



## **LEGAL PROTECTION FOR USERS OF ILLEGAL ONLINE LOAN SERVICES IN INDONESIA REVIEWED FROM A JURISDICTIONAL ASPECT**

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### **Abstract**

*Looking at the development of technology that is so fast and also used in all fields to provide convenience. This also includes electronic transactions in online loan applications (pinjol), given the current economic conditions that are not in a good condition due to Covid-19, many people choose loan applications to meet their needs without seeing the overall consequences of their actions. The case of a pinjol application that attacks the personal data of its users is of course a prohibited act, because it is related to someone's personal data. This study aims to find out how the legal protection for illegal lending service users in Indonesia is and what are the obstacles to law enforcement in dealing with loan lending cases in Indonesia. This research uses the method. normative legal research. And it is known that in Indonesia with regard to criminal law policies that can be used to punish borrowing actors for their actions, they can use UUPK because of the position of borrowing users as consumers and use the ITE Law because transactions are carried out using electronic media. The obstacles that occur are the lack of experts in the field of electronics in law enforcement and also the ITE Law is not strong enough to ensnare borrowers.*

*keywords: Legal protection, online credit*

### **Abstrak**

*Melihat perkembangan teknologi yang begitu cepat dan juga digunakan di segala bidang memberikan kemudahan. Termasuk juga transaksi elektronik dalam aplikasi pinjaman online (pinjol), mengingat kondisi ekonomi saat ini yang sedang tidak baik akibat Covid-19, banyak orang yang memilih aplikasi pinjaman untuk memenuhi kebutuhannya tanpa melihat keseluruhan akibat dari perbuatannya. Kasus aplikasi pinjol yang menyerang data pribadi penggunanya tentu saja merupakan perbuatan yang dilarang, karena berkaitan dengan data pribadi seseorang. Penelitian ini bertujuan untuk mengetahui bagaimana perlindungan hukum bagi pengguna jasa pinjam meminjam uang ilegal di Indonesia dan apa saja kendala penegakan hukum dalam menangani kasus pinjam meminjam uang di Indonesia. Penelitian ini menggunakan metode. penelitian hukum normatif. Dan diketahui bahwa di Indonesia mengenai kebijakan hukum pidana yang dapat digunakan untuk menghukum pelaku peminjaman atas perbuatannya dapat menggunakan UUPK karena kedudukan pengguna peminjam sebagai konsumen dan menggunakan UU ITE karena transaksi dilakukan dengan menggunakan elektronik. media. Hambatan yang terjadi adalah kurangnya tenaga ahli dibidang elektronika dalam penegakan hukum dan juga UU ITE kurang kuat menjerat peminjam.*

*kata kunci: Perlindungan hukum, kredit online*

### **INTRODUCTION**

Technological advances in this case have become something that underlies developments in all fields, including in the field of financial services. And in this case in human life can not be

separated from the name financial transactions and or economic activities in meeting the needs of each other. In this case related to some of the conveniences obtained to carry out an activity is an advantage obtained by humans with the existence of a technology where the technology also utilizes information so that it becomes an information technology. This is one of the developments, namely in the financial sector which in this case can also be found in peer to peer lending finance technology (fintech) Or in Indonesia it is often called an online loan perfume which is also commonly referred to by the public as a user of the online loan, namely as an online loan service or loan.<sup>1</sup>

Currently in terms of using a financial service that can be connected to the loan, it is very widely used by borrower users because of the current situation, namely the COVID-19 pandemic. causing people to experience difficulties in the economic field so that it is not uncommon for some of these door users to have to use these loans to meet their daily needs.<sup>2</sup> And looking at the community's high demand for a financial loan, it is possible for online borrowers to apply for a loan. Illegal jolts in this case can have loopholes to enter the space in carrying out an action and or an unlawful act. The current crisis is being exploited by illegal loan lenders by offering various digital media platforms as a form of offering to the public to be able to use them. an action or act related to the use of electronic media in the financial sector.<sup>3</sup> Which in this case does not know that the loan has been registered with the Service Authority. Finance (OJK) or has not been registered because it is an important thing to pay attention to in order to see that the seller is a loan that can have responsibility in carrying out an activity in the field he does or is an illegal loan.<sup>4</sup>

And in this case related to the implementation of the illegal loan, it is very troubling to the public because some operators of the loan application have access to personal data owned by the victim as a community for the user of the seller application so it is not uncommon to find several operators of the loan making heat to the customer. standalone user. And even in this case the debt collector of Pinjol is also not uncommon to be known to intimidate the victim to be able to immediately make payments on the debt made by the user of the loan so that this is a form of

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<sup>1</sup> Eko Pratama Sinaga and Abdurrahman Alhakim, "Tinjauan Yuridis Terhadap Perlindungan Hukum Bagi Pengguna Jasa Pinjaman Online Ilegal Di Indonesia," *UNES Law Review* 4, no. 3 (2022): 283–96, <https://doi.org/10.31933/unesrev.v4i3.235>.

