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## Consumer Data Protection Against Online Loan Debt Payments

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### SayKey :

*Online loans Protection  
Law, Consumers, Online media,  
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### ABSTRACT

In the era of digital economy innovation, people are trying to find new findings in the procurement of services for lending activities, which can be seen from the existence of money lending services on a digital basis which are considered to be able to build growth and the national economy. The type of observation used in this research is coherent research. Resolving disputes over payment of online loan debt and protecting consumer data is a complex problem in today's digital era. Consumers often become victims of the protection of their personal data by irresponsible online lenders. The sources of data used in this study are document laws, laws and regulations, and legal doctrines related to problem solving and consumer data protection. In using online loan services, consumers must provide a number of personal data, such as; name, address, telephone number, bank account number and other information. This can raise concerns for consumers regarding their security and privacy. To provide protection to consumers, data from the Indonesian fintech association (aftech), in 2019 there were around 15 million users of online loan services in Indonesia. In 2020 this number has increased by around 21 million users. In 2021 it is estimated that the number of users will increase again to 27 million. The results of this study indicate that consumer data protection and dispute resolution policies in Indonesia still need to be strengthened. bank account number and other data information. This can raise concerns for consumers regarding their security and privacy. To provide protection to consumers, data from the Indonesian fintech association (aftech), in 2019 there were around 15 million users of online loan services in Indonesia. In 2020 this number has

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## 1. Introduction

*Fintech*in general terms ie. Fintech includes innovative financial solutions made possible by information technology and in addition fintech is often used for new companies that provide these solutions, although fintech can also be used by incumbent financial services such as banks and insurance companies. This perspective is supported by an analysis of recent literature which mentions (1) the application of Information Technology in finance, (2) startups, and (3) services as the top three topics of discussion from fintech publications (Zavolokina, Dolata, & Schwabe, 2016). In the digital era, online loan activities are increasingly popular in Indonesia. However, the more the use of this service increases, the more cases of disputes over debt payments occur. In 2019 there were around 15 million users of online loan services in Indonesia. In 2020 this number has increased by around 21 million users, and is known to be licensed and registered with the Financial Services Authority (OJK) As of August 5 2020, there are 158 companies. In 2021 it is estimated that the number of users will increase again to 27 million. compared to the previous year. In January 2021, the number of internet users in Indonesia was recorded at 202.6 million. Meanwhile, the internet penetration rate in Indonesia reached 73.7% of the total population in early 2022. The total population of Indonesia was recorded at 277.7 million people in January 2022. The trend in the number of internet users in Indonesia has continued to increase in the last five years, while up to 2 March 2022, the total number of Fintech Lending Peer-to-Peer Lending Providers or Fintech Lending Licensed at the OJK is 102 companies. When compared to 2018, currently the number of national internet users has jumped by 54.25. Besides that, there are also a growing number of illegal online loan companies. The Law on Protection of Personal Data is a law that regulates the protection of individual personal information.(Katadata.co.id, 2022)

Rapid growth in internet usage during the 2018-2022 period in the number of internet user populations in Indonesia. Technological advances and increased accessibility are the main factors in this increase. In recent years the number of internet users has increased significantly, especially in developing countries. This shows that the internet has become an everyday part of society. Likewise, users of online loan services have also experienced a significant increase during 2018-2022. Online loan services have become a popular alternative for people to meet their financial needs. The main or key factors that drive users of online loan services are practicality and ease of access.

In order to achieve a balance between two different interests between business actors and consumers, the authors view that the role of the government in government protection is very important, such as in terms of supervision, and

maintaining a balance between business actors and consumers.

The consumer protection law (UUPK) provides a legal framework and general basis for protecting consumer rights in various sectors, the UUPK establishes basic principles that must be complied with by all laws and regulations related to consumer protection. Thus, UUPK serves as a legal basis related to existing consumer protection.

In Indonesia, there is Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) which also includes provisions regarding personal data protection. Apart from that, there is also a Personal Data Protection Bill (RUU) which is currently being discussed in the DPR.(Rizka Noor Hasela, SH, 2020)

Agreement Derived From The Word Promise Which Has The Meaning Of Agreement Between The Two Parties That Express Willingness And Ability To Do Something. Agreement That Is, An Event Where A Promises To Someone Or Where Both Promise Each Other To Do Something. In general, the Law of the Agreement Regulates the Relationship of the Parties to the Agreement, the Legal Consequences, and Determines When the Implementation of the Agreement can be prosecuted by Law. Meanwhile, an engagement is a relationship that is regulated and recognized by law.

