

Dynamics of Consumer Protection Law In the Development of the Financial Technology Industry in Indonesia

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ABSTRAK

Perkembangan pesat teknologi finansial (fintech) telah menghadirkan layanan pinjaman dengan syarat yang lebih fleksibel dan mudah diakses dibandingkan dengan lembaga keuangan konvensional seperti bank. Namun, kemajuan ini juga menimbulkan berbagai tantangan, terutama ketika debitur mengalami kredit macet. Kreditur dalam upaya menagih utang terkadang menggunakan metode yang agresif atau bahkan melanggar hukum, termasuk pemanfaatan media sosial untuk menekan debitur, yang sering disebut sebagai persekusi digital. Penelitian ini bertujuan untuk menganalisis implikasi hukum dari perilaku kreditur tersebut dalam pinjaman online serta menilai perlindungan yang tersedia bagi debitur berdasarkan regulasi yang ada. Dengan menggunakan pendekatan yuridis normatif dan metode deskriptif, data dikumpulkan melalui studi dokumen dan analisis data sekunder. Analisis kualitatif menunjukkan bahwa sengketa sering muncul akibat klausul kontrak yang tidak jelas atau kurangnya mekanisme penyelesaian sengketa dalam perjanjian pinjaman online. Ketika upaya penyelesaian secara damai gagal, sengketa akan berlanjut ke proses litigasi. Tindakan paksaan oleh kreditur dapat melanggar Pasal 335 ayat (1) angka 1 dan Pasal 368 ayat (1) Kitab Undang-Undang Hukum

Pidana (KUHP) yang mengatur larangan persekusi dan pemerasan dengan kekerasan. Selain itu, regulasi seperti Peraturan Otoritas Jasa Keuangan Nomor 77/POJK.01/2016 menekankan prinsip transparansi, keadilan, keandalan, kerahasiaan, dan penyelesaian sengketa yang mudah diakses untuk melindungi pengguna fintech. Penelitian ini menyimpulkan bahwa penegakan hukum yang lebih kuat dan klausul kontrak yang lebih jelas sangat diperlukan untuk melindungi hak konsumen serta mencegah penyalahgunaan dalam sektor pinjaman fintech.

Kata Kunci: *Dinamika Hukum, Perlindungan Konsumen, Teknologi Finansial*

ABSTRACT

The rapid development of financial technology (fintech) has introduced loan services with more flexible and accessible terms compared to conventional financial institutions such as banks. However, this progress has also led to challenges, particularly when debtors experience credit congestion. Creditors, in their effort to recover debts, may resort to aggressive or unlawful methods, including the use of social media to pressure debtors, a phenomenon often referred to as digital persecution. This study aims to analyze the legal implications of such creditor behavior in online lending and assess the protections available to debtors under existing regulations. Using a normative juridical approach with descriptive methods, data were collected through document studies and secondary data analysis. The qualitative analysis revealed that disputes frequently arise due to unclear contract clauses or lack of dispute resolution mechanisms in online loan agreements. When amicable settlement efforts fail, disputes escalate to litigation. Coercive actions by creditors may violate Article 335 paragraph (1) number 1 and Article 368 paragraph (1) of the Indonesian Criminal Code, which prohibit persecution and extortion by violence, respectively. Furthermore, regulations such as the Financial Services Authority Regulation Number 77/POJK.01/2016 emphasize principles of transparency, fairness, reliability, confidentiality, and accessible dispute resolution to protect fintech users. This study concludes that stronger enforcement and clearer contractual terms are necessary to protect consumer rights and prevent abuse in the fintech lending sector.

Keywords: Legal Dynamics, Consumer Protection, Financial Technology

INTRODUCTION

The development of information technology, as seen today, has brought significant impacts on human life. Various conveniences in carrying out activities have become benefits gained by humans through the existence of information technology. However, this progress

is also closely related to the increasing variety of crimes supported by technological advancements. Technology has also been misused as a tool for deception and hoaxes, which are new forms of cybercrime emerging from technological misuse.

One notable technology that has rapidly developed is the Internet. Historically, the development of the Internet began with telematics, which was introduced in 1976. The term "telematics" originates from the French word *télématique*, describing the convergence of communication networks and information technology systems. While information technology primarily focuses on the development of devices and information processing, telematics refers to the integration of communication and IT systems. Electronic media and information technology have become pioneers in uniting systems worldwide, contributing significantly to economic, financial, social, and cultural aspects. Consequently, technological development has greatly assisted humans in their daily lives.

Developing technology moment This cause appearance service finance with technology information Which usually called with Financial Technology or fintech. Through fintech transaction become more fast in do payment without must stare advance. Progress technology on moment This, can raise development in all sector life in public. So that makes it easier For do all matter Which want to done, as well as bring life public Which initially patterned traditional become more modern or Can called Also with term modernization (Mihardja, 2008). Development fintech This own various type sector start from startups payment, borrowing (*lending*), planning finance (*personal finance*), investment retail financing (*crowdfunding*), reflection, research finance and etc.

Presence loan on line as Wrong One form financial technology (fintech) is impact from progress technology And Lots offer loan with condition and provision more easy And flexible compared to with institution finance conventional like bank. Besides That Also loan on line considered suitable with market in Indonesia Because although public Not yet own access finance, However penetration ownership And use telephone cellular very tall (Arifin, 2018). Matter This can seen on data Hootsuite Which show that amount user Internet in Indonesia on January 2021 penetrate 132.7 million user with level penetration reach 50%. Besides That, also population user device mobile own number Which more tall Again Which reach 177 .9 million user, with level penetration reach 67% (Sidik, 2023).

Based on data the, so no surprising when growth loan on line the more fast in Indonesia. Matter This can is known from data company fintech lending licensed and registered in Authority Service Finance (OJK) per 5 August 202 3 as much 158 company

(OJK, 2023). Besides That Also there is company loan on line illegal Which the more increase the amount. On news second finance stated that since January 2023 until March 2023 fintech lending illegal Which found reach 508 entity, so that when calculated in a way whole from year 2020, has found as much 2406 entity (Chandra, 2024).

It's difficult debtor for obtain facility giving credit from bank Which because factor caution Which must applied by party bank, matter the it seems like No applies for parties Which operate business loans Which done in a way on line. Loan credit Which Now This currently widespread offered through media on line is blessing progress will sophistication technology financial digital, enough with clicking One knob in cell phone worthy flick finger, Money direct slide enter account borrower (debtor). Only in time 5 (five) minute, really fast and modern, relaxing at a time make person Which currently in difficulty finance will addicted.

If seen from field his business, with give loan credit on public so fintech can said own type business Which The same with type business bank on generally. However If We take a look return understanding from bank according to Act Banking Chapter 1 number 2 mentioned that bank is body business Which collect fund from public in form savings And channel it to public in form credit And or forms other in frame increase level life people Lots (Yasin, 2009). So fintech No Can called as bank Because Money Which loaned to debtor No originate from savings public (customer), but fund fintech Alone or Can Also fund owned by disabled person fund and fintech as liaison just.

In case normal, hope debtor with submit credit from creditor is can close cost in fulfil need Which urge or for increase business Which currently doing it at a time increase his finances. So that on moment fall tempo they will capable for pay off loan following the flowers in accordance period time Which agreed second split party. So also, with hope party creditor on generally, as giver credit, creditor Of course just hope moment fall tempo debtor capable pay off loan following with the flowers. However thereby No all process repayment loan Can walk with smooth in accordance hope para party. Matter thereby Of course just is something Which Possible just happen in A transaction credit, because smoothly process repayment debt depend from ability debtor in pay And No A little Which ended on dispute between para party.

Indonesia as country law, as stated in Chapter 1 paragraph (3) Constitution Country Republic Indonesia 1945, that "Country Indonesia is country Which based on on law." By

therefore all problem must resolved based on provision regulation law Which applies. By Because That, in accordance with method it works that is through digital, so If happen problem on transaction debt receivables Which done in a way on line related with with abuse data personal can resolved with refers on Constitution No. 11 Year 2008 About Information And Transaction Electronic as changed with Constitution Number 19 Year 2016 (Law ITE) And Regulation Minister Kominfo Number 20 Year 2016 about Protection Data Personal In System Electronic (PM 20/2016) as well as on Constitution Which related other. Act ITE formed with consideration for ensure confession as well as respect on right and freedom person other and for fulfil demands Which fair in accordance with consideration security and order general in something public Which democratic, so that materialized justice, order general, And certainty law (Information and Transaction Electronic, 2016).

