

Implementation of sadd al-dhari'ah in preventing detrimental practices by debt collectors towards customers in Indonesia

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Abstract:

This study aims to examine the implementation of the *sadd al-dhari'ah* principle in preventing harmful debt collection practices by debt collectors in Indonesia. Using a qualitative normative-descriptive approach and thematic analysis of relevant Qur'anic verses and Hadiths, the research explores how Islamic legal ethics emphasize preventative measures to avoid harm (*mafsadat*), even when actions may appear legally permissible on the surface. The findings reveal that *sadd al-dhari'ah* provides a strong legal basis for prohibiting practices that lead to injustice, such as physical violence, verbal intimidation, and forced asset seizure. The study also highlights the importance of strengthening financial regulations and institutional oversight to ensure debt collection is conducted in line with both national law and Islamic ethical values. It concludes that *sadd al-dhari'ah* functions not only as a theoretical concept in Islamic jurisprudence but also as a practical guideline for building a just, humane, and ethical financial system. The key contribution of this study is reaffirming the relevance of *sadd al-dhari'ah* as a foundation for Islamic legal ethics in addressing contemporary financial challenges.

Keywords: debt collector; ethical Sharia; harm prevention; human dignity; Islamic law

INTRODUCTION

Every action taken against a person in a conscious state must have a clear purpose. Regardless of whether the action taken is good or bad, the action can benefit or harm a person (Khallaf, 1994). Before carrying out the

intended action, several preparatory steps must be taken. For example, a person must go through several stages in the learning process, such as finding a teacher, preparing a location, and preparing resources for learning.

In this case, the main activity is studying. The other activities mentioned above serve as intermediaries or preludes. Adultery is also an example. There are things that precede it, such as the condition of a person who feels the stimulus or the provision of an opportunity to commit adultery; in this case, adultery is the main act, while the preludes are called intermediaries.

The five laws of *taklif*, also known as *al-ahkam al-khamsah*, encompass the fundamental actions that a person strives for. To be able to carry out an important action, whether commanded or prohibited, a person must first carry out the action that precedes it. Sharia law directly regulates the obligation to perform or avoid actions that precede these important actions, but there are also those that do not (Haroen, 1997).

Debt collectors have emerged in the banking sector and other businesses that store bills, such as leasing companies; these companies provide credit to customers who want to buy cars or other vehicles on credit. However, in the real world, debt collectors often commit violations of the law, such as intimidation, threats, and physical and psychological violence. Financing believes that the use of Debt Collector services is very effective in collecting bad debts from consumers because they do not have to bother persuading consumers to pay payments that are already in arrears, and they have to incur large costs that are not balanced with the total arrears of consumers if they want to choose the court path (Utomo, 2015).

Forced withdrawal is a violation of the law because Debt Collectors are categorised as general crimes in the Criminal Code (KUHP), which consist of: a. Crimes and b. Violations. The purpose of this study is to examine how Islamic law regulates the role and ethics in the debt collection process, particularly in light of the debt collector profession is often association with intimidation and violence, which raises questions about its suitability in relation to Islamic values.

In the debt collection industry, the term Debt Collector is not new. However, it is not known when this profession began. Debt collectors, which are typically used by private finance companies to collect credit from customers or debtors, especially those with poor credit. This is considered successful in collecting credit by using debt collector services rather than official and official collection methods, namely through judicial institutions (Carrillo, 2021).

In terms of credit collection, the debtor acts as a liaison between the creditor and the debtor, serving as a third party. This collection can only be made if the credit bill in question is classified as doubtful or defaulted collectibility. They are not employees of the company; Debt Collectors help consumers with bad credit or defaulted payments on behalf of financing (Sunaryo, 2008). Essentially, Debt Collectors are granted the authority by finance companies to collect debts from consumers who fail to make their instalment payments, with the understanding that the Debt Collector will not violate the law when collecting debts from these consumers.

METHOD

Research Method This research uses a qualitative research type with a descriptive normative analytical approach. The main sources are the Qur'an, Hadiths related to debt collection, which are analyzed using the thematic interpretation method. Supporting literature also includes the works of scholars and Islamic law studies on muamalah. Normative includes the study of primary and secondary legal materials. After a normative legal researcher finds the problem to be studied, the next step is to collect all important information. After that, the legal problem or legal issues can be determined (Sarosa, 2021).