Protection of digital security and privacy has an important role in protecting, in an increasingly advanced digital era protection of personal information and sensitive data is very important. The ITE Law provides a legal framework that protects individuals and entities from data misuse, such as fraud, identity theft, or other cyber attacks. default article 1233-1375 of the Civil Code regulates that the agreement is an act against the law of the creditor, will be lost or deleted on the basis of coercive circumstances (overmacht). Inaccurate or inappropriate, which can be used as a basis for default, if it arises from circumstances that are correct, it can be estimated by the insurer. However, in order to justify the situation outside the estimate, The insurer must prove that there will be coercive circumstances beyond calculation and ability. Default Regulations related to the ITE Law and agreement regulations provide a legal basis for the settlement of disputes arising from violations of online agreements. The existing regulations in the ITE Law and agreement regulations provide a clear framework and can support innovation and growth in the digital economy.

Financial services authority regulations (POJK) provide a strong legal basis to protect consumers in online loan transactions, this regulation ensures that financial institutions that offer online loan services comply with consumer protection standards that have been set. This regulation also regulates the obligations and responsibilities of loan service providers. online, requirements that must be fulfilled by the operator such as a business license, adherence to sound financial principles, and regular reporting.

Financial institutions operating in this sector must have clear policies and procedures to identify and prevent suspicious transactions to the authorities. .

Peer-to-peer lending has removed traditional barriers to accessing finance through an online platform, individuals or small businesses can easily apply for loans without having to go through the complicated and lengthy processes that exist in the conventional banking system. Individual or institutional investors can directly provide loans to borrowers without going through bank intermediaries, this eliminates overhead costs such as operational costs and intermediation costs. As a result, peer to peer lending can offer more competitive interest rates for both borrowers and investors by cutting margins that are usually taken by banks.

The research method used in this paper is the normative method. Researchers will select several relevant cases for in-depth analysis, as well as conduct a study of various related laws, regulations and regulations governing consumer data protection. Researchers will conduct a search for the development of regulations and policies related to consumer data protection in online loans. Researchers will also conduct a literature study related to understanding concepts and theories related to consumer data protection. This research is expected to provide a good understanding of consumer data protection for online loan payments, this approach will provide a solid foundation for analyzing and compiling this research.

From the background above, there are several problem formulations that I can conclude as follows:

- a. What are the consumer data protection regulations in Indonesia, related to online loans?
- b. What are the Legal Efforts to pay debts in online loan transactions?

The purpose of this study is to analyze consumer data protection in applying for online loan repayments, as well as provide recommendations regarding more effective consumer data protection efforts. The benefit of this research is to provide a better understanding of consumer data protection and settlement of online loan repayments. , as well as providing recommendations to related parties in an effort to improve consumer data protection in Indonesia.

## **2. Results and Discussion**

### **1. Consumer data protection regulations in Indonesia, in online loans**

#### **a. Online Loan Consumer Protection**

As a form of consumer protection for online loan customers in fintech services, it is also guided by

regulations issued by several relevant agencies such as the OJK, the Ministry of Communication and Informatics to Bank Indonesia where consumer protection rules are regulated in the ITE Law, the UUPK and are also regulated in POJK NO. .77/2016. As for the rights of consumers as parties to enjoy services that are spelled out in the provisions of Law no. 8 of 1999 concerning Consumer Protection (UUPK) including: (1) rights to comfort, security and safety in consuming goods and/or services; (2) the right to choose goods and/or services and obtain said goods and/or services in accordance with the exchange rate and conditions as well as the guarantees promised; (3) the right to information that is correct, clear, and be honest about the conditions and guarantees of goods and/or services; (4) the right to hear opinions and complaints about the goods and/or services used; (5) the right to obtain proper advocacy, protection, and efforts to resolve consumer protection disputes; (6) the right to receive guidance and consumer education; (7) the right to be treated or served correctly and honestly and not discriminatory (8) the right to receive compensation, compensation and/or reimbursement, if the goods and/or services received are not in accordance with the agreement or not as they should be; (9) the rights regulated in the provisions of other laws and regulations. and efforts to resolve consumer protection disputes properly; (6) the right to receive guidance and consumer education; (7) the right to be treated or served correctly and honestly and not discriminatory (8) the right to receive compensation, compensation and/or reimbursement, if the goods and/or services received are not in accordance with the agreement or not as they should be; (9) the rights regulated in the provisions of other laws and regulations.

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Consumer protection in online loans is very

important in maintaining the privacy and confidentiality of their personal information. ITE Law, UUPK, and POJK No. 77/2016 provides a strong legal basis for protecting consumer privacy in the context of using online loan services. Consumers have the right to know how personal data is collected, used and processed by online loan service providers. Online loan service providers must implement adequate security measures to protect consumer data from unauthorized access, alteration or leakage. In the event of a breach, service providers are also required to provide notice to affected consumers so they can take the necessary measures to protect themselves personally. Based on the provisions of article 1 paragraph 3 POJK No. 77/2016, this online loan Fintech is a financial service provider that bridges between lenders and loan recipients to enter into loan agreements Borrow in Rupiah Currency Directly Utilizing Internet Network Media Existence of Fintech Peer to peer Lending Services Or Usually in Society as Loan Services Online, which is directly supervised by the Official Financial Services Authority (OJK).

Consumer protection, the implementation of administrative sanctions and criminal sanctions against violations committed by fintech illegal loans is very important in protecting consumers. The government can increase the fintech lending industry's compliance with existing regulations, such as imposing severe sanctions, including fines and operational violations on illegal fintech, there is a deterrent effect that provides incentives for industry players to comply with regulations and avoid violations.

The national consumer protection agency has an important role in protecting consumer rights. Through monitoring, law enforcement and dispute resolution this agency keeps consumers from becoming victims of harmful business practices, fraud or other violations. Through this effort the national consumer protection agency helps increase consumer literacy to become smarter and able to make the right decisions in using services. In doing so, this body creates a balanced and fair environment in the consumer relations of service providers.

### **b. Regulations and Regulations for Online Loan Dispute Resolution**

Online loan dispute resolution regulations stipulated under the ITE Law and Bank Indonesia Regulation (PBI) 19/12/PBI/2017 aim to protect consumers who are often vulnerable to practices that

are disadvantaged. This regulation guarantees that consumers have a fair and transparent mechanism to resolve disputes with online loan service providers if problems occur. This avoids confusion and minimizes the possibility of harm by either party and gives confidence to consumers that they can file a complaint and get a fair resolution choosing the method that suits their needs with the aim of reaching a fair and speedy solution.

In the framework of the implementation of Government Regulation no. 71 of 2019, the Ministry of Communication and Informatics has also issued further regulations related to the implementation of electronic systems and transactions, such as Minister of Communication and Informatics Regulation No. 20 of 2016 concerning Protection of Personal Data in Electronic Systems. It is hoped that this regulation can increase safer, more convenient and efficient digital and electronic transactions in Indonesia.(Susi Yanuarsi, H, 2022)Government Regulation no. 71 of 2019 concerning Information System Operators and Electronic Transactions is a regulation issued by the Government of Indonesia in 2019. This regulation establishes basic principles for operating electronic systems and transactions in Indonesia to protect the interests and privacy of its users. Organizers must ensure the security of their systems by implementing various security measures such as data encryption, user identification and authentication systems, and protection against cyber attacks. Dispute Resolution in Government Regulation No. 71 of 2019 also regulates dispute resolution through mediation and other approaches depending on the decisions of both parties.

## **2. Legal efforts to pay debts in online loan transactions**

### **a. Criminal Sanctions Against Settlement of Online Loan Debt**

Criminal violations in the context of online loan debt settlement can result in several sanctions, both for online lenders and those who borrow funds. settlement of online loan debts that lead to criminal acts. Incidents like this are certainly very troubling and can threaten the privacy of your personal data. Therefore, before getting caught up in a similar problem, let's get to know the two laws that play a role in enforcing laws related to online loan consumers: the Criminal Code, there are articles that regulate

debt settlement, such as Articles 372 to 378 which discuss fraud and embezzlement. In addition, Article 383 also regulates unlawful acts related to the use of credit cards or other banking facilities. Articles 368 and 369 Criminal extortion or threats can be imposed on online lenders if they commit acts of extortion or threats to collect debt payments. On the other hand, ITE regulates electronic transactions and online communications, including the use of personal data and the dissemination of unauthorized information. ITE criminal violations of Article 27 paragraph 1, 28 paragraph 1 and 29, will be imposed on parties who disseminate information that is detrimental, harassing, or defamatory to online lenders or loan applicants. By understanding these two laws, online loan consumers can avoid harmful criminal acts. Some of the criminal sanctions that can be imposed include fines to imprisonment.

before deciding to use an online loan service, make sure you understand your rights and obligations as a consumer, and don't easily get stuck with loan offers that are unclear and threaten the privacy of your personal data. Criminal sanctions that can be applied to cases of violations above include fines, imprisonment, supervision, and rehabilitation. In addition, the party who feels aggrieved can also file a claim for compensation for the loss suffered as a result of the violation. Therefore, both online lenders and loan applicants must understand and comply with applicable regulations in order to avoid criminal sanctions and avoid legal disputes in settling online loan debts.

#### b. Administrative Sanctions Against Settlement of Online Loan Debt

Looking at the process of resolving consumer disputes in court proceedings, it appears that there are loopholes that business actors can exploit to release their obligations so that consumers remain in a disadvantaged position. Consumers who have been harmed materially because the goods received are not in accordance with what was agreed upon and the time, energy, thoughts and costs incurred in undergoing the trial must still bear the loss again by not getting compensation, compensation and/or reimbursement in accordance with Article 4 letter h UUPK.(Ahmad Fauzi, Ismail Koto, 2022)

Litigation in Settlement of Online Loan Debt Is a Dispute Resolution Process Through the Courts. Litigation can be carried out if the lender has legal evidence of the existence of a debt that has not been paid by the borrower and has made efforts to settle outside the courts. The

following is an explanation regarding online loan debt settlement litigation. For example, the lender can file a lawsuit with the court if there is no settlement or payment of debt by the borrower. The lawsuit can be filed in a district court or religious court according to the location of the address of the defendant's residence at the time the lawsuit is filed, after the lawsuit is received by the court and determined as a case, the trial process will begin. At the trial, the party filing the lawsuit must prove that there is a debt that has not been repaid by the borrower. After listening to witness statements and evidence submitted by both parties, the court will issue a decision. The court's decision can be in the form of accepting, rejecting, partially approving the lawsuit or imposing a prison sentence on the borrower if it is proven that he has committed an unlawful act. If the Court's Decision Has Permanent Legal Force, Then the Implementation of the Decision Can Be Done. Implementation of Decisions in Settlement of Online Loan Debt Is Done By Executing Selling Borrower's Property Or Carrying Out Examinations To The Bank Or Office So That Borrowers Pay Their Obligations. In accordance with the provisions of Article 1233 of the Civil Code, It can be said that the lawsuit for default is based on an agreement that was born because of an agreement, while the lawsuit for unlawful acts is based on an agreement that was born because of a provision of laws and regulations, both laws, government regulations and other regulations. However, filing lawsuits and resolving online loan debts through litigation can be an option when all non-legal settlement efforts have been completed and are unsuccessful. Litigation can also be an option when a lender considers that their rights have been impaired and has taken all possible resolutions without success. However, litigation can be costly and time consuming, so the parties involved must consider carefully before taking such steps. Submission of Online Loan Debt Settlement Lawsuits can be filed at District Courts or at Religious Courts, Because Both Courts Have Jurisdiction to Handle Civil Cases. The choice between a district court or a religious court must be in accordance with the authority of each court and must pay attention to geographical aspects. This Aims To Facilitate The Court Process, Reduce Costs And Time And Minimize Difficulties In Sending Letters And Attendance At Court.

In Article 58 of Law no. 48 of 2009 concerning Judicial Power, it is stated that "Efforts to settle civil disputes can be made outside the state court through arbitration or alternative settlements" and in Article 60 paragraph (1) it is stated that "Alternative dispute resolution is an institution for dispute settlement or dissent through procedures that agreed upon by the parties, namely out-of-court settlement by

way of consultation, negotiation, mediation, conciliation, or expert judgment". From the statutory provisions, mediation is an alternative provided and recognized by the state in resolving disputes.(Goddess, 2022)

Several Ways of Online Loan Debt Settlement Methods for Non-Litigation Pathways. One way to resolve online loan debt disputes is through negotiations or negotiations. Lenders and borrowers can talk directly to find the best way to pay off debt together. In Negotiations, Both Parties must Listen to Each Other and Try to Reach a Profitable Agreement for Both. Another alternative to resolving loan debt disputes online through non-litigation is mediation. The mediator is a neutral third person and acts as a facilitator in helping both parties reach an agreement. Mediators Usually Have Skills And Experience In Dispute Resolution, and Can Help Resolve Problems In A Way That Is Profitable For Both Parties. Lenders and Borrowers Can Agree on Payment Plans to Pay Off Debt Gradually Within a Certain Time. This payment plan is usually made based on the borrower's ability to pay and depends on the amount of online loan debt. In addition, sometimes lenders and borrowers may decide to renegotiate loan terms or a new agreement can help change interest rates and normalize payment bills. Non-Litigation Methods Are Usually Considered As A Safer And Cheaper Option Compared To Traditional Court Processes. However, This Method Requires Good Collaboration and Communication Between Lenders and Borrowers To Reach an Agreement. Although this process can take time, it can be a safer and easier way to resolve online loan debt disputes. In non-litigation online loan debt settlement, there are various obstacles: namely, online loan debt settlement through non-litigation sometimes becomes difficult if the lender cannot fully trust the borrower or the borrower is reluctant to work together. Because there are no trials being held, there are no punitive sanctions that can be applied to borrowers who do not return their debts. Online lenders often have difficulty tracking down borrowers who are running from debt. This makes the loan debt settlement process more difficult. Online Loan Debt Settlement Cases Through Non-Litigation, The lender has no choice but to tolerate late payments or postpone loan payments without regulatory support that has been officially decided. Without written evidence or a clear agreement between the two parties, the online loan debt settlement process through non-litigation becomes less effective.

Settlement of online loan debts through litigation or non-litigation channels depending on each case and no situation is considered

better or worse in relation to online loan debt settlement. Both Paths Have Some Advantages And Disadvantages That Must Be Considered Carefully By Both Parties. The advantage of the litigation route is that the settlement process can be clearly regulated by law and usually has equivalence in documented legal action and is generally seen as a fair process. Meanwhile, the advantage of the non-litigation route is that a solution can be reached more quickly and at a lower cost, and allows both parties to speak directly. the truth is, Many online loan debt disputes are resolved without going through a litigation process, such as through mediation or negotiation. Therefore, it is important for both parties to consider each of the factors and their needs before deciding to choose an online loan debt settlement path.

Administrative Sanctions Are Legal Actions Taken by the Government to Enforce Rules, Procedures and Regulations Providing Non-Litigation Punishments Against Certain Administrative Violations. Administrative Sanctions Are Usually Given As Gentle And Non-Litigation Legal Actions, Compared With Strict Criminal Sanctions Such As Prison Or Large Fines. Administrative Sanctions Aim to Correct Violations or Mistakes, Create a Deterrent Effect and Prevent Future Violations Without Having to Involve Lengthy Court Processes. Administrative Sanctions Can Be Addressed To Companies Or Individuals Who Violate The Rules, Be It In The Field Of Environment, Health, Occupational Safety, Business Competition, Or Even Violations Of Human Rights And Personal Data Protection. Administrative Sanctions Can Be in the Form of Reprimands, Warnings, Awards or Their Removal, Termination and Revocation of Business Licenses, and Administrative Fines, or Non-material Sanctions. Administrative Sanctions Can Be Enforced By Central Or Regional Governments Stipulated In Laws Or Regional Regulations, As Well As Law Enforcement Agencies Such As Authorities Regulating Consumer Protection Or Financial Oversight Authorities.

Every country usually has a different system of administrative sanctions but still carries out the same goal, namely enforcing rules, preventing violations and providing legal protection to the public. Administrative Sanctions for Violators of Consumer Data Protection in Settlement of Online Loan Debt Payments Can Be Determined based on Any Data Protection Regulations or Laws Applicable in the Region in question. The following are administrative sanctions that can be applied to consumer data protection violators: For example, violations of consumer data protection can result in significant fines for lenders or data

processing companies. The amount of this fine depends on the level of violation and regulations imposed by the local authorities. The Consumer Data Protection Authority can ask lenders and borrowers to resolve disputes through peace agreements. The goal is to reconcile the two parties in a way that is fair and strengthens consumer rights. The Financial Services Authority can order lenders or companies that process data to stop activities that violate consumer data protection. The Financial Services Authority can withdraw permits or licenses for parties who are proven to have continuously violated consumer data protection. If Violations of Consumer Data Protection When Resolving Online Loan Debts Through Non-Litigation Channels Cannot Be Resolved Through Peace Agreements, Then the Consumer Party Or Data Protection Authority Can Proceed With Lawsuits To Get Compensation. This administrative sanction aims to place penalties on parties who violate consumer data protection when settling online loan debts, and to provide a deterrent effect on these parties so they don't commit repeated violations. Apart from that, it also provides legal certainty and protection of consumer rights in managing online loan debt disputes fairly and openly.

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### 3. Conclusion

Based on the discussion of the problems above, it can be concluded:

1. Regulations related to data protection and consumer privacy in the settlement of online loan debt payments are still relatively few. This raises concerns about user security and privacy in online loan services which are increasingly popular and growing in Indonesia. It can be concluded that the current regulations in Indonesia include the Minister of Communication and Informatics Regulation No. 20 of 2016 concerning Protection of Personal Data in Electronic Systems and Government Regulation No. 71 of 2019 concerning Electronic System and Transaction Operators. Consumer Protection for Online Loan Customers in fintech services is also guided by regulations issued by several relevant agencies such as OJK, Kemkominfo to Bank

Indonesia where consumer protection regulations are regulated in the ITE Law, the UUPK and are also regulated in POJK NO.77/2016. the rights of consumers as parties to enjoy the services outlined in the provisions of Law No. 8 of 1999 concerning Consumer Protection (UUPK). settlement of online loan debt payments. The importance of protecting personal data for consumers in online loan services demands better and stricter regulations. Therefore,

2. Criminal violations in the context of online loan debt settlement can result in several sanctions, both for online lenders and those who borrow funds. settlement of online loan debts that lead to criminal acts. Incidents like this are certainly very troubling and can threaten the privacy of your personal data. In addition, Article 383 also regulates unlawful acts related to the use of credit cards or other banking facilities. Articles 368 and 369 Criminal extortion or threats can be imposed on online lenders if they commit acts of extortion or threats to collect debt payments. On the other hand, ITE regulates electronic transactions and online communications, including the use of personal data and the dissemination of unauthorized information. Criminal violation of ITE Article 27 paragraph 1, 28 paragraphs 1 and 29, will be imposed on parties who disseminate information that is harmful, harassing, or slandering online lenders or loan applicants. Several Ways of Online Loan Debt Settlement Methods for Non-Litigation Pathways. One way to resolve online loan debt disputes is through negotiations or negotiations. Settlement of online loan debts through litigation or non-litigation channels depending on each case and the situation that occurs. Nothing is considered better or worse in relation

to online loan debt settlement. Both Paths Have Some Advantages And Disadvantages That Must Be Considered Carefully By Both Parties. Administrative Sanctions Aim To Correct Violations Or Mistakes, Creating a Deterrent Effect and Preventing Future Violations Without Involving Lengthy Court Processes. Administrative Sanctions Administrative Sanctions Can Be in the Form of Reprimands, Warnings, Awards or Removals, Termination and Revocation of Business Licenses, and Administrative Fines, or Non-material Sanctions.

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Criminal Code articles 372-378 concerning fraud and embezzlement, Article 383 concerning unlawful acts, articles 368-369 extortion or threats

ITE Law Article 27 paragraph 1, 28 paragraph 1 and 29

Law no.8 of 1999 concerning consumer protection (UUPK), article 4 letter H

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