Beside That Act ITE formed with consideration

- a. Development national is something process Which sustainable Which must always responsive to various dynamics Which happen in public;
- b. Globalization information has put Indonesia as part from public information world so that require it was formed arrangement about management Information and Transaction Electronic in level national so that development Technology Information can done in a way optimal, equally, and spread to all over layer public to use enlighten life nation;
- c. Development And progress Technology Information Which thereby fast has cause change activity life man in various field Which in a way direct has influence birth forms deed law new;
- d. Use And utilization Technology Information must Keep going developed For guard, look after, And strengthen unity And unity national based on Regulation Legislation sake interest national;
- e. Utilization Technology Information role important in trading and growth economy national for realize well-being public;
- f. Government need support development Technology Information through infrastructure law and the settings so that utilization Technology Information done in a way safe for prevent its misuse with notice values religion and social culture public Indonesia;

So that with based on consideration as intended in letter a, letter b, letter c, letter d, letter e, and letter f in on, government feel need for forming Constitution about Information and Transaction Electronic (Information and Transaction Electronic, 2008).

Whereas Regulation Minister Kominfo Number 20 Year 2016 about Protection Data Personal in System Electronic (furthermore called Candy Kominfo 20/2016) made with consideration For carry out provision Chapter 15 paragraph (3) Regulation Government Number 82 Year 2012 about Maintenance System And Transaction Electronic Which sounds : "Provision more carry on about guidelines protection Data Personal in System Electronic as intended on paragraph (2) (that is If happen failure in protection Data Personal Which managed, Organizer System Electronic must tell in a way written to owner Data Personal the), arranged in Regulation Minister".

In Act ITE And Candy Kominfo 20/2016 listed sanctions for party Which violate, as mentioned in Chapter 26 paragraph (1) Act ITE that "Except determined other by regulation legislation, use every information through media electronic Which concerning data personal somebody must done on agreement person Which concerned.

Whereas in Candy Kominfo 20/2016, protection data personal covers protection to acquisition, collection, processing, analysis, storage, appearance, announcement, delivery, dissemination, and extermination data personal. So that according to Chapter 26 PM 20/2016, owner data personal entitled on confidentiality data his, entitled submit complaint in frame solution dispute data personal, entitled get access For obtain history data personal, And entitled request extermination data individual certain his in system electronic. For every organizer system electronic must tell in a way written to Owner Data Personal If happen failure protection confidential data personal.

As for Which must be delivered between other :

1. Reason or reason failure protection confidential data personal can done in a way electronic.
2. Must confirmed has accepted by Owner Data Personal If failure the contain potency loss for Which concerned
3. Announcement written sent to Owner Data Personal most slow 14 day since is known exists failure the.

Besides penalty administrative, in accordance with Act ITE 2008 jo. Act ITE 2016, If proven There is violation abuse data personal by party third And fulfil element criminal, abuse information data personal And cause loss as arranged in Act ITE 2008 Chapter 27 paragraph (1), (3), And (4) jo Chapter 36 jo Chapter 51 paragraph (2), so can convicted with criminal prison most long 12 year And/ or fine most Lots 12 billion.

With thereby although party application creditor on line quibble that when A application will installed by candidate debtor, Certain There is question Which on the main thing is request permission on candidate debtor For access data importance in smartphones, However matter the still No can justified If party application (creditor) use data personal user (debtor) For harm, defiling Name Good, slander or terrorize Which concerned or with abuse list number contact in cell phone debtor.

Although can understood in case normal, If happen credit congested Of course it's not matter Which easy accepted by creditor. Party creditor Of course will try with maximum Possible demand his rights, that is repayment debt following the flowers with method whatever, even with action Which classified rough though will did it, And matter the Can said often happen And become complaint in public, specifically like Which experienced para debtor loan on line. Para collector debt on creditor on line Which currently widespread Now This will do terror and threats, even with abuse data personal debtor will did it For push And intimidating debtor Which he considered problematic through people in surroundings.

The rapid development of information technology, particularly the Internet, has significantly transformed human life by enhancing connectivity and facilitating various economic, social, and cultural activities. However, alongside these benefits, the misuse of technology has led to the emergence of various forms of cybercrime, such as hoaxes, digital deception, and other technology-enabled offenses. This dual nature of information technology raises critical concerns regarding how society and legal systems can effectively address and mitigate the negative impacts of cybercrime without hindering technological progress. The primary research problem in this study is to investigate how legal frameworks and technological measures can be optimized to prevent and combat the misuse of the Internet for criminal purposes while still supporting its positive role in social and economic development.