RESULTS AND DISCUSSION

Basic Concept of *Sadd adh-dhari'ah*

1. Understanding *Sadd adh-dhari'ah*

In terms of language, *sadd adh-dhari'ah* is a combination of two words in the form of *mudaf-mudaf ilaih*, namely *saddu* which means "to close" or "to prevent," and *adh-dhari'ah* which means goal, wasilah, or path to something. (Schreier, 2012). In the context of Usul Fiqh, this term refers to a prohibition against something that is originally permissible but has the potential to lead to something forbidden or harmful.

Scholars of Islamic legal theory, such as Al-Shatibi, explain that *sadd adh-dhari'ah* is a preventive measure in Islamic law, namely, closing the possibility of damage arising from actions that appear good on the surface (Sarumpaet & Tanjung, 2024). For example, someone who is actually required to pay zakat may donate his wealth to his child before the Haul, with the intention of avoiding the obligation. Grants are indeed good deeds,

but if they are done with the intention of avoiding the obligation of zakat, then the act becomes prohibited because of the deviant purpose.

The principle of *sadd adh-dhari'ah* is emphasized in the principle of Usul Fiqh: "Something that is a path to something that is forbidden, then it is also forbidden." (Ajudiansyah & Junaidi, 2024). The purpose of Sharia is to bring benefit and prevent harm (Ifandy & Hasanah, 2024). Therefore, Muslims are directed to carry out actions that are beneficial, and avoid all forms of behavior that, although formally permitted, lead to harm.

In its application, the form of actions related to *sadd adh-dhari'ah* can be categorized into three main forms. First, something that, if done, will almost certainly lead to something that is prohibited. For example, opening up opportunities to carry out usury transactions that are hidden in certain *muamalah* contracts. In this case, the sharia strictly prohibits such actions because they clearly lead to real damage (*mafsadat*) (Sudarsono, 2010).

Second, namely an act that, even though it is done, does not lead to something that is forbidden. This means that the act is purely permissible and does not have any negative consequences that are feared. In this category, the sharia has no reason to prohibit it, because there is no indication of the damage caused (Amin et al., 2024).

Third, it is a situation where the possibility of someone falling into something that is forbidden and something that is not forbidden has an equal chance. In such a condition, scholars have different opinions. Some scholars allow it based on the principle that the origin of the law is that everything is permissible, while others choose to be careful by prohibiting it as a form of protection against the objectives of the sharia (Elahi & Alam, 2022).

This classification shows that *sadd adh-dhari'ah* is not just a rigid prohibition, but an approach that takes into account context, potential dangers, and deep rational considerations in upholding the values of welfare in the lives of the people (Hermininda & Junaidi, 2024).

Abu Zahra and Nasrun Harun define *dzari'ah* as *wasilah*, which means a path to something or something that leads to something that is forbidden and causes damage. Ibn Taimiyyah defines *dzari'ah* as an act that is permissible in the visible sense but can be an intermediary for an act that is forbidden. *Saddu dzari'ah* in Islamic legal thought can be defined as a serious effort by a mujtahid to determine the law by considering the legal consequences, namely by preventing something that is an intermediary for damage. Leasing/debt collector practices that harm customers are becoming an increasingly worrying issue (Tiharjanti, 2003).

According to some opinions, *dzari'ah* is a *wasilah* (path) that leads to both *halal* and *haram* goals. The path/way that leads to what is *halal*, the law is also *halal*, and the path/way that leads to what is obligatory, the law is also obligatory (Djaazuli, 2005). Some scholars have defined *dzari'ah* as something that leads to forbidden and harmful actions, but some scholars of Islamic legal theory oppose this opinion. One of the scholars who opposes this opinion is Ibnu Qayyim Al-Jauziyah, who stated that *dzari'ah* includes not only something that is forbidden but also something that is recommended (Rahman, 1999).

2. Basic Law of *Sadd adh-dhari'ah*

Even though there are no explicit and firm arguments in the texts or *ijma' ulama* regarding the permissibility or necessity of applying the concept of *sadd adh-dhari'ah*, this principle is implicitly strengthened from various sources of Islamic law, such as the Al-Qur'an, Sunnah, and fiqh rules. Several verses of the Qur'an even clearly prohibit actions that are basically permissible, but have the potential to cause damage or trigger prohibited actions (Mohammed et al., 2023).

