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Illegal Online Lending in Indonesia: Mapping Criminal Liability and Strengthening Victim Protection

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Abstract

This study aims to analyze the forms of criminal liability of illegal online loan providers and to formulate a legal protection model for victims within the framework of national criminal law.

The method used is normative juridical with a legislative and conceptual approach, through an examination of various related regulations, court decisions, and criminal law and consumer protection doctrines.

The novelty of this research lies in its comprehensive mapping of the criminal liability regime for illegal online lending across laws-including the Criminal Code, the Electronic Information and Transactions Law, the Personal Data Protection Law, the Consumer Protection Law, the Trade Law, OJK regulations, and the Money Laundering Law-as well as its affirmation of the function of criminal punishment as a preventive legal protection instrument for potential victims.

The results of the study show that illegal online lending practices fulfill the elements of various criminal acts, including fraud, extortion, defamation, threats, dissemination of false information, misuse of personal data, misleading promotion, unlicensed business activities, and money laundering, so that the perpetrators can be held cumulatively criminally liable. In addition, criminal law enforcement against perpetrators serves as a form of preventive and repressive protection for the community.

The conclusion of this study confirms that strengthening integrated criminal law enforcement that is victim-oriented and supported by public legal and financial literacy is a key prerequisite for suppressing illegal online lending practices and protecting the public from the trap of technology-based financial crime.

Keywords: Criminal Liability; Illegal Online Lending; Victim Protection; Fintech; Criminal Law

Abstrak

Penelitian ini bertujuan untuk menganalisis bentuk pertanggungjawaban pidana penyelenggara pinjaman online ilegal serta merumuskan model perlindungan hukum bagi korban dalam kerangka hukum pidana nasional.

Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan dan konseptual, melalui telaah terhadap berbagai regulasi terkait, putusan pengadilan, serta doktrin hukum pidana dan perlindungan konsumen.

Kebaruan penelitian ini terletak pada pemetaan komprehensif rezim pertanggungjawaban pidana pinjaman online ilegal lintas undang-undang-meliputi KUHP, UU ITE, UU Perlindungan

Data Pribadi, UU Perlindungan Konsumen, UU Perdagangan, peraturan OJK, dan UU Tindak Pidana Pencucian Uang-serta penegasan fungsi pemidanaan sebagai instrumen perlindungan hukum preventif bagi korban potensial.

Hasil penelitian menunjukkan bahwa praktik pinjaman online ilegal memenuhi unsur berbagai tindak pidana, antara lain penipuan, pemerasan, pencemaran nama baik, ancaman, penyebaran informasi bohong, penyalahgunaan data pribadi, promosi menyesatkan, kegiatan usaha tanpa izin, dan pencucian uang, sehingga pelakunya dapat dimintai pertanggungjawaban pidana secara kumulatif. Selain itu, penegakan hukum pidana terhadap pelaku berfungsi sebagai bentuk perlindungan preventif dan represif bagi masyarakat.

Kesimpulan penelitian ini menegaskan bahwa penguatan penegakan hukum pidana yang terintegrasi, berpihak pada korban, serta didukung literasi hukum dan keuangan publik merupakan prasyarat utama untuk menekan praktik pinjaman online ilegal dan melindungi masyarakat dari jeratan kejahatan finansial berbasis teknologi.

Kata Kunci: Pertanggungjawaban Pidana; Pinjaman Online Ilegal; Perlindungan Korban; Fintech; Hukum Pidana

1. INTRODUCTION

The ongoing, dynamic, and complex development of the world plays a pivotal role in shaping alterations in the structure of life. One of the crucial aspects of life affected by development is the economy.¹ Fluctuations in economic developments affect market prices. These changes in market prices have considerable consequences for purchasing power across society, including basic necessities. This change is not separate from the ongoing rise in inflation. Inflation can have both positive and negative impacts. In a controlled inflation environment, it can create a system that fosters economic development and stable food prices.² However, if inflation is uncontrolled, it can lead to financial turmoil that directly affects people's lives, driving up food prices and eroding purchasing power.³ Rising food prices, especially those of basic necessities, naturally make it harder for people to afford them. As essential goods become increasingly unaffordable, communities experience greater financial pressure. This economic pressure from inflation has become a major driving factor, compelling individuals to seek alternative financial solutions, including reliance on online lending services. Consequently, the rise in inflation and the decline in purchasing power significantly contribute to increased reliance on online loans, including illegal platforms.

Based on data from the official Trading Economics website in 2025, Indonesia's inflation rate is approximately 2.5%.⁴ The Central Statistics Agency of Indonesia recorded an inflation rate of 2.65% in October 2025.⁵ This has led to a decrease in the public's purchasing power

¹ Danafina, "Fluktuasi Harga: Pengertian, Penyebab, Dampak, Dan Strateginya," Danafina.Com, November 27, 2023, <https://www.danafina.com/fluktuasi-harga-pengertian-penyebab-dampak-dan-strateginya/>.

² Erika Feronika Br Simanungkalit, "Pengaruh Inflasi Terhadap Pertumbuhan Ekonomi Di Indonesia," *JOURNAL OF MANAGEMENT* 13 (2020), <https://doi.org/10.35508/jom.v13i3.331>.

³ Simanungkalit, "Pengaruh Inflasi Terhadap Pertumbuhan Ekonomi Di Indonesia."

⁴ "Indonesia - Tingkat Inflasi | 1997-2025 Data | 2026-2027 Perkiraan," accessed May 6, 2025, <https://id.tradingeconomics.com/indonesia/inflation-cpi>.

⁵ Badan Pusat Statistik Indonesia, "Inflasi year-on-year (y-on-y) pada September 2025 sebesar 2,65 persen," accessed January 12, 2026, <https://www.bps.go.id/id/pressrelease/2025/10/01/2468/inflasi-year-on-year--y-on-y-->

due to rising market prices.⁶ The increase in the prices of basic necessities prompts the community to seek additional income to meet their needs. One common step taken by the community to obtain extra money is to take out loans or incur debts.

The progression of digital innovation, harmonized with the internet revolution, has catalyzed substantial transformation in the financial services industry toward electronic-based services. One form of this innovation is financial technology (fintech), which brings ease, efficiency, and modernization to financial activities. One type of fintech that has rapidly developed is peer-to-peer lending, or online lending, which is a service for borrowing and lending money through digital platforms. This service allows the public to access credit quickly without face-to-face interaction; thus, it is considered capable of supporting economic recovery.⁷ As a manifestation of technological progress, online lending reflects the strides made in information technology. The development of technology can create solutions to problems if used wisely and correctly. The use of technology without an understanding of its application can lead to problems in the future. One of them is the emergence of issues related to online lending. Online lending is one of the forms considered practical by the public, arising from advancements in technology in the field of financial technology.⁸ Nevertheless, alongside these advantages, arises a considerable risk stemming from illicit online lending activities that function without authorization from competent authorities.

Online lending can be categorized into two types: legal online loans and illegal online loans. The community's increasing tendency toward a more consumptive lifestyle has led to higher spending to fulfill lifestyle demands, often prompting some members to take shortcuts by resorting to illegal online loans, which are perceived as easier to obtain.

The Financial Services Authority (OJK) revealed that many people are still trapped in illegal online loans. This condition is attributable to multiple determinants, including fulfilling lifestyle needs, paying off previous debts, consumer behavior, and economic pressure. Online loans are considered convenient by the public because they offer many conveniences, including borrowing requirements, loan terms, and loan limits, as well as various forms of financing.⁹ The convenience arising from online loans ultimately resembles a double-edged sword that can have both negative and positive impacts on its users. The positive impact that arises is the ease of making payments and financing.¹⁰ However, the negative impact that arises is the increase in the consumerist lifestyle of the community.¹¹

pada-september-2025-sebesar-2-65-persen.html.

⁶ Mely Angraeni et al., "Analisis Dampak Inflasi Terhadap Daya Beli Masyarakat," *Journal of Economics Development Research* 1, no. 3 (2025): 82–90, <https://doi.org/10.71094/joeder.v1i3.143>.

⁷ Vira Yuspita Fitri et al., "Investasi Bodong Dan Pinjaman Online Ilegal: Jeratan Manipulasi Psikologis," *Journal of Education Research* 5, no. 4 (2024): 4944–51, <https://doi.org/10.37985/jer.v5i4.1270>.

⁸ Sheila Wijayanti, "Dampak Aplikasi Pinjaman Online Terhadap Kebutuhan Dan Gaya Hidup Konsumtif Buruh Pabrik," *MIZANIA: Jurnal Ekonomi Dan Akuntansi* 2, no. 2 (2022): 230–35, <https://doi.org/10.47776/mizania.v2i2.592>.

⁹ Redaksiku, *OJK ungkap Alasan Masyarakat Terjerat Pinjol Ilegal*, Keuangan, March 2, 2024, <https://www.redaksiku.com/ojk-ungkap-alasan-masyarakat-terjerat-pinjol-ilegal/>.

¹⁰ Wijayanti, "Dampak Aplikasi Pinjaman Online Terhadap Kebutuhan Dan Gaya Hidup Konsumtif Buruh Pabrik."

¹¹ Wijayanti, "Dampak Aplikasi Pinjaman Online Terhadap Kebutuhan Dan Gaya Hidup Konsumtif Buruh Pabrik."

One example of the negative impact of illegal online lending can be seen in the case of a 62-year-old mother living in South Jakarta. She struