

**Problematics of Contemporary Fiqh Munakah: Online Lending as Family Sustenance
Bukittinggi Study**

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Abstract: *As time progresses, nafkah can be obtained from various sources, including online loans, where there are differences in scholarly opinion about the law. So the formulation of the problem in this study is how the motivation of the community to make online loans for family nafkah in Bukittinggi, and how the views of Islamic law and positive law about online loans for family nafkah in Bukittinggi. Based on the results of the study, the motivation of the community to make online loans in fulfilling family maintenance is urgent needs, easy disbursement, easy requirements and consumptive behavior. While providing maintenance from online loans in the view of Islamic law is permissible based on urgent needs, such as health, children's education costs, sudden household needs and if it meets the conditions, namely that the online loan is legal and in accordance with Islamic law.*

Keywords: *Online Loans, Income, urgent needs*

Introduction

Nafkah becomes an elastic and flexible thing depending on the conditions surrounding it in the form of social reality, the development of human life needs, and the real conditions of a married couple's life in a family. The most visible responsibility as a man is work, because work is a means of earning a living, and nafkah is one form of realization of worship in the household. (Lubis, 2022). The rights and obligations of husband and wife in the family, if they both carry out their respective responsibilities, will realize peace and tranquility, so that the happiness of married life is perfect and realized in accordance with religious teachings, namely *sakinah, mawadah, and warahmah*. In a family, the rights and obligations of husband and wife, one of which is related to nafkah. Nafkah is meeting the needs of the family physically and mentally, as well as all needs related to the family. Nafkah also includes the cost of living, including food, clothing, facilities, and infrastructure the family needs. (Yanti & Zahara, 2022)



Along with the times, a husband's income can be obtained from various sources, such as online selling, trading, being a YouTuber, contest creator or online loans. Provision of livelihood by husbands to their wives and families. At this time, one of the financial platforms that is of great interest to many people in Indonesia is online loans, abbreviated as online loans. Online loans or peer-to-peer lending are currently being developed in Indonesia because this online loan service is said to make it easier for the community. (Wadi & Hendri, 2022) Fintech is presently one form of information technology application in the financial sector. Fintech is a segment of the startup world that focuses on maximizing the use of technology to change, accelerate, or sharpen various aspects of existing financial services. Starting from payment methods, transfers, funds, loans, fund collection, and asset management. Financial technology affects people's transaction habits to be more practical and effective. (Hajar et al., 2021)

129 million online loan users in Indonesia by 2024.(Hikam, 2024). Specifically, there are thousands of online loan application users in West Sumatra, 4 million. (Hendra, 2024) In Bukittinggi, people who accessed the service or application of online loans were recorded until mid-2024, 1,656 people. There were 256 complaints and 89 complaints.. Redaksi, "OJK Padang Warning: 4 Juta Warga Sumbar Terlilit Online loans, Literasi Keuangan Jadi Kunci," padangkita.com, 2024, <https://padangkita.com/ojk-padang-warning-4-juta-warga-sumbar-terlilit-online-loans-literasi-keuangan-jadi-kunci/>.

In the Complication of Islamic Law Article 80 paragraph (2) and paragraph (4), the husband must protect his wife and provide all the necessities of household life according to his ability. According to his income, the husband bears: nafkah, kiswah, residence for the wife, household expenses, maintenance costs, education costs for children, and medical expenses for the wife and children. In this case, the husband is fully obliged to provide for his family (children and wife). (Hajar et al., 2021)

The above explanation points out that online loan interest is dangerous and evil if providing family maintenance from online loans because it will torment and destroy society through its influence on human character. Then there are two problem formulations that the author will explore in this article: first, how the motivation of the community to make online loans for family maintenance and the review of Islamic law and positive law on online loans used as family maintenance. So, in this study, two things will be studied. The first is related to the motivation of the Bukittinggi community to use online loans for family maintenance, where in household life, sometimes things come urgently, so some people use these online loans to fulfill them. While the second examines how the ulama's opinion on online loans in family nafkah in Bukittinggi

Method

This type of research is field research with the nature of quantitative (Dahyul Daipon, 2021) research by analyzing community phenomena related to online lending as a livelihood in the family through data collection by interview and documentation to the people involved such as the community involved in online borrowing as many as 50 people consisting of 45 online loan users, five online loan admins. (Firdaus et al., 2022) After the data is collected, the next step is to analyze the data using the qualitative data analysis method technique with the stages of reduction, display and then concluding. (Hendri, 2023)

Discussion

People's motivation to do online lending in Bukittinggi

Online lending, or peer-to-peer lending, commonly known as social lending, is a platform that brings together borrowers and lenders through debt-based crowdfunding, in the form of money loans made between individuals provided by peer-to-peer lending providers. (Priyonggojati, 2019) This company is very different from conventional financial institutions such as banks; the guarantees made by peer-to-peer lending include the relationship between lenders or creditors and borrowers or debtors. Online lending is a money borrowing and lending service in rupiah currency that is directly between creditors/lenders (lenders) and debtors/borrowers (loan recipients) based on information technology. (Damanik, 2022)

In 2022-2024, online loan users in West Sumatra numbered more than 4 million people in debt to online loans. (Yose Hendra, 2024). In addition, the same information also said that the number of online loan users in 2024 amounted to 4 million. (Redaksi, 2024) The parties involved in peer-to-peer lending transactions never meet in person. The primary legal basis used in lending and borrowing activities in fintech activities is the Financial Services Authority Regulation Number 77OJK.01/2016 of 2016 concerning Information Technology-Based Money Lending and Borrowing Services which refers to Article 1 numbers 7 and 8 stating⁴⁵ "loan recipients and providers are persons, legal entities or business entities that have receivables due to information technology-based money lending and borrowing service agreements". The issue of online lending is regulated in Law Number 11 of 2008 concerning Electronic Information and Transactions. (Marselria, 2023)

Etymologically, the word *nafkah* means "the right to give or spend. In Indonesian grammar, *nafkah* means shopping for life or supplies for daily life. While in terms of terminology, *nafkah* is the right of wives and children to get food, clothing, shelter, and several other basic needs and treatment, even though the wife is wealthy. *Nafkah*, according to the term *fiqh* experts, is the expenditure of one's expenses on the person he is obliged to support, which consists of bread, side dishes, shelter, and other needs such as the cost of water, oil, lights, and so on. *Nafkah* is the cost of living to which the wife is entitled both in marriage and after divorce, provided there is a time limit after divorce. A husband is obliged to provide maintenance. (Mustofa, 2019)

As for the motivation or reasons people choose online loans as a family income, the first is practical. One of the main reasons why online loans are in high demand is their practicality. With the advancement of existing technology, almost the entire online loan process is done digitally. This allows applicants to apply for a loan, upload documents, and receive funds quickly. That way, borrowers don't have to go through the hassle of visiting a traditional bank or financial institution. Of course, this is perfect for people who need money but have a busy schedule. (Psikologi et al., 2022)

Second, an Easy application process. Online loans often offer easier application requirements than loans from banks or other financial institutions. This easy application process can be a solution for people with poor credit or no credit history. Many online lending platforms even offer unsecured loans. All you need is your ID card; your borrowed funds can be disbursed in minutes. (Istiqamah, 2019)

Third, the speed of disbursement. One of the reasons why many people favor online loans is the speed of approval of debt applications. Some online loan platforms can approve a loan in hours or even minutes. Once approved, the funds can be disbursed directly to the applicant's

account quickly. This differs from conventional banks, which can take days or weeks. (Daniel, 2021)

Fourth, the loan amount is unlimited. The amount of loan funds for online loans is considered more flexible. That way, people can choose the loan amount, whether small or large, according to their needs. Online loans also offer many installment tenors, ranging from weekly to monthly tenors. That is why many people favor online loans; they allow borrowers to manage personal finances. (Suhartawan, 2022)

While online loans offer tremendous benefits, it is essential to remember that they also come with risks. High interest rates and hidden fees can lead to heavy financial burdens. Based on the explanation above, there are motivations or reasons why people choose to borrow from online loans. The table 1 below shows four critical reasons why the majority of Bukittinggi residents do so (Elimartati, 2018)

Table 1. Motivation for Online Lending

No	Motivation for online lending
1	Practical
2	Easy process
3	Fast disbursement of funds
4	Unlimited loan amount

In addition to the advantages felt by the community in online lending, the community also feels the negative impact of making online loans, including high interest, short tenor period and the opportunity for fraud. Online loans are in demand by the community, especially in Bukittinggi. There are online loans that are favorites or platforms that are in demand, such as Julio, friend's wallet, modalku, friend's money, smart credit and mekar. (Fajrul Wadi, 2023)

In Islam, family needs sometimes come suddenly, so online loans are used to maintain financial stability in times of emergency. Several other factors lead to low financial resilience. These include decreased income or pay cuts due to the pandemic, and inflation that causes an economic crisis. Monthly income must also be prioritized to meet daily needs. When your pocket is inadequate, but you suddenly have to face unexpected expenses, online loans are a solution to meet your needs while maintaining financial stability. (Wadi & Hendri, 2022)

Of the several brands or online loan platforms that interest the people of Bukittinggi, there is one online loan with an office in Bukittinggi, namely Mekar. When viewed from its operational standards, the mekar online loans platform already has a license from the OJK. MEKAR has obtained a business license from the Financial Services Authority (OJK) based on OJK Decree number KEP-127/D.05/2019 dated December 13, 2019. (Firdaus, n.d.)

As a subsidiary of BBRI, PNM Mekar receives significant support in running its operations. This allows the company to provide better services to its target businesses. Mekar usually processes loan payments to lenders on the same day. However, it can take up to 3 (three) working days after the scheduled payment date. Online loans indirectly impact the family, such as enabling them to overcome financial problems. Sometimes, urgent matters require a lot of money, so online loans are one option. (Wijayanti, 2022)

In addition, online loans impact families, including an increased debt burden. In addition, it becomes difficult for families to meet basic needs because more of the monthly income is allocated to paying online loan debt. And many families take out new loans to repay old loans,

creating a prolonged debt cycle. Then, some people sell household items or quit their jobs due to psychological and social pressure from collections. (Abrianti et al., 2024)

Then the psychological impact on online loan users on the family, the pressure of debt and collection causes severe stress, anxiety, and even depression, especially on the head of the family. Constantly running out of money to repay loans often triggers spousal arguments, even leading to divorce. Children can experience indirect impacts: stress because parents usually fight, unmet needs, and bullying if illegal lenders share their parents' data. (Istiqamah, 2019)

There is also the social impact of Privacy and Reputation Disruption. Many illegal lenders share personal data with borrowers' mobile phone contacts - family, friends and neighbors are affected. The family's reputation can be damaged, leading to embarrassment or social ostracization. Due to shame or fear of repayment, many families close themselves off from society or stop interacting in the neighborhood. (Wadi & Hendri, 2022)

Table 2. The impact of online loans on families (Angkasa et al., 2023)

No	Impact of online loans	The impact of online loans on families
1.	Economic Impact	Increasing Debt Burden
		Digging Holes to Fill Holes
		Loss of Assets or Employment
2	Psychological Impact	Stress & Depression
		Domestic Conflict
		Children's Mental Health
3	Social Impact	Privacy and Reputation Issues
		Social Isolation
4	Legal Impact	Legal Threats & Ethical Violations

A review of contemporary fiqh munakahat on online loans as family maintenance

Nafkah means "the right to give or spend. In Indonesian grammar, nafkah means shopping for life or supplies for daily life. While in terms of terminology, nafkah is the right of the wife and children to get food, clothing, shelter, and several other basic needs and treatment, even though the wife is a rich woman. Nafkah, according to the term fiqh experts, is the expenditure of one's expenses on the person he is obliged to support, which consists of bread, side dishes, shelter, and other needs such as the cost of water, oil, lights, and so on. Nafkah is the cost of living to which the wife is entitled both in marriage and after divorce, provided there is a time limit after divorce. A husband is obliged to provide maintenance. From the description of the above understanding, nafkah is the obligation of a husband to fulfill the rights of a wife, children and their families in fulfilling their daily needs such as clothing, food and shelter. (Abrianti et al., 2024)

The impact of online loans used for family livelihood in Islamic law., In Islam, borrowing (debt) is permissible as long as it does not contain usury (interest), does not cause injustice, and is based on a clear contract and mutual consent. However, Islam is also conscientious about debt, because it is found in the Hadith. *"The spirit of a believer will hang on to his debt until he pays it off."* (HR. Ahmad, Tirmidzi)

Table 3. The impact of online loans on families from the perspective of Islamic law

No	Impact of online lending	The impact of online lending on the family
1	Usury and Unlawfulness	• The majority of online loans (online loans) carry daily or monthly interest. • Wealth that comes into the family from usury sources is considered unbled. • According to many scholars, feeding children and wives from usury can tarnish the sanctity of nafaq.
2	Injustice and Social Harm (Darar)	Domestic violence, divorce, and the breakdown of harmony.
3	Responsibility for Maintenance	The head of the family uses a riba-based online loan for family needs: He is considered to be fulfilling an obligation in the wrong way and in the long run, this can hurt the family spiritually and morally.

In terms of its distribution, nafaqah is divided into several types. The fiqh scholars concluded that the maintenance that a husband must give to his wife includes food, drink, side dishes, clothing, shelter, servants if needed, cleaning tools and household furniture. As for beauty equipment, it is not an obligation of the husband. Except to the extent of removing the wife's body odor. This is in line with the opinion of Imam Nawawi from the Shafi'i madzhab, who states that the husband is not obliged to provide maintenance for the cost of eye beauty tools, cuticles, perfume, and other beauty tools.

In this case, nafaqah is divided into two, (Hafid et al., 2022) First, material support. Material support has several elements, such as the husband is obliged to provide kiswah and shelter. A husband is given the burden of providing for his wife in the form of clothing, food, shelter and treatment in accordance with the environment of the times and conditions. Two, the husband is obliged to provide household expenses, maintenance costs and medical expenses for the wife and children. Three, children's education costs and four, shopping costs for the family. (Arini Rufaida, 2022)

Furthermore, non-material maintenance includes: first, the husband must be polite to his wife, respect her and treat her reasonably. Two, give full attention to his wife. Three, be loyal to his wife by maintaining chastity or marriage wherever he is. Four, trying to increase a wife's faith, worship and intelligence. Five, guiding the wife as well as possible. Moreover, it gives freedom to the wife to mingle in the midst of society. (Mutofa, 2019)

So, in the analysis of online loans for family livelihoods, it will provide dampak in Islam, such as the legal impact in the sense that legally online loans contain usury, containing usury (haram), gharar, and mudharat. Then, online loans will practically impact the family because they contain usury, which will affect the Nafaqah, which is not blessed and affects family worship. Furthermore, morally, online loans, because of their legal status, contain usury, which will impact the fulfillment of nafaqah, whose responsibility for nafaqah is carried out unjustly and socially. The impact of online loans on families is that they cause conflict, stress, and even household divisions. (Nurzannah et al., 2023)

In fulfilling maintenance by the husband to the wife, there is a dose of maintenance regulated by religion against what is fulfilled by the husband. As for the level of maintenance towards the wife is determined by the condition of the husband's ability, because in infaq, the level of infaq depends on the giver of infaq, not on the recipient of infaq. The standard (size),

type, quality, and quantity of maintenance that must be given by a person to his wife, children, parents, and others are different according to the needs of the person receiving maintenance. As is known, the types of needs are classified into three, including Adh-Dharuriyat, which are primary and very vital, where a person will not be able to survive except by fulfilling these needs, such as eating, drinking, and a decent place to live. The same applies to health care, medicine, education and so on. (Ismanto et al., 2018)

Furthermore, Al-Hajiyyat is a secondary need, where in general, humans can still survive without fulfilling these needs. However, by not fulfilling these needs, someone will encounter difficulties in their life. Such as the need for transportation, communication, entertainment and so on and At-Tahsiniyat needs, namely tertiary needs, where if these needs are not met, a person generally will not experience significant difficulties. However, it would be nice if these needs were met. Such as the need for accessories, beauty tools, furniture, beautiful items and so on. (Yahya, 2020)

The breadwinner taking the online loan is to meet urgent needs of an emergency. However, if the practice of online loans is not in accordance with the provisions of Islamic law, the law can change to haram. (Nuraini & Zaky, 2023) According to positive law, providing maintenance from online loans must fulfill the conditions that the online loan is legal. In accordance with applicable laws and regulations, the breadwinner has a legal obligation to provide maintenance to the rightful party. The breadwinner can pay his debts, and the purpose of the breadwinner taking the online loan is to meet urgent needs that are emergency in nature, such as the need for education. Then, providing maintenance to the family from online loans that contain usury violates the rules of Islam, as in the letter At-Tahrim verse. 6

O you who believe, protect yourselves and your families from the fire of Hell, whose fuel is men and stones, and whose guards are fierce, harsh angels who disobey not Allah in what He commands them, and always do what they are commanded.

Moreover, in the hadith, it is said Do not feed your family from usury. This is in accordance with Islamic law, which forbids usury as Allah says in the Qur'an. Al-Baqarah: 278. Usury or interest is prohibited in Islam because interest has an element of injustice. The prohibition of interest is also supported by the fatwa decision of the Indonesian Ulema Council No. 1 of 2004 on interest, which decides the law of interest.

Conclusion

The study concludes that under Islamic and positive law, husbands are equally obliged to provide family maintenance. However, in Bukittinggi, many husbands resort to online loans due to urgent needs, quick disbursement, and consumptive behavior. This leads to heavy debt burdens, difficulty meeting basic needs, and a cycle of borrowing new loans to repay old ones. Debt pressure triggers stress, anxiety, family disputes, and even divorce, with children also affected through unmet needs and psychological distress. Socially, illegal lenders often spread personal data, damaging family reputation and causing social isolation. From an Islamic perspective, online loans generally involve usury (riba), uncertainty (gharar), and harm (mudarat), rendering family sustenance unblest and fueling household conflict. Such loans are only permissible if aligned with Islamic law and used for urgent needs; otherwise, they are considered haram.

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