Behavior a number creditor loan on line Which judge debtor with use base movement through media social can called as persecution digital. Action persecution digital And abuse data personal debtor clear violate rule, whereas rule Already There is, apparatus enforcer law Ready Act every moment in 24 O'clock, And party government through Ministry Communication And Informatics as maker policy even Of course Also know anxiety Which currently widespread happen in public

Theoretical basis

Pancasila as view life And base Country, as such stated in opening Constitution Base 1945, in Alenia IV state: protection to all nation And public Indonesia To use aim For advance well-being general, And For enlighten life nation Indonesia And other so on. Every inhabitant Country treated the same in front law Good on safety soul, security and comfort, his honor, And treasure object (Arrasjid, 2000).

Constitution Base 1945 Chapter 1 paragraph (3), mention "Country Indonesia is Country Law". This means all deed public must based law. Good public nor official Good farmer nor minister, anybody Name And rank must submit And Patun to law. As country Which own sovereignty full to all form activity whatever, Indonesia owns right full for operate system government as country Which independent.

Law is Suite regulations about Act in demand people as something member public, in a way aware or no aware, man man influenced rule life together Which curb weather lust and arrange connection between man in in public. According to Hans Kelsen, law is A norm. Norm is statement Which emphasize aspect "should" or *das Sollen*, with enclose a number of regulations about What Which must done. Norms the is something product man Which made by institution or party Which authorized. Constitution clean rules law for arrange all something action in life social Good between fellow individual nor in relationship in something public. Constitution the made as limitation for acting up in demand. Certainty law that is consequence law from made rules the (Marzuki, 2008).

Protection law is give protection to right basic man Which disadvantaged person other And protection the given to public so that they enjoy rights Which given by law or with say other protection law is various effort law Which must given by apparatus enforcer law For give flavor safe, Good in a way mind nor physique from disturbance And various threat from party anywhere (Satjipto Raharjo, 2000).

According to Mochtar Kusuma Atmaja law protection consumer is whole principles and rules law Which arrange and protect consumer in connection and the problem with para provider goods and/ or service. According to Hadjon, protection law for people covers two matter, that is (Hadjon, 2007):

1. Protection Law preventive, that is that people given chance for submit object or his opinion before something decision government get form Which definitive.
2. Protection Law Repressive, that is more addressed in solution dispute.

Constitution Base 1945 Chapter 28G paragraph (1) has clear mention that: Every person entitled on protection self personal, family, honor, dignity and treasure object Which in lower his power, as well as entitled on flavor safe and protection from threat afraid for do or no do something Which is right basic.

Of course besides exists factor error from public That Alone, This Also caused Because lack of supervision, protection law And information Which educate public from institutions Which authorized on This, so that public wrong And No sort out fintech (financial technology) Which licensed in accordance regulations Which There is, Also to risk Which will in not quite enough in the future. A or something company Which responsible answer in a way law on deed certain he can worn penalty in case his actions contradictory/contradictory law. Penalty worn *deliquet* Because his actions Alone Which make person the responsible.

Subject *responsibility* and subject obligation law is The same. In theory traditional, there is 2 (two) type not quite enough answer: accountability based on error (based *on fault*) And responsibility absolute (absolute *responsibility*) (Jimmy Asshiddiqie, 2006).

According to Austin, draft accountability law is the same with obligation law. That something obligation law is required do or no do something, or placed under obligation or must do or No do, is become can asked accountability for something penalty in matter No obey something order"

Caveat Vendor as theory antithesis theory Caveat Empto. In principle This contain Meaning that "seller" must have faith Good And responsible answer in sell the product to buyer or consumer. It means, seller must responsible answer with product Which sold it. So seller must have faith Good give Which best on consumer, Wrong the only one through

information product Which Honest. Interest consumer here on number put it together or as king. Because producer is at in position more strong in evaluate product, He have obligation so that consumer No experience loss from product Which bought it (Bertens, 2000).

Based on theory the, protection law for people should more directed to:

1. Efforts For prevent happen dispute or as far as possible Possible reduce happen dispute, in connection This means protection law preventive proper takes priority than means protection repressive.
2. Efforts For finish dispute between government and people with method discussion.
3. Completion dispute through Justice is road final, Justice let is ultimate remedium And Justice No forum confrontation so that Justice must reflect atmosphere peace and peace especially through connection the event.

Moment This development technology enters into the world finance, rapidly development technology Certain give birth to impact positive and negative in a way simultaneously, so from That government and institution Which authorized should prepare steps preventive before happen things Which nature harm public with challenge Which the more complex. Bank own role big in system life public Which Good in a way period long and short, position bank become more central Because connection they Which excess and lack fund (Fahmi, 2014).