For example, in QS. Al-Baqarah verse 104, Allah forbids believers from using the word "*rā'inā*" because this word is often misused by Jews as a form of mockery of the Prophet Muhammad. In fact, linguistically, the word has a good meaning. This prohibition reflects the principle of *sadd adh-dhari'ah*, which is to prevent something that is permissible if it has the potential to be used in a damaging context (Rizkania Sasmita, 2023).

Similarly, in QS. Al-An'ām verse 108, Allah forbids Muslims from cursing the idols of the polytheists. Because this action can trigger them to retaliate by cursing Allah inappropriately and without knowledge. This verse teaches caution in behaving so as not to be the cause of evil from others, a central value in the *sadd adh-dhari'ah* approach (Subki et al., 2021).

Another example is seen in QS. An-Nūr verse 31, which regulates the dress code and behavior of Muslim women. This verse prohibits women from stamping their feet in public if it can arouse the interest of the opposite sex towards hidden jewellery. Although stamping the feet is not a forbidden act in itself, because it can lead to sexual arousal and slander, it is prohibited—again showing the explicit application of the principle of *sadd adh-dhari'ah* (Maryati, 2022).

From the various verses, it can be said that the prohibition against the means leading to damage is a form of protection of the sharia against its main goal, namely *jalbul mashalih* (bringing benefits) and *dar'ul mafasid*

(repelling damage). Therefore, even though the explicit evidence is not found in one verse or hadith directly, the legal basis for *sadd adh-dhari'ah* remains strong methodologically and *maqasidi* (Muchsin, 2024).

In addition to the Qur'an, the legal basis for *sadd adh-dhari'ah* can also be found in the hadith of the Prophet Muhammad (Al-Sunnah). One example is in the hadith narrated by Al-Miqdad bin Al-Aswad. In this narration, Al-Miqdad relates that he asked the Prophet Muhammad (PBUH) about a polytheist who fought him and managed to cut off his hand. When the person then took cover behind a tree and said the two sentences of the shahada, Al-Miqdad wanted to kill him because he considered his statement of Islam to be just a trick (McMullen, 2022). However, the Prophet strictly forbade this action and emphasized that if Al-Miqdad still killed him, then he would be considered to be in a position of disbelief, while the polytheist would appear to be a believer.

The meaning of the hadith strengthens the principle of *sadd adh-dhari'ah* because it shows the prohibition of killing someone even though there is a suspicion that his intention is not sincere, solely to avoid actions that could be the gateway to greater sins. According to Al-Qadhi 'Iyadh, the act of killing in such conditions is equated with the actions of an infidel because of the opposition to the truth and involvement in a major sin (Alkhotob, 2023).

In addition to the evidence from the Sunnah, the legal basis of *sadd adh-dhari'ah* is also strengthened by fiqh rules, including: "What leads to what is forbidden is also forbidden in law", and "Repelling harm takes precedence over attracting benefit" (Alamsyah & Andiko, 2024). These two rules emphasize the importance of preventing any action or means that has the potential to lead to harm, even if the original action is permissible.

Some examples of the application of this principle in the method of *ijtihad* reflect how Islam protects people from greater dangers. For example, the prohibition on digging wells on public roads so as not to harm others; the prohibition on selling wine to winemakers because it will become the base ingredient for intoxicating drinks; and the prohibition on women stamping their feet in public because it can indirectly reveal their private parts (Agnew, 2022). Other examples include the prohibition on insulting the God of the infidels, which could trigger retaliatory insults to Allah SWT, as well as the prohibition on selling weapons in conflict areas because it would lead to bloodshed and hostility.

All these forms of prohibition are based on considerations of *mafsadat* (damage) that may arise from permissible acts that are a means for forbidden actions. Therefore, the principle of *sadd adh-dhari'ah* emphasizes the importance of caution in acting and thinking ahead in seeing the long-term impact of every act carried out by the mukallaf.

3. The position of *Sadd adh-dhari'ah*

Although *sadd adh-dhari'ah* is discussed by almost all scholars and authors of Islamic legal theory, there is rarely a special discussion on this issue conducted by scholars of fiqh. Some include its discussion in a series of shari'a evidence that is not agreed upon by scholars. "A group of people forbid some things by way of *ikhtiyath* and because they are afraid of becoming a means to what is truly forbidden," said Ibn Hazm, who refused to argue with *sadd adh-dhari'ah* (Syukur, 1993). By establishing *dhari'ah* as one of the evidences in determining the law, even though its use is debated, it means that, because *wasilah* is a preliminary act, it indicates that *wasilah* is as the law stipulates by the Sharia regarding the main act.

Apart from having an implicit basis in the Qur'an, *sadd adh-dhari'ah* is also emphasized through the practices of the Prophet Muhammad SAW in various important events (Hidayat, 2024). There are at least five examples from the Prophet's sunnah that strengthen the position of this method as part of preventive sharia *ijtihad*. First, the Prophet forbade killing hypocrites even though it was known that they harbored hostility towards Islam (ZenEldeen, 2021). This prohibition is based on the fear that the community will accuse the Prophet of killing his own companions, which can create slander and tarnish the image of Islamic preaching. Second, the Prophet forbade creditors from accepting gifts from debtors because this action can be a loophole to hidden usury practices, or at least raise doubts (Şimşek, 2023).

Third, in the context of war, the Prophet postponed the execution of the hand cutting off of thieves. This postponement was based on concerns that punishment on the battlefield could make the perpetrators feel humiliated or afraid, then choose to defect to the enemy, which would certainly weaken the strength of the Muslim community (Hashmi, 2024). Fourth, the Prophet also forbade the practice of hoarding goods (*ihthakar*) because it can create scarcity and increase market prices, which ultimately harms the wider community (Mahfuzah & Syafiq, 2025).

Fifth, the prohibition on the poor from Bani Hashim receiving a share of zakat aims to prevent accusations that the Prophet enriched his family with the people's wealth (Saeidi Abu Ishaghi et al., 2025). The fifth shows that Islamic law not only regulates actions textually, but also considers the social impact of an action. This is where

the importance of *sadd adh-dhari'ah* lies as an Islamic legal instrument that safeguards benefit and closes the path to harm.

4. Provisions in *sadd adh-dhari'ah*

In the framework of *sadd adh-dhari'ah*, determining the law on a means (*wasilah*) that can lead to something forbidden requires caution and deep consideration. There are several important provisions that form the basis for determining it. The first is the purpose (*ghayah*). If a purpose is prohibited by the Sharia, then the means that lead to it also become forbidden. (Khaeruman & Nurholis, 2024). On the other hand, if the goal is obligatory, then the means that can lead to that obligation also become obligatory.

The second is the aspect of the intention or motive of the perpetrator. When the purpose of an action is to achieve something that is lawful, then the means used are also lawful. However, if the intention is directed to achieve something that is unlawful, then the means used also become unlawful, even though the form of the act appears neutral or even permissible (Ivashkevich et al., 2022).

Third, it is also important to consider the impact of the action. In this case, a means is considered permissible if it produces benefits (*maslahah*) according to the provisions of sharia (Saiman & Mahadzir, 2024). However, if the action, although intended for good, actually causes damage (*mafsadah*), then it is still prohibited. This is because in Islam, the result of an act also plays a role in determining the law, not solely based on the initial intention.

In general, scholars identify that every action has two important sides that must be studied: first, the factors that encourage the birth of the action; second, the goal or result to be achieved (Dhahri et al., 2021). From here, the experts of *usul fiqh* conclude that if a result leads to goodness, then all the factors that drive it are considered good and can be done. However, if the result is bad and causes damage, then everything that leads to it is prohibited because it falls into the category of *dhari'ah ilal mafsadah* (means to damage).

5. Grouping of *sadd adh-dhari'ah*

Scholars have different views on classifying *sadd adh-dhari'ah* based on several factors. This difference arises because of the perspective used in assessing the form, impact, and potential damage of an action that is basically neutral or permissible.