<sup>2</sup> Elisa Stefanie, "Urgensitas Pengoptimalan Peraturan Otoritas Jasa Keuangan Terkait Financial Technology ( Urgensity Optimization Regulation Of Financial Services Authority Related To Financial Technology )," *National Conference on Law Studies: Legal Development Towards A Digital Society Era Sociological*, 2020, 978–79.

<sup>3</sup> Rayyan Sugangga and Erwin Hari Sentoso, "No Title," *PAJOU (Pakuan Justice Journal Of Law)* 01, no. 01 (2020): 47–61, <https://doi.org/https://journal.unpak.ac.id/index.php/pajoul/index>.

<sup>4</sup> Joko Sriyono, Ahmad Syaufi, and Mispansyah, "Pinjaman Online Tidak Beizin Dalam Perspektif," *Wasaka Hukum* 10, no. 2337 (2022): 1–19.

threat and also the company that is accepted by the user of the loan itself.<sup>5</sup> It is also caused by the ignorance and understanding of Pinjol users in understanding the media or Pinjol applications they use.

The perpetrators of illegal lending, in this case, in providing offers to borrowers are very attractive, where they are to get money which is the need of the borrowers themselves. Pinjol users only need to verify account data collection and then apply for a loan process and in terms of disbursement and also settlement for these funds can be submitted to the borrower user, it is very simple and there is no difficulty in carrying out the process. In Indonesia, there are many cases that result in losses by the community related to this illegal loan case itself. where many loan applications are not registered or have a permit granted by the OJK.<sup>6</sup>

However, there are many cases that cannot be prosecuted because in this case, several cases related to illegal borrowing have many ways that illegal borrowers do to commit fraud. activities that are detrimental to the community, one of which is that all transactions carried out are not transactions carried out directly or face-to-face but all transactions are carried out electronically and also in this case the illegal borrower does not know the contents of the agreement made between the loan user and the illegal borrowing party itself so that if something happens that might in the contents of the agreement harm the illegal borrower user, in terms of law enforcement it will be difficult to resolve and seek a defense against the borrowing user who is felt to be detrimental.

LPMUBTI), Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) and Law Number 8 of 1999 concerning Consumer Protection (UUPK), apparently cannot fully guarantee in the form of legal protection for borrowing service users.

Referring to the description of the problem which has been described above, the formulation of the problem is how is the legal protection for illegal loan service users in Indonesia? and what are the barriers to law enforcement in handling cases of lenders in Indonesia?. Page 286 Legal Protection for Users of Illegal Online Loans in Indonesia The purpose of the implementation of this research is to provide information to the public regarding legal protection for users of illegal lending services in Indonesia and criminal sanctions that can ensnare perpetrators of illegal lending and law enforcement efforts in eradicating cases of illegal lending in Indonesia.

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<sup>5</sup> Andi Ahmad Faisal et al., "Attack On Pinjol: Siapa Yang Salah Antara Pinjol Dan Debitur," *Cinematology: Journal Anthology of Film and Television Studies* 2, no. 1 (2022): 88–95.

<sup>6</sup> Fanny Novika, Nike Septivani, and I Made Indra P, "Pinjaman Online Ilegal Menjadi Bencana Sosial Bagi Generasi Milenial," *Management Studies and Entrepreneurship Journal* 3, no. July (2022): 1174–92, <https://doi.org/http://journal.yrpiiku.com/index.php/msej>.

## RESEARCH METHOD

The research method used in this study is a normative research method, namely by taking a statutory approach, therefore the source of the type of data used is secondary data. As well as data collection techniques using literature studies and data analysis methods, namely qualitative.

