criminal sanctions are an important instrument to reduce the crime rate of the digital economy.[29]

Second, the purpose of repression, which is to provide proportionate retribution for violations of the law that have been committed. In Islamic Criminal Law, retribution is not the main goal, but a form of justice enforcement so that the perpetrator is accountable for the consequences of his actions. Illegal online loan actors not only gain economic benefits illegally, but also cause extensive material and immaterial losses to victims. Therefore, the application *of taʿzīr* is a means to restore a sense of justice in society.

Third, the educational goal (*al-iṣlāḥ wa al-tahdhīb*), which is to improve the behavior of the perpetrator so that he does not repeat the same crime. The concept *of taʿzīr* is not solely oriented towards punishment, but also towards the development of morals and social responsibility. In the context of digital crime, this coaching can be realized through the obligation to participate in business ethics rehabilitation programs, compliance training on personal data protection, and the obligation to

[28] Rima Aulia Maftukha and Fikri Hidayat El-Izat, "Kajian Hukum Pidana Dalam Perspektif Islam: Konsep, Prinsip, Dan Implementasi," *LexIslamica: A Multidisciplinary Approach to Islamic Law and Its Contemporary Applications* 2, no. 08 (2026): 1–9.

[29] Ishak, "Teori-Teori Penghukuman Dalam Hukum Islam:(Perbandingan Dengan Hukum Pidana Umum)."

provide restitution to victims. Such an approach is in line with the modern criminal paradigm that prioritizes rehabilitation without neglecting the importance of community protection.

Fourth, the purpose of community protection (*ḥimāyah al-mujtama'*) which is one of the main orientations of Islamic Criminal Law. Illegal online loans pose a broad threat to people's economic security, the stability of the digital financial system, and public trust in the fintech industry. Therefore, the implementation *of taʿzīr* is not only intended to punish individual perpetrators, but also to maintain public order and create a safe, fair, and integrity digital economic environment.

The flexibility *of taʿzī r* allows the government to impose various forms of sanctions that are adjusted to the level of danger of the crime. In the context of illegal online lending, the form of sanctions can be in the form of imprisonment for managers who deliberately run businesses without a license and exploit the community; criminal fines proportionate to profits obtained illegally; confiscation of assets resulting from criminal acts; revocation of business licenses or prohibitions on carrying out activities in the financial services sector; blocking digital platforms and electronic systems used as means of crime; and the obligation to pay compensation (*ta'wīḍ*) or restitution to the victim. The variety of sanctions shows that *the concept of taʿzīr* is elastic and able to accommodate the development of contemporary forms of crime.[30]

The application *of taʿzīr* to illegal online loan actors is also in line with the principles of *maqāṣid al-sharī'ah*. The practice of illegal online lending clearly threatens *ḥifẓ al-māl* through economic exploitation and misappropriation of property, disrupts *ḥifẓ al-nafs* due to the psychological distress experienced by the victim, damages *ḥifẓ al-'aql* due to the impact of stress and depression, and injures *ḥifẓ al-'irḍ* through the dissemination of personal data and defamation. Therefore, the imposition of *taʿzīr* sanctions is an instrument to safeguard the main objectives of the Shari'ah while eliminating the harm caused by the crime. This is in line with the fiqh rules of "al-ḍ arar yuzāl" (harm must be eliminated) and "dar' al-mafāsid muqaddam 'alā jalb al-maṣāliḥ" (preventing harm takes precedence over obtaining benefits).[31]

In the context of the modern state of law, the application *of taʿzīr* does not mean replacing the national criminal law system, but it can serve as a philosophical and normative foundation in the formation of criminal policy. Indonesia already has various legal instruments, such as Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector, Law Number 27 of 2022 concerning Personal Data Protection, Law Number 1 of 2024 concerning Information and Electronic

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[30] Imroatul Azizah, "Formulasi Kebijakan Antipencurian Berbasis Persepsi Komunitas Dan Prinsip Taʿzīr," *Al Maqashidi: Jurnal Hukum Islam Nusantara* 8, no. 2 (2025): 108–21.

[31] Muhammad Afdhal, Al Azis, and Nazril Muntazar, "Eksistensi Qanun Syariat Islam Aceh Dalam Sistem Hukum Indonesia: Tinjauan Hukum Tata Negara Islam Dan UUD 1945," *MUNTAZAR: Jurnal Ilmiah Multidisiplin* 1, no. 2 (2025): 293–311.

Transactions, and the Criminal Code. All of these regulations essentially have a goal that is in line with the concept *of taʿzīr*, which is to protect the community, uphold justice, maintain public order, and prevent the development of crime. Thus, the values *of taʿzīr* can be integrated into national criminal law policy as an ethical paradigm in formulating proportionate sanctions against illegal online loan actors.[32]

Based on this description, the concept *of taʿzīr* is the most appropriate basis for criminalization to qualify and impose sanctions on illegal online lenders from the perspective of Islamic Criminal Law. Its flexibility allows the state to respond to the development of digital crime in an adaptive manner without deviating from sharia principles. Through the application *of taʿzīr*, punishment is not only directed at retribution against the perpetrators, but also at the protection of the community, the restoration of victims' rights, the prevention of crime, and the realization of the public good. Therefore, *the concept of taʿzīr* has strong relevance as a normative foundation in strengthening policies to counter illegal online loans in Indonesia and supporting the development of a fair, safe, and sustainable digital financial system.

Reconstruction of Law Enforcement against Illegal Online Loan Perpetrators Based on Taʿzī rand National Criminal Law

The development of illegal online lending in Indonesia shows that the existing law enforcement system still faces various challenges in responding to digital economic crime. Although the government has established various regulatory instruments and carried out enforcement on an ongoing basis through the Financial Services Authority (OJK), the Task Force for the Eradication of Illegal Financial Activities (Satgas PASTI), the National Police of the Republic of Indonesia, the Ministry of Communication and Digital, and other related agencies, the practice of illegal online lending continues to develop with an increasingly complex pattern. The perpetrators not only take advantage of advances in information technology to gather consumers quickly, but also use foreign servers, fictitious company identities, applications that are easy to rename, and storage accounts that are difficult to track. This condition shows that law enforcement, which has been more oriented towards blocking applications and administrative action, has not been fully able to provide *a deterrent effect* on perpetrators or prevent the emergence of new illegal platforms.[33]

Normatively, Indonesia already has a fairly comprehensive legal basis in cracking down on illegal online loan actors. Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector provides a legal basis for the OJK to supervise the financial services sector while eradicating illegal financial

[32] Anita Putri Aningsih et al., "Relevansi Ta'zir Sebagai Alternatif Pemidanaan Dalam Sistem Hukum Pidana Modern," *Jurnal Tahqiqa: Jurnal Pemikiran Hukum Islam* 20, no. 1 (2026): 64–81.

[33] 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.

activities. In addition, Law Number 27 of 2022 concerning Personal Data Protection provides protection against any form of collection, use, or dissemination of personal data without the consent of the owner. This provision is strengthened by Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transaction Law which regulates various criminal acts based on electronic systems, including illegal access, threats through electronic media, unlawful dissemination of information, and misuse of electronic data. In addition, the Criminal Code (KUHP) can also be applied to various acts committed by perpetrators, such as fraud, extortion, threats, embezzlement, and other criminal acts related to obtaining unlawful profits.[34]

Nonetheless, the positive legal approach still shows some weaknesses. First, existing regulations tend to be sectoral, so the handling of illegal online loans is often carried out separately based on the type of violation, such as financial services violations, personal data protection, or cybercrimes. In fact, the characteristics of illegal online loans are multidimensional crimes that combine various forms of law violations in one series of acts. Second, the orientation of law enforcement is still more focused on stopping application operations than on eradicating the perpetrator network and restoring victims' rights. Third, coordination between law enforcement agencies has not been fully integrated, especially in tracking the flow of funds, electronic proof, and taking action against perpetrators operating across jurisdictions. As a result, even though thousands of apps have been blocked, illegal online lending practices continue to emerge with new identities.

From the perspective of Islamic Criminal Law, these weaknesses show the need to reconstruct a law enforcement system that is not only oriented to legal-formal aspects, but also based on the values of justice, welfare (*maṣlaḥah*), protection of society, and prevention of damage (*dar' al-mafāsid*). The concept *of taʿzīr* provides a flexible normative framework for the state to establish a penal policy against any form of crime that is not explicitly regulated in the nash, but causes harm to society. With these characteristics, *taʿzīr* becomes a relevant philosophical basis for reconstructing law enforcement against illegal online lenders as a form of contemporary digital economy crime.[35]

The first reconstruction is related to the paradigm change in law enforcement from a repressive approach to a preventive-integrative approach. So far, the success of law enforcement has often been measured by the number of apps blocked or perpetrators arrested. In fact, from the perspective *of taʿzīr*, the main purpose of

[34] Tito Afrianto and Ahmad Jamaludin, "Menyoroti Maraknya Penipuan Investasi Bodong Di Era Digital Dalam Bentuk Pinjaman Online Ilegal Dengan Modus Pinjaman Cepat Dan Bunga Yang Rendah Di Indonesia," *Jurnal Hukum Lex Generalis* 6, no. 7 (2025).

[35] Syifa Rahmani Zalya et al., "Analisis Tindak Pidana Perdagangan Orang Dalam Praktik Prostitusi Perspektif Hukum Pidana Islam," in *Maqasid Forum: Journal of Islamic Law, Jurisprudence, and Public Policy*, vol. 1, 2026, 195–202.

punishment is to prevent the development of harm before it causes wider harm. Therefore, law enforcement needs to be strengthened through an early detection system for illegal platforms, increasing people's digital financial literacy, strengthening supervision of application service providers, and developing artificial intelligence-based surveillance technology to quickly identify illegal financial activities. This preventive approach is in line with the rules of fiqh *dar' al-mafāsid muqaddam 'alā jalb al-maṣāliḥ*, which is that preventing damage must take precedence over obtaining benefits.

The second reconstruction is the strengthening of the victim-protection-based criminal model. In national law enforcement practice, attention is often more focused on punishing the perpetrator than recovering the victim's losses. In fact, Islamic Criminal Law places the protection of victims' rights as part of the purpose of enforcing justice. Therefore, the application *of taʿzī r* against perpetrators of illegal online loans must be integrated with the mechanism of restitution, compensation, and recovery of victims' personal data. The perpetrator is not only subject to imprisonment or fines, but is also required to return the profits obtained illegally, delete all personal data obtained illegally, and restore the victim's good name if there has been contamination or the dissemination of harmful information. This model reflects a balance between the state's interest in punishing perpetrators and the victim's right to justice.

The third reconstruction concerns the strengthening of the type of criminal sanctions based on *the principle of taʿzīr*. The flexibility *of taʿzīr* allows the state to impose different forms of punishment tailored to the level of error and the social impact it causes. In the context of illegal online lending, sanctions are not enough in the form of imprisonment and fines as known in positive law, but can be developed into a combination of principal and additional crimes. The form of sanctions includes confiscation of assets resulting from criminal acts, revocation of the right to run a financial services business, permanent blocking of digital platforms, freezing of accounts used for illegal activities, prohibition on establishing similar companies within a certain period of time, and obligation to participate in business ethics and legal compliance development programs. The combination of sanctions reflects *the goal of taʿzīr* which is not only repressive, but also preventive, educational, and restorative.

The fourth reconstruction is to strengthen institutional coordination in law enforcement. The complexity of illegal online lending crimes does not allow it to be handled by one institution partially. Therefore, an integrated coordination model is needed involving the OJK, the PASTI Task Force, the National Police of the Republic of Indonesia, the Attorney General's Office of the Republic of Indonesia, the Financial Transaction Reporting and Analysis Center (PPATK), the Ministry of Communication and Digital, Bank Indonesia, and electronic system service providers. In the perspective *of taʿzīr*, the government (*ulil amri*) has a collective responsibility to maintain public order and protect society from various forms of tyranny. Thus, synergy between agencies is not just an administrative issue, but an implementation of the state's obligation to realize the public benefit (*al-maṣlaḥah al-ʾāmmah*).

The fifth reconstruction is the integration of *the values of maqāṣid al-sharīʾah* into the national criminal law policy. Countermeasures against illegal online loans are not solely aimed at enforcing legal certainty, but must also be directed at the protection of the five main objectives of sharia. Economic exploitation through excessive interest and hidden costs threatens *ḥifẓ al-māl* (protection of property); intimidation and psychological distress interfere *with ḥifẓ al-nafs* (protection of life); misuse of personal data damages *ḥifẓ al-ʾirḍ* (protection of honour); while prolonged mental distress can interfere with *ḥifẓ al-ʾaql* (protection of reason). Therefore, every criminal policy must be directed to eliminate harm to all these aspects. The approach based on *maqāṣid al-sharīʾah* makes the law function not only as a tool of social control, but also as an instrument of protection of human dignity.

In addition, the reconstruction of law enforcement also requires strengthening the restorative justice approach that is in line with the principle *of iṣlāḥ* (improvement) in Islamic Criminal Law. Although the perpetrator must still be held accountable for his actions, the settlement of the case must also pay attention to the restoration of social relations, the rehabilitation of the victim, and the prevention of the recurrence of criminal acts. This approach does not reduce the function of the penalty, but rather expands the orientation of law enforcement to be more just and sustainable.[36]

Thus, the reconstruction of law enforcement against illegal online loan perpetrators is not enough to be carried out through regulatory changes alone, but requires a renewal of the criminal paradigm that integrates *the values of taʿzīr* with the national criminal law system. The synergy between positive legal norms and the principles of Islamic Criminal Law will result in a law enforcement model that is more comprehensive, adaptive, and responsive to the development of digital economy crime. Through this approach, law enforcement is not only oriented towards punishing perpetrators, but also on community protection, restoration of victims' rights, crime prevention, and the realization of the public interest as the main goal of the law. The integration also shows that the concept *of taʿzīr* has strong relevance in strengthening national criminal policy, especially in facing law enforcement challenges in the era of digital transformation.

Conclusion

This research shows that the practice of illegal online lending is not only a violation of the provisions of positive law, but also qualifies as *jarīmah taʿzīr* in the perspective of Islamic Criminal Law. Various practices carried out by the perpetrators,

[36] Anajeng Esri Edhi Mahanani, "Rekonstruksi Budaya Hukum Berdimensi Pancasila Dalam Upaya Penegakan Hukum Di Indonesia," *Jurnal Yustika: Media Hukum Dan Keadilan* 22, no. 01 (2019): 1–10.

such as the application of exploitative interest, misappropriation of property, misuse of personal data, fraud, intimidation, and threats against debtors are contrary to the principles of justice and the purpose *of maqāṣid al-sharīʿah*, especially the protection of property (*ḥifẓ al-māl*), soul (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), and honor (*ḥifẓ al-'irḍ*). Therefore, since there are no sanctions explicitly stipulated in the Qur'an or the Sunnah, the punishment of illegal online lenders can be placed within the scope of *taʿzīr*, which gives the state the authority to impose sanctions based on the level of harm and benefit of the community. This research also emphasizes that the reconstruction of law enforcement needs to be carried out through the integration of *taʿzīr* values with the national criminal law system. The approach is directed at strengthening regulations, inter-agency coordination, victim protection, the application of proportionate sanctions, and the development of preventive strategies against digital economy crimes. The integration of Islamic Criminal Law and national criminal law is not intended to replace the prevailing legal system, but rather to enrich the philosophical and ethical foundation in the formulation of a more adaptive, fair, and benefit-oriented criminal policy. Thus, the concept *of taʿzīr* has strong relevance as a paradigm in dealing with the development of illegal online lending crime in the era of digital transformation.

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