Judging from its form, *sadd adh-dhari'ah* can be divided into three categories. First, actions that predominantly and almost certainly will lead to something that is prohibited (Roni & Nasution, 2021). Second, actions that do not cause prohibitions or do not lead to damage (Muda et al., 2024). Third, acts that have an equal chance of causing damage or not, depending on the situation or context (Pasham, 2022).

Ibn Qayyim al-Jauziyyah developed a classification of *dhari'ah* based on the consequences or impacts it causes. He divided it into four categories. First, *dhari'ah*, which is clearly detrimental and dangerous, such as alcohol which damages reason or adultery which damages offspring (AD, 2023). Second, *dzari'ah* which appears permissible, but is intended or directed towards destructive actions—either intentionally, such as a *muhallil* marriage, or unintentionally, such as insulting the worship of other religions (Yaqin & Rofiq, 2023). Third, *dzari'ah* which was originally permissible and not intended to cause harm, but often causes more harm than good—for example, women who wear flashy clothes during the *iddah* period (Hafis et al., 2024). Fourth, actions that are permissible but sometimes bring minor harm that is still lighter than the benefits, such as looking at a woman's face when you are about to propose to her (Cumberbatch, 2021).

Meanwhile, Abu Ishaq al-Syatibi groups *dzari'ah* into four categories based on the level of damage that may be caused. First, actions that will clearly cause damage, such as digging a hole in a dark place near someone else's house that has the potential to cause harm (Michihiko, 2021). Second, actions that have a high probability of causing harm, such as selling wine to a bootlegger or selling weapons to someone with evil intentions (Norris et al., 2024). Third, actions that cause very little damage and rarely occur, so that in general they are still permitted. Fourth, actions that are permissible and even bring benefits, but if done in a certain way can resemble forbidden practices, such as the *bai' al-'inah* transaction which in form is a sale and purchase but in substance leads to the practice of usury (Asni, 2021).

6. Differences of opinion among scholars regarding *sadd adh-dhari'ah*

According to Wahbah Az-Zuhaili, the ulama agree on the prohibition of this act, because in this way the practices of usury that the perpetrators try to make a loophole (Az-Zuhaili, 2006). Even among the Malikiyah and Hanbaliyah, this buying and selling is prohibited because the issue of whether or not an act is prohibited is not only measured by the formal form of an act, but also seen from the consequences of the act. This is related to morals in

society, so that the determination of laws based on the principle of *sadd adh-dhari'ah* is an anticipation of various immoral activities in society, because in the principle of *sadd adh-dhari'ah* it is not only fixated on the basic law of an act, but also considers the motives behind the act and the consequences that will arise. However, according to Hanafiyah, buying and selling like this is a *fasid* (damaged) transaction, not because of *saddu dzari'ah*, but because the seller is not entitled to buy the goods back before the buyer pays for them (Effendi, 2005).

The Shafi'iyah are of the opinion that such a sale and purchase is valid as long as the conditions and requirements are met. If there is a hidden intention from both parties, it does not affect the validity of the contract because it is not certain whether it will happen or not. This point of view gives rise to differences of opinion regarding the acceptance of the *sadd adh-dhari'ah* argument. The Hanafiyah and the Shafi'iyah only look at the contract, which determines whether an act is valid or not, if it is in accordance with the pillars and conditions, while the hidden intention is returned to Allah (Harahap & Harahap, 2024).

Because the boundary between *maslahat* (goodness) and *mudarat* (damage) is often unclear and depends on the context, scholars have different opinions regarding the position of *sadd adh-dhari'ah*. Even so, this approach remains acceptable in Islamic law as long as it adheres to two main principles. First, *dzari'ah* is worthy of being implemented if the action can lead to clear damage and is determined by the text, or at least has a basis in the text that indicates a prohibition (Rais & Said, 2020). Second, in cases concerning the mandate of sharia law, the possibility of betrayal cannot be ignored (Mohd et al., 2024). This means that if the potential harm from opening the way to forbidden acts is greater than the harm from closing the way, then *saddu dzari'ah* is preferred.

(Asy-Syatibi, 2003) explains that a prohibition can be imposed on an act even though it is initially permissible, if it meets several important criteria. First, the act contains the potential for harm, even though it appears permissible in its form. Second, the level of risk of damage caused is greater than its benefits. Third, there are more elements of evil in the act if it is carried out, even though it does not outwardly violate sharia law. With this approach, it can be understood that *sadd adh-dhari'ah* is not just a form of caution, but rather part of the mechanism of Islamic law in protecting the community from damage hidden behind acts that appear neutral or permissible.

7. *sadd adh-dhari'ah* in contemporary issues

Cloning is one of the current issues. In Cairo, Egypt, the Majma' Buhus Islamiyah Al-Azhar has issued a fatwa stating that "human cloning is forbidden and must be fought and prevented by various means." In the fatwa issued by the institution, it is stated that human cloning has made humans who have been honored by Allah into objects of research and experimentation, and has caused many problems (Shabana, 2021). Therefore, the fatwa text states that cloning is haram.

The fatwa states that Islam does not oppose useful science, but instead supports and glorifies scientists. However, if the knowledge obtained is dangerous and does not contain benefits or has the potential for damage that is greater than the benefits, then Islam strictly forbids such actions to prevent damage and destruction. According to fiqhiyah rules, rejecting *mafsadah* (damage) is preferred (Abdullah & Hussin, 2024). This is also related to the issue of family relationships or lineage, which must be considered because it is related to a bigger issue. For example, someone can buy eggs from an egg bank that has been equipped by a rental womb service provider, or someone can have a child without a partner (Sarwat, 2018).

Then there is the issue of surgery for a woman's hymen, the thin membrane inside a woman's genitals. An accident, whether intentional or unintentional, can cause dangerous harm, known as *mafsadah*. This can happen due to immoral or non-immoral actions. Restoration of virginity, also known as hymen surgery, is a procedure to repair and return it to its normal condition. Cases like this are new problems that are not mentioned in the text and are modern problems that have not been encountered by scholars in the past (Renteln, 2017). Therefore, the determination of the law can be done through *ijtihad* by considering various aspects.

As a result, this discussion is divided into several sections based on the reasons for losing a girl's hymen (virginity) due to accidents, falls, collisions, carrying too heavy a load, or moving around too much. Some scholars are of the opinion that rape of a young girl is permissible if it occurs while she is sleeping or because she is deceived (Najjar, 2009).

If a woman loses her hymen due to committing a sin such as adultery, the first action that must be taken is to look for someone who has committed adultery but the community does not know about it. In this case, scholars have different opinions: some scholars allow her to have a hymen operation on the grounds that it prevents the spread of the disgrace and sin that was committed (Saharso, 2022). In the second stage, if a woman has

committed adultery and it is known to the community, the scholars agree to forbid hymen surgery because it is very dangerous and does not produce any benefits.

According to Muhammad Al-Syanqithi in his book, the above operation will make it easier or open up opportunities for teenage girls to commit adultery, because birth control pills are easy to find at the nearest drug store or pharmacy (Arafah, 2020). Having sex with a halal (muhrim) or non-muhrim partner can basically damage a woman's clitoral membrane. However, the clitoral membrane can be repaired through surgery, and this action is haram.

Therefore, doctors are prohibited from performing the operation because it can provide an opportunity for girls and their families to lie to hide the reasons for the loss and damage of their virginity (Yavari, 2024). Lying, on the other hand, is haram, and anything that leads to something haram is also haram. Thus, it can be said that some of the modern problems mentioned above indicate that the prohibitions imposed are aimed at preventing negative consequences from association, research, and experimentation. These prohibitions are intended to prevent something harmful (mudarat).

Debt Collector

Debt collection or debt collector comes from the word "debt", which means "collector" who has a debt. Banks use debt collection staff consisting of domestic field collectors and foreign field collectors. Domestic field collectors are bank employees assigned to collect all customer debts through approved assignment letters. Banks work with companies that handle debt. As a third party, debt collectors help companies that cannot complete financing in resolving problematic credit (Khariati, 2020).

The job of debt collector or often known as Debt Collector has a long historical process in the economic world (Gustara & Ariawan, 2012). This explains that, although the exact beginning of the practice of third-party debt collection is unknown, the practice is thought to have been going on for generations. In the modern financial industry, both at the national and international levels, debt collection services have become commonplace. Similar services are even used by finance or leasing companies to collect debts and obtain collateral from clients. This shows that debt collectors have become a major component of the contemporary financial system. They help debtors and creditors settle their debts.

In the debt collection system, debt collectors function as intermediaries connecting banks and financing institutions with financial institutions, both banks and financing institutions (Hidayanti, 2022). This financial institution handles the withdrawal of assets used as collateral through debt collector services. In the general public, debt collectors are usually associated with debt collection problems or issues. Banks and financing institutions trust them to interact directly with clients or debtors who are having difficulty paying off their credit payments. Therefore, debt collectors function as an extension of financial institutions in their efforts to resolve problematic credit. In relation to the use of debt collector services in financial institutions, Bank Indonesia does not prohibit the use of debt collector debt in financial institutions; however, the use of debt collector debt by banks must comply with the provisions stipulated by Bank Indonesia. as stated in PBI No. 11/11/PBI/2009 which has been revised by PBI 14/2/PBI/2012 and SEBI 11/10/DASP.

Consumer Protection and Rules regarding the Use of Debt Collection Services

Consumers, as users of goods or services, have the right to legal protection. Law No. 8 of 1999 concerning Consumer Protection regulates consumer protection in general; however, it specifically relates to consumer protection in the financial services sector, which is further regulated in Financial Services Authority Regulation No. 1/POJK.07/2013 regulating consumer protection in the financial services sector (Juniar & others, 2020).

The term "consumer protection" is used to describe the legal protection provided to consumers in an effort to fulfill their needs from things that are detrimental to consumers (Zulham, 2013). Consumer protection essentially covers a wide range of issues, such as product liability, privacy rights, unfair business practices, fraud, misrepresentation, and other business and consumer interactions (Widijantoro & others, 2019).

Protection for debtors has been regulated through Bank Indonesia Circular Letter Number 14/17/DSAP concerning the implementation of card-based payment instrument activities (APMK). This circular letter is a derivative of Bank Indonesia Regulation (PBI) number. 11/11/PBI/209 concerning the implementation of APMK activities. There is one point that explains that there is no more verbal or non-verbal violence. "It is prohibited to use threats, violence and/or actions that are intended to embarrass credit card holders". The letter emphasizes that debt collectors must have an identity card that has been agreed upon by the relevant bank (Chindy & Rozalinda, 2023).

Actions taken by debt collectors often cause legal problems, especially when they use violence, threats, or methods that are contrary to positive law. In the context of Indonesian law, such actions can be categorized as general crimes regulated in the Criminal Code (KUHP). The Criminal Code itself distinguishes between two types of crimes, namely crimes and violations. Crimes include serious acts such as murder, assault, and theft, which not only violate the law, but also social norms that apply in society (Wibisono, 2022). Meanwhile, violations are usually administrative or less serious, but still violate the rules.

In practice, if a debt collector unilaterally confiscates goods, evicts a house occupant, or takes over property without a valid legal basis, then the action can be qualified as a criminal act of extortion or confiscation. Based on Article 368 of the Criminal Code, anyone who with the intention of unlawfully benefiting himself or another person, forces someone with violence or threats of violence to hand over his or another person's property, or to create or eliminate debt, can be subject to imprisonment for up to nine years (Malau, 2023). Thus, the arbitrary actions of debt collectors not only harm social justice, but also violate the provisions of applicable criminal law, and should be processed legally by law enforcement officers.

From an Islamic perspective, debt is a form of financial transaction that is permitted, but must be accompanied by the responsibility to pay it. Surah Al-Baqarah verse 282 explains in detail the etiquette in dealing with debts and receivables, starting from the obligation to record debts, present witnesses, to the obligation to pay on time so that there is no injustice towards the party who provided the loan (Sahrullah et al., 2022). This verse is the longest verse in the Qur'an and clearly shows the importance of clarity and fairness in debt transactions.

The ethics of debt collection are also a concern in the hadith of the Prophet Muhammad SAW. In one of the narrations, the Prophet refused to pray for the body of a Muslim who still had unpaid debts. This shows how serious the issue of debt is in Islam. In another hadith, it is explained that "the soul of a believer is dependent on his debt until his debt is paid off". This principle shows that the burden of debt is not only a worldly responsibility, but also has an impact on the afterlife (Azid & Alfalih, 2023).

In Islamic jurisprudence, the concept of qardh or loan is interpreted as a form of mutual assistance that has the value of worship. A loan that is given without taking profit, and is done on the basis of love, is considered an act that brings one closer to Allah. Therefore, Islam emphasizes justice, humanity, and trust in the relationship between the giver and the recipient of debt (Yahaya et al., 2022).

Several hadiths indicate that under certain conditions, debtors in difficulty should be given leniency. The Prophet Muhammad SAW said, "Whoever gives leniency to someone in difficulty, Allah will give him leniency in this world and the hereafter." This hadith emphasizes the value of empathy and generosity in debt collection. In addition, debt collection must be carried out with a gentle attitude, as stated: "Be gentle with anyone on earth, then the One in the sky will be merciful to you." The harsh, intimidating, and repressive attitudes often carried out by some debt collectors clearly contradict this Islamic principle. In fact, the Prophet Muhammad SAW emphasized the priority of forgiving debtors who are truly unable, as he said: "Whoever wants to receive the shade of Allah, let him give leniency or forgive someone who has difficulty in paying his debt" (Muhammad, 2017).

In the perspective of Islam, the profession of debt collector is not absolutely prohibited, but its existence must be subject to the principles of noble morality as instilled by the teachings of the Prophet Muhammad SAW. Debt collection is a legitimate activity in social transactions, but the way it is carried out must not deviate from the corridor of Islamic manners that uphold justice, compassion, and protection of human dignity (Nurhikmah, 2024). The hadiths of the Prophet show how much attention Islam pays to people who are experiencing financial difficulties; Spaciousness for debtors who cannot afford it is not only recommended, but is promised a direct reward from Allah SWT in the form of a spacious life in this world and the hereafter (ar Risalah, 2006). Thus, acts of rudeness, intimidation, or even violence in debt collection not only harm human values, but are included in the category of injustice that is strongly condemned in Islam. The Prophet Muhammad SAW emphasized that the soul of a believer will be dependent until his debt is settled, but the settlement must still be carried out with a wise approach, not violence that adds to suffering.

Financial institutions and debt collectors should not only act as executors of formal obligations, but also as guardians of public morality that uphold the values of empathy and social responsibility. Educative debt collection, the presence of wise mediators, and the willingness to provide leniency are forms of wisdom that not only calm the debtor, but also elevate the status of the debt collector profession itself. In this context, Islam does not merely provide legal space for debt collection, but offers a paradigm of civilized debt collection. This is the ethical and spiritual challenge for Muslims in responding to contemporary debt collection practices that often deviate from the values taught by the Prophet Muhammad SAW (Wilson, 2018). Therefore, updating the understanding and

application of debt collection ethics is a necessity, so that this profession does not become a machine of violence, but rather a bridge between justice, compassion, and a dignified life.

CONCLUSION

Based on the description above, the implementation of the *sadd adh-dhari'ah* principle in the context of debt collector activities is a preventive form in Islamic law that aims to close all doors to actions that are detrimental or oppressive to customers. In the practice of leasing and debt collection, *sadd adh-dhari'ah* emphasizes the need for restrictions on all forms of actions that have the potential to lead to violations of the law and the principle of justice, whether in the form of physical violence, verbal intimidation, or forced withdrawal without legal procedures. This principle requires the preparation of a fair and transparent system, starting with the clarity of the contract, dispute resolution mechanisms, and debt collection ethics based on Sharia and humanitarian values. Therefore, Islam not only provides a framework for enforcing rights through debt collection, but also sets strict limits to prevent potential harm (*mafsadat*) arising from its implementation.

Furthermore, the implementation of *sadd adh-dhari'ah* requires the presence of regulations that are not only normative, but also functional, accompanied by strict supervision from the competent authorities so that debt collection practices run according to the corridor of positive law and Islamic values. By prohibiting all forms of actions that can lead to social and psychological harm, such as forced withdrawal on public roads, the use of violence, and privacy violations, this principle prioritises customer protection as part of the mission to maintain public welfare. Therefore, *sadd adh-dhari'ah* is not just a theoretical concept in *usul fiqh*, but is a relevant practical guide in reorganizing the modern financial system to be more civilized, fair, and in line with the ethical values of sharia that prioritize protection of human dignity.

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