## RESULT AND DISCUSSION

In connection with looking at the criminal law policy that is given to be a legal protection for loan service users in Indonesia. In this case, what is a concern that must be seen is the rights of borrowing users, which is an aspect that needs to be considered in an illegal loan transaction in Indonesia. And this is of course for the loan providers so that they do not forget the rights that should be owned by borrowing service users where other borrowers themselves in this case have a position as consumers. POJK Number 77 / POJK.01/2016 concerning LPMUBTI In this case, it does regulate the use of loan services in Indonesia, but in this case there is a regulation that does not specifically explain the rights that are then owned by loan service users but in these provisions it only regulates what related to obligations and also what is prohibited in the implementation of living in Indonesia.<sup>7</sup> And in this case some of the rights that loan users should have, namely that it is proper that borrower users have the right to information related to the services provided by information-based loans. technology, Then the loan service user also has rights related to information relating to the acceptance, postponement, and also rejection of the application submitted by the loan user. And also pinjol users have the right to. obtain all information related to documents in electronic transactions related to these matters that are easy to understand and read and use good and correct Indonesian.

Then in this case the Indonesian language is very necessary for loan users so that they can easily understand what is the intent and purpose of a document or every transaction made in conducting transactions at the loan. And also in this case the loan user has the right to protection from all attempts to transfer responsibility and or obligations to the implementation carried out by the loan user.<sup>7</sup> And what certainly already exists in the loan user is protection which in this case is a must and an obligation. in the administration of loans in Indonesia which is subject to the applicable laws and regulations. Article 4 of the UUPK, in this case, has regulated the rights owned by loan users in Indonesia where these rights have been regulated in the provisions that include the right to comfort, security and safety in using a loan service in Indonesia. In these provisions, of course, the Pinjol user in this case has a position as a consumer which is regulated

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<sup>7</sup> Hasan Abdurahman and Asep Ririh Riswaya, "Aplikasi Pinjaman Pembayaran Secara Kredit Pada Bank Yudha Bhakti," *Jurnal Computech & Bisnis* 8, no. 2 (2014): 61–69.

in these Terms, therefore the Pinjol user has protection related to transactions carried out with illegal borrowing if he commits an act that is prohibited in these Terms.

And also the rights contained in the article, namely the right to be able to choose goods and or services in accordance with the exchange rate with promising conditions and guarantees, and the right to correct, clear and honest information. And another right, namely the borrower's service user in this case has the right to have their opinions and complaints heard by the loan service provider. And also in this case the seller user in terms of legal protection has the right to get protection related to dispute resolution efforts in consumer protection which in this case can be done properly. And there is also a right that can be done by the loan provider to the user of the loan, namely the user of the loan in this case has the right to be given good service and also not discriminatory and the user of the loan in this case will receive compensation for a loss he received. Volume 4, Issue 3, March 2022 Page 287 Then the contract is regulated in the provisions of other laws and regulations that are not mentioned in these provisions.

And if you look at the provisions mentioned above, in this case the seller user, of course, as a consumer has rights that must be considered by a loan company in conducting a transaction in Indonesia. However, in its implementation, in this case the loan service provider performs an act that is contrary to the applicable regulations, so that in this case it is very detrimental to the loan user. And not infrequently the rights of borrowed users in this case are ignored by companies living as loan service providers. Some of the implementations that are not carried out by the loan service to the loan user in this case are good treatment that should be given by the loan service provider.

borrowing services to borrower users but on the contrary, the seller's service in this case is borrowing badly, namely in its implementation there is a threat and/or terror from the service collector of the loan service to borrower users and the method used by the loan service to the buyer and seller in this case namely by sending pictures and or writings to parties who are well known by the live users so that it poses a threat to the borrowed users provided by the loan services to collect funds from the borrowed users. If you look at the case in its implementation, this of course has violated the applicable provisions, namely Article 29 paragraph 1 and Article 30 of Law Number 39 of 1999 concerning Human Rights (Human Rights Law) and also the provisions contained in Article 4 of the UUPK.

In this case, the very adverse conditions that are received by loan users in Indonesia are certainly very disturbing and disturbing one's security. The provisions that apply in the Criminal Code and the UU ITE are because they have not been able to fulfill the protection aspects related to the interests of the rights owned by loan users in Indonesia. happened in Indonesia. In carrying out law enforcement, in this case, the illegal Pinjol perpetrators in harming kidney users are

charged with criminal acts which are also only in the form of distributing personal data, threats, billing, fraud, defamation, and sexual work carried out through electronic media. And also in this case related to a case experienced by illegal borrower users in Indonesia, the crime committed by the illegal borrower is a complaint offense. As it is known that from rocks is an offense in the form of prosecution which can be done only if the injured party in this case makes a complaint to the police for law enforcement and the complaint is made by the affected party (gelaedeede party). In this case, complaints are distinguished according to their nature, where the first complaint offense is the Absolute complaint offense where examples of the theory are contained in Articles 284, 310, 332 of the Criminal Code.

The offense in these Terms can only be made based on a complaint. Then the next second which is distinguished according to its nature, namely the offense of a relative complaint, in this case an example is found in Article 367 of the Criminal Code concerning Theft. In this case it is called relative because in this offense there is a special relationship between the parties Volume 4, Issue 3, March 2022 perpetrator with victim. So based on this, related to cases that occurred by Pinjol users in Indonesia, not a few could not be processed by law because complaints made by Pinjol users who were established by Pinjol services in Indonesia did not file complaints for a violation of rights which they later received.

Protection of the rights of borrowing users that must be guaranteed by the government This is a special concern that needs to be considered so that the government in this case can provide protection through a statutory arrangement that specifically regulates cases related to violations of the rights of borrowing service users in Indonesia. Which not infrequently the violation of the gospel rights leads to a unlawful acts that result in material and immaterial losses experienced by the victim. And with the existence of a threat and or terror, it is an omission in making payments which is considered by the loan service to be an error from the loan user without having to pay attention to the rights which are then attached to the loan user and must be given protection. One of the Pinjol users in this case has been violated by the Loan service, namely in the form of threats and terror provided by the Pinjol company, in this case it requires legal protection because the Pinjol user in this case can experience losses, namely fear, shame. and uncomfortable as a result of the threats and terror carried out by the loan service against him. Not only that and this if it is related to the case, it is in article 19 paragraph 2 of the Human Rights Law.

Negligence or inability of a loan user in making payments cannot be used as a reason for the loan service to carry out a sentence for the kidney user. And in its implementation, it is not uncommon for loan services to provide threats, namely to report to borrowed users in the event of negligence in making payments. And also in this case related to law enforcement, law

enforcement in this case has difficulties with these problems because the use of credit in this case is a debtor with loan services who again have a position as a creditor which is a category in a debt agreement which this must be resolved in a civil manner and not through the criminal field, therefore if the legal apparatus continues to impose criminal sanctions on the party, the act is a violation of the applicable laws and regulations.<sup>8</sup>

POJK No.77/POJK.01/2016 concerning LPMUBTI Article 29 which in this case has required loan services to be able to apply the principles given for the protection of residential users, which include transparency, fair and non-discriminatory treatment, confidentiality and also guarantee of data security and dispute resolution that can be done quickly, simply and at affordable costs For this reason, business actors who abuse user rights as consumers can be subject to sanctions. Basically the relationship between customers and business actors is a civil regulation relationship, but the UUPK also applies to criminal acts for violators of consumer freedom, as stated in Article 45 Paragraph 3 of the UUPK, "The settlement out of court as referred to in Paragraph 2 does not eliminate criminal responsibility as regulated in law." Several cases related to those experienced by borrowing users, in this case, started with a loan agreement that was allegedly made by the loan service which was made unilaterally and not understood by the consumer, namely the borrower service user, which of course related to the contents of the agreement not being known by the prospective user. pinbul. From a legal aspect, there is a prohibition for organizers.

Then it doesn't stop there, related to the threats often made by debt collectors to loan service users, they already have legal protection that protects them, which is contained in Article 45 letter B of the ITE Law which in this article protects loan service users in the event of a threat which is then received which aims to to frighten and this is also the intent of Article 29 of the ITE Law which contains protection against threats from these loan services. With the existence of related regulations, legal settlement can be made through the regulation of criminal regulations for violations of the privileges of service users that only provide unilateral benefits to the loan organization. However, for the use of a person's personal information, further guidelines are still needed, which until now there are no guidelines that explicitly regulate this.<sup>9</sup>

For this situation, it is very disappointing to think that information insurance is also a right that must be protected by law. Around the world, information security has been regarded as something that is well established as "data free" especially the right of individuals to have their information secure and for defense when errors are found in their information. However, the truth

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<sup>8</sup> Fathul Hamdani et al., "Reformasi Hukum Perlindungan Data Pribadi Korban Pinjaman Online (Perbandingan Uni Eropa Dan Malaysia)," *Indonesia Berdaya* 3, no. 3 (2022): 567–76.

<sup>9</sup> Hari Sutra Disemadi and Regent, "Urgensi Suatu Regulasi Yang Komprehensif Tentang Fintech Berbasis Pinjaman Online Sebagai Upaya Perlindungan Konsumen Di Indonesia," *Jurnal Komunikasi Hukum* 7, no. 2 (2021): 605–18, <https://doi.org/https://ejournal.undiksha.ac.id/index.php/jkh>.

of information security in Indonesia is inversely proportional to the *ius constitutum* that is enforced. In this case, there is a requirement for an individual information assurance supervisory agency or a Data Protection Authority whose job it is to ensure that all personal information security standards can be met.

In this case, considering the importance of the regulation that should be established in relation to the protection of personal data, the government in this case is very necessary to form a law related to the protection of personal data which looks at the borrowing case that occurred so that the regulation of personal data can be very useful. to be applied in these cases and also in this case it is hoped that the existence of these arrangements can provide certainty and create an order related to legal problems that exist in the community. And also this arrangement aims to prevent personal data provided by someone from being misused for interests that are detrimental to that party.

Apart from various regulations and guidelines that impose sanctions on providers who abuse the rights of loan service users, it is important for the government to find ways to prevent and deal with various cases of law violators submitted by loan providers, one of which is through socialization efforts organized by OJK as a team with the Ministry of Finance. Communication and Informatics (KOMINFO) to provide information to the wider community about progress from various angles, both legitimacy, financing costs, bid strategies, and others. In addition, it is also important to conduct outreach to the community in order to direct or assist them in knowing the consequences of using pinjol along with cases.

that have occurred in connection with a business that leads to legal consequences when the user does not make installments. For this situation, it is important to disclose the efforts that must be made by the regions assuming their rights are violated, especially regarding their own personal information. Other than that, if it is clear that the organization that has computerized services does not yet have a permit from the OJK, also known as prohibited, then at that time, there is no other way than to use repressive techniques by closing the service of a related application.<sup>10</sup>

Thus, coordination between OJK and KOMINFO is relevant. In addition, KOMINFO must also have the capability of a mechanical framework by ignoring the methods related to the introduction of applications to computerized services if it does not meet the appropriate requirements as specified in the regulations. In this particular situation, companies providing

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<sup>10</sup> Risna Kartika, Nana Darna, and Iwan Setiawan, "Analisis Peer To Peer Lending Di Indonesia," *Akuntabilitas: Jurnal Ilmu-Ilmu Ekonomi* 12, no. 2 (2019): 75–86, <https://doi.org/https://doi.org/10.35457/xxx>.



financial technology innovation are expected to enter a record as an organizational legality from the OJK before introducing applications at an advanced stage, namely digital platforms.<sup>11</sup>

The ability to identify and then take preventive action against stages or applications that have been disabled by the regulator, for this situation the OJK has changed by forming a new application accompanied by the formation of a new identity. One such practice has led to the spread of illegal borrowing in the community. The government has quite significant choices among these options, one of which is to think about the importance of controlling Financial Technology (Fintech) administration. against service providers who use illegal entities. This is seen as important as a legal umbrella for law enforcement to act against the rise of illegal lending.

In this case, if the loan service has the legality of the company that explains it is registered, the protection of the borrower service user in this case can be ensured by law enforcement because if a seller service is not registered and does not have legality in running its business, it is very difficult to reach related to enforcement. the law carried out by the seller's service which if you look at the cases that have occurred in this case it is difficult to reach law enforcement because of the legality of the loan service itself. There is no legal certainty that law enforcement can do regarding its implementation. For this situation , the operator is required to provide an escrow account and virtual account, to replace the repayment of the loan, the borrower does not pay directly to the lender but through the framework and channels that have been provided and provided by the organizer, namely through the escrow acc . ount that has been given to be sent to the virtual account.

is so that peer to peer lending fintech loan providers do not misuse loan funds provided by borrowers, where it is also said that the rules for managing this service framework are in accordance with the provisions of the directives from the OJK which are contained in Article 26 of POJK No. 77/ POJK.01/2016 concerning LPMUBTI.

### **Barriers to law enforcement in dealing with cases of borrowing in Indonesia**

Anxiety from the public must be ended along with the many cases related to illegal borrowing. The state's obligation is to protect the population in accordance with the UUPK's instructions. Countries should establish buyer protection frameworks that contain components of legal guarantees and data disclosure along with access to data. Furthermore, Tumulun also revealed the inhibiting factors in overcoming PC crimes as well as electronic systems, in particular: E-ISSN: 2622-7045, P-ISSN: 2654-3605 Volume 4, Issue 3, March 2022:

1. Limited Expert Staff. The number of master workers assigned in Indonesia and China is very different. The irony is that the reported percentage of digital crimes in Indonesia is growing, with

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<sup>11</sup> Kartika, Darna, and Setiawan.

limited personnel and expert staff on the Indonesian police side, the eradication of these cases cannot be resolved quickly.

2. The results are felt directly by the person concerned as a victim. The quality of data technology facilities in Indonesia is undoubtedly very good, but it is almost identical to the security guaranteed by each user.
3. Procedural Barriers to the ITE Law The weak legal instruments of the ITE Law are clearly seen in Article 27 and Article 37 concerning prohibited acts where many police officers themselves do not understand the importance of this article

The OJK Investment Alert Task Force (SWI) has temporarily suspended the activities of around 3,365 illegal lending until July 2021. This figure is a consequence of the search for 7,128 complaints related to illegal lending. The OJK Board of Commissioners, Wimboh Santoso, in a virtual public interview regarding the signing of the Joint Statement on the eradication of illegal lending, underlined that all SWI personnel must develop a coordinated and organized framework to fight the big crime that violates the law, illegal lending. Illegal borrowing must be eradicated on the grounds that the perpetrators burden and even harm the community. is so that peer to peer lending fintech loan providers do not misuse loan funds provided by borrowers, where it is also said that the rules for managing this service framework are in accordance with the provisions of the directives from the OJK which are contained in Article 26 of POJK No. 77/ POJK.01/2016 concerning LPMUBTI. To prevent the development of illegal lending, OJK to date has carried out various strategies, such as an education program for the general public to decide to use fintech lending registered or legalized at the OJK and not to use fintech lending.

For the time being, the National Police guarantees that the search for illegal loan sharks in Indonesia and the backers of foreign funds will continue. Head of Sub-Directorate of Non-Bank Financial Industry (IKNB) Page 294 The Directorate of Special Economic Crimes, Bareskrim Polri Kombes Ma'mun, said that his party had arrested 11 suspects from within the country. Meanwhile, the perpetrators from abroad have not been found. Examiners tracked many elements of illegal lending with financial backers in the form of foreigners (foreigners). In addition, the servers they use for applications are also known to come from abroad. For this reason, the Criminal Investigation Unit of the National Police mentioned the assistance of the Directorate General of Immigration at the Ministry of Law and Human Rights to pursue the perpetrators who smuggled abroad.

## CONCLUSION

In relation to the criminal law policy on legal protection for users of illegal lending services in Indonesia, in this case it has happened very often and has caused a lot of harm to the

victims of the loan users themselves, and in this case the criminal law policy has not specifically been able to regulate related to loan offenders. This is illegal because in this case the agreement made between the borrower and the loan user is in the form of an agreement which can then be resolved in a civil case. And because there are no rules that specifically regulate related to the borrowing case that occurred which. related to personal data, then in terms of its implementation, several applicable laws and regulations can be used to resolve these problems. Pardosi, ROAG, & Primawardani, Y. Protection of the Rights of Online Loan Customers from a Human Rights Perspective. Among the criminal law policies that can be used is to use settings that are clearly and clearly explained in the UUPK because the position of the borrower user is as a consumer, then all the rules that regulate consumer protection in the loan application can be applied in this arrangement. And it also doesn't stop there, looking at the practice of illegal loan lending actors also using electronic devices in committing acts against the law, the criminal law policies used can be used by the ITE Law in implementing criminal policies to provide protection for illegal borrowing service users.

Then rather than that the obstacles from law enforcement in carrying out the settlement of illegal borrowing cases in Indonesia are due to several factors, namely the lack of experts in searching for evidence of facts in cases of illegal lending, weak government supervision which in this case aims to oversee all electronic transaction activities in Indonesia, and weak legal instruments used to enforce criminal law policies to perpetrators. And also the victim has limited knowledge of the settlement of illegal borrowing cases which in this case often poses a threat in which law enforcement requires a complaint or report to continue the legal process and on the other hand this offense is a complaint offense.

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