Government And institution Which authorized, arrange about confidentiality data customer, Because many victim Fintech (financial technology) day This Which experience hacking data with various type method Which Wrong the only one hacked the data, Then defiled Name good This clear No in accordance with Chapter 45 paragraph (3) Constitution Number 19 Year 2016 about change on Constitution Number 11 Year 2008 about Information And Transaction Electronic (Law ITE) Which reads: "Every Person Which with on purpose And without right distribute and/or transmit and/or make can accessible Information Electronic and/or Document Electronic Which own load insult and/or pollution Name Good as intended in Chapter 27 paragraph (3) convicted with criminal prison most long 4 (four) year and/or fine most Lots Rp. 750,000,000,000. (Seven hundred five tens million rupiah)".

Protection law born from something provision law And regulation law Which given by public Which on basically is agreement public the For arrange connection behavior between member public And individual with Government Which considered represent interest public (Sajipto Raharjo, 2014). Law can protect right and obligation every individual in reality Which in fact, with protection law Which sturdy will materialized objective law in a way general, that is order, security, tranquility, well-being, peace, truth, And justice (Marzuki, 2008).

Borrow borrow is Wrong One form agreement between party Which One with party Which other and object Which agreed on generally is Money. Position party Which One as party Which give loan, currently party Which other accept loan Money. Money Which loaned will returned in period time certain in accordance with Which agreed (Supramono, 2013).

In agreement borrow borrow there is two party Which do agreement, that is party Which give loan Money And party Which accept loan Money. Term Which often used in matter the is, for party Which give loan is party Which receivable or called Also with creditor, whereas party Which accept loan called party Which owe or debtor.

In making agreement, too must fulfil terms it's legal something agreement, as arranged in Chapter 1320 Civil Code Civil. In agreement the, arranged about right and obligation para party. With exists right and obligation para party, so in matter This, party giver loan must carry out obligations Which crushing agreed to use achieved something protection law for borrower, however on circumstances certain party giver loan No carry out his obligations.

People who need funds will be tempted by the correct process of disbursing funds. Currently, many illegal online loan companies are developing. A *fintech service company* can be said to be illegal if it is not registered with the Financial Services Authority. Based on data obtained from the Financial Services Authority published in December 2019, it was stated that the Task Force for Handling Alleged Unlawful Actions in the Field of Public Fund Collection and Investment Management or the Investment Alert Task Force, discovered 125 entities carrying out illegal fintech peer-to-peer lending activities that were not registered with the OJK Previously, on October 7 2019, the Alert Task Force Investment has taken action against 133 illegal *peer-to-peer lending fintech entities* , bringing the total number of entities handled by the Investment Alert Task Force as of November 2019 to

1,494 entities with a total of illegal peer-to-peer lending fintech entities that have been prosecuted by the Investment Alert Task Force since 2018 as of November 2019 there were 1,898 entities.

The regulations that apply in Indonesia relating to online loan distribution activities are Financial Services Authority Regulation Number 77 /POJK.01/2016 concerning Information Technology-Based Money Lending and Borrowing Services. They usually don't pay attention to the legality of the fund lending service provider. They only focus on how they can get a loan quickly, even though they then have to pay back the loan within a certain period of time accompanied by quite high interest charges.

RESEARCH METHOD

Study This is study juridical normative, that is study Which focused For examine application norms or rules in law positive Which applies on something time certain and/or place certain (Nasution, 2008), based on rule Which related with review law to service borrow on line based technology information peers to peers lending (loan without collateral) Research This use method descriptive that is study Which explain or describe about accountability perpetrator business service borrow borrow on line based technology information peers to peers lending (loan without collateral).

Study literature (*library research*), done with objective For obtain data secondary as source data main Which covers Collection data done with method studies document done to data secondary For get base theoretical form opinions or writings para expert or party other form information Good in form formal nor data through script official Method analysis data For interesting conclusion from results study done with use method qualitative, that is from data Which obtained arranged in a way systematic And complete Then analyzed in form description.

RESULTS & DISCUSSION

Customer loan on line still own right and obligation Which must protected. Para user or consumer must for can know his rights so that can Act or take step Which safe and no violate law. As for Which become right consumer like right think, especially related goods nor service service Which used moment incident, consumer Which disadvantaged, proper for can protected moment finish dispute Because person own position Which The same in advance law (Anugerah & Indriani, 2018).

As recipient loan on line or consumer Which become victim pollution Name Good by creditor entitled for get protection law on threat and intimidation as well as spread data personal because action Which done That harm consumer or party recipient loan.

Overview Constitution Number 19 Year 2016 About Information And Transaction Electronic (abbreviated Act ITE) Alone Which where case billing Money with access data personal recipient loan and spread data That to person other as well as defiling Name to person other (contacts Which stated in telephone handheld recipient loan) That is something deed Which oppose law, Which where the elements is from deliberate from debt collector And loss for consumer as recipient loan online as well as owner debt.

On chapter 1 points 1 And 2 Act ITE, that information electronic is One bunch data electronic, including but No limited on writing, voice, picture, map, design, Photo, electronics data interchange (EDI), letter electronic (electronic mail), telegram, telex, telecopy or similar, letter, sign, number, code access, symbols or perforation Which has processed Which own meaning or can understood by person Which capable understand it. Then transaction electronic is deed law Which done with use computers, network computers, And or media electronic other.

Besides That, which made base law on transaction on line This is chapter 1 points 24 Act about trading, that trading through system electronic is trading Which the transaction done through series device and procedure electronic. In Indonesia Also Actually has confirm Constitution Which related with crime world virtual (cybercrime) that is Constitution Number 11 Year 2008 about Information and Transaction Electronic. Abuse Internet Which bother order general or personal can worn penalty with use Constitution This. However, in a number of crime Internet Constitution This Also Still too faint And No firm call it.

Fraud Which done by seller in sell buy on line, like use identity false, so seller the can convicted based on chapter 378 Criminal Code about fraud And chapter 28 paragraph (1) Constitution Number 11 Year 2008 About Information And Transaction Electronic (Law ITE) about spread news Lie And misleading Which result loss consumer in Transaction Electronic.

Sound in full chapter 28 paragraph (1) Act ITE is as following "every person with on purpose, and without right spread news Lie And misleading Which result loss consumer

in transaction electronic". Actions as explained in in chapter 28 paragraph (1) Act ITE in threaten with criminal prison most long 6 (six) year And or fine most Lots Rp 1 billion.

Chapter related enforcement criminal Which relate with transaction loan on line is as following: a. Chapter 51 paragraph (3) "every person forbidden in a way oppose law use data personal Which No his" b Art 54 paragraph (2) "every person forbidden sell or buy data personal" c Art 61 paragraph (3) "every person Which with on purpose And oppose law use data personal Which No is his as intended in chapter 51 paragraph (3) can convicted with criminal prison or confinement most long 7 (seven) year or criminal fine most Lots Rp 70,000,000,000,- (seven tens billion rupiah)" d Art 65 "besides sentenced criminal defendant Also can sentenced criminal addition form usurpation profit and/or treasure riches Which obtained from results follow criminal Which payment change loss" e Art 28 paragraph (1) Act ITE about arrangement about spread news Lie And misleading Which harm consumer f Art 45 paragraph (1) Act No 11 Year 2008 about fraud And or crime ITE.

Regarding spread data personal Not yet There is effort enforcement the crime, And Still Lots case after decision This applies about threats And spread data personal victim, Which where Which often happen is that victim find bill in outside platforms Which previously, matter This means has happen theft data personal For do loan on line Which No done by victim Alone, so from That regarding protection data personal very important (Budhijanto, 2010). Constitution Number 11 Year 2008 about Information And Transaction Electronic or ITE Already accommodate activities in world virtual, Which means Act ITE load provision material And procedural. With thereby Act ITE has give guarantee in certainty law in carry out activity through media electronic. Right personal arranged in invite invite ITE contain understanding: a Rights For undergo with calm life personal and free from all type disturbance; b. Right For communicate with person other without feel supervised nor spied on; c Rights For have and keep information or data personal without exists interception from person other.

By Because That, Constitution ITE in protect right personal somebody on chapter 26 paragraph (1) arrange about use data personal somebody Which where must done based on exists agreement (chapter 26 paragraph (1) Act ITE), besides in Act ITE there is study according to Attention Government (PP) Number 71 Year 2019 chapter 14 paragraph (4) letter c "Fulfillment protection interest Which legitimate (vital interest) owner data personal" in PP Number 71 Year 2019 about Organizing System And Transaction

Electronic Also know *right to erasure* on chapter 15 And 16, Which where every organizer system electronic must delete information electronic and/or document electronic Which No relevant Which is at in lower his control on request person Which concerned. So, owner data own right for request delete data personal in platforms Which appointed with reason Already finished his business(Makarim, 2010).

Perpetrator business loan on line must convey information to user for details agreement, and as user should can more thorough Again in read details the. In chapter 1 item 17 Constitution ITE, Contract Electronic is A agreement between para party Which made through system electronic Which If connected with Chapter 5 (five) about transaction electronic, especially on chapter 18, contract electronic must resolved by para party based on transaction electronic. Data personal is right privacy or personal an inhabitant country Which Which guaranteed and protected by Country.

Action spread data personal somebody Which is inhabitant country Indonesia is A deed Which violate guarantee protection right privacy Which in emphasized on chapter 28G paragraph (1) Constitution 1945 Which sounds "every person entitled on protection self personal, family, honor, dignity And treasure object Which in lower his power, as well as entitled on flavor safe And protection from threat afraid For do or No do something Which is right human."

Provision about protection data personal through media electronic there is in chapter 26 paragraph (1) And (2) Constitution number 19 year 2016 that is : "Except determined other by regulation legislation invitation, use every information through media electronic Which concerning data personal somebody must done on agreement person Which concerned. Every person Which violated his rights as intended on paragraph (1) can submit lawsuit on loss Which caused based on invite invite This".

That on explanation chapter 26 paragraph (1) Act 19 year 2016 Which sounds "in utilization technology information, protection data personal is Wrong One part from personal rights or privacy rights" meaning right personal is (a) Right personal Which is right For enjoy life personal And beas from all type disturbance (b) Right personal is right For can communicate with person other without There is action spy (c) Right personal Which is right For can supervise access information about life personal and also data somebody.

Explanation in chapter 32 paragraph (2) Act ITE about move or transfer "every person with on purpose without right or oppose law with method whatever move or transfer information electronic and/or document electronic to system electronic person other Which No entitled" will in criminal with confinement most long 9 (nine) month and/or fine most Lots Rp 3,000,000,000 ,- (three billion rupiah) (chapter 48 paragraph (2) Act ITE).

Besides Can worn penalty administrative as arranged in Chapter 36 paragraph (1) PM 20/2016, in Act ITE If proven There is violation abuse data personal by party third And fulfil element criminal, abuse information data personal And cause loss as arranged in Chapter 27 paragraph (1), (3), And (4) jo Chapter 36 jo Chapter 51 paragraph (2), so can convicted with criminal prison most long 12 year And/ or fine most Lots 12 billion.

With thereby although party application creditor on line quibble that when A application will installed by candidate debtor, Certain There is question Which on the main thing is request permission on candidate debtor For access data importance in smartphones, However matter the still No can justified If party application (creditor) use data personal user (debtor) For harm, defiling Name Good, slander or terrorize Which concerned or with abuse list number contact in cell phone debtor.

By therefore action creditor Which abuse data personal owned by debtor without agreement debtor Also can categorized as as Actions Oppose Law. Matter where in line with provision Which arranged in Chapter 1365 Civil Code Which mention that something deed can asked accountability law throughout fulfil 4 (four) elements, that is a. There is action; b. There is element error; c. There is loss; d. There is connection because consequence between error and loss.

So that If refers on provision Which arranged in Chapter 1365 Civil Code, so : "Each deed oppose law (onrechtmatige dad), Which bring loss to person other, oblige person Which Because wrong make loss That, must replace loss the. With thereby on deed creditor Which abuse data personal owned by debtor, as party Which disadvantaged debtor should entitled get protection law as it should that is get change on loss Which he suffered, Because consequence deed creditor.

From case criminal Which related with loan on line there is on on element "with on purpose And without right send information electronic and/or document electronic Which containing threat violence or scare Which addressed in a way personal or chapter 45

paragraph (4) Jo chapter 27 paragraph (4) Constitution Republic Indonesia Number 19 Year 2016 about Change On Constitution Number 11 year 2008 about Information And Transaction Electronic Which element the crime as following: a. Every Person; b. With On purpose and without right distribute and/or transmit and/or make can accessible Information Electronic and/or Document Electronic; c Have load extortion and/or threats as intended in chapter 27 paragraph (4).

Penalty criminal chapter 45 paragraph (2) Act ITE: "every person Which fulfil element as intended in chapter 28 paragraph (1) And (2) in criminal with criminal prison most long 6 (six) year and/or fine most Lots Rp 1,000,000,000.00 (One billion rupiah)". Or information Chapter 45 B Which load "Every Person Which with on purpose And without right send Information Electronic and/or Document Electronic Which containing threat violence or scare Which addressed in a way personal as intended in Chapter 29 convicted with criminal prison most long 4 (four) year and/or fine most Lots Rp. 750,000,000.00 (seven hundred five tens million rupiah).

On basically, action billing debt Which use threat violence and/or action similar other Which intended so that somebody do something, in matter This so that debtor pay debt, can qualified as conjecture follow criminal. Provision general Which referred is Book Constitution Law Criminal (Code Criminal). Chapter 335 paragraph (1) firm forbid use violence, threat violence and/or treatment Which No pleasant for force person other do something or no do something or let something, Good to person That Alone nor person other. Violation to provision the threatened criminal prison during 1 year and fine.

Along development technology, threat violence and intimidation in Suite action billing debt often done use means electronic, like through message or voice note WhatsApp. For is known, in Indonesia there is regulations special Which arrange interaction public in Suite device and procedure electronic, i.e., Act No. 19 Year 2016 about change Act No. 11 Year 2008 about Information and Transaction Electronics (Law ITE) And a number of regulation implementer. In a number of cases, chapter Which can referred for take action perpetrator threats violence through means and procedure electronic Which done in a way oppose law is Chapter 45 paragraph (4) jo. Chapter 27 paragraph (4) Act ITE or Chapter 45B jo. Chapter 29 Act ITE.

Provision as intended on Act ITE in on on the main thing is forbid every person Which with on purpose and without right send, distribute, transmit and/or make can accessible information electronic and/or document electronic Which own load "extortion" and/or "threat" or "threat violence". For anybody Which do violation to provision in on, so Chapter 45 paragraph (4) jo. Chapter 27 paragraph (4) Act ITE give threat criminal prison most long 6 year and/or fine most Lots Rp 1 billion.

Temporary Chapter 27 paragraph (4) Act ITE or Chapter 45B jo Chapter 29 Act ITE give threat criminal prison most long 4 year and/or criminal fine most Lots Rp 750 million. Example application Chapter 45 paragraph (4) jo. Chapter 27 paragraph (4) Act ITE in take action collector pinjol Which do threats to debtor can seen on decision Court Country Jakarta North No. 438/Pid.Sus/2020/PN Jkt. Utr date 09 June 2020.

Case the tried Because action collector pinjol Which use threat violence and intimidation to party debtor Which do lateness payment debt through message and voice note WhatsApp. From fact the judge proven that in Suite action billing the, si collector pinjol use words rough and threat violence Which condescending dignity and dignity debtor as man. Action collector pinjol Also annoying calm self debtor and his family. On incident the, debtor report conjecture follows criminal to Police Metro Jakarta North. From series process inspection, case the furthermore done punishment until stage the judge. Judge Court Country Jakarta North state collector pinjol violate Chapter 45 paragraph (4) jo. Chapter 27 paragraph (4) Act ITE And punish collector with criminal prison during 1 year and fine as big as Rp 70 million.

Judge state collector pinjol proven guilty do follow criminal "with on purpose and without right distribute and/or transmit and/or make can accessible Information Electronic and/or Document Electronic Which own load extortion and/or threats." Based on all over description in on, so can is known that action billing pinjol use threat violence or action similar other can qualified as follow criminal as arranged in Civil Code Criminal. Then, if action "threat" done through electronic means, then the perpetrator can be prosecuted using the provisions of accountability criminal Which arranged in Act ITE.

CONCLUSION

The dynamics of consumer protection laws in the development of the FinTech industry in Indonesia require serious attention from all parties. Continuous efforts to improve

regulations, increase education and literacy, and strengthen law enforcement are needed to ensure the creation of a FinTech ecosystem that is fair and safe for consumers. On moment happen dispute consequence No fulfillment agreement or agreement Which There is in in clause beginning contract loan on line or if no there is effort solution dispute in in agreement so can taken effort peace. If fail can brought to court. However, if party creditor in do billing to the debt do action deed oppose law to customers so worn accountability criminal in accordance with deed Which did it. If do action coercion, so worn Chapter 335 Verse (1) Number 1 Book Constitution Law Criminal (Criminal Code). And when do blackmail with violence so worn Chapter 368 Verse (1) Criminal Code Whereas when do blackmail with violence so worn Chapter 368 Verse (1) Criminal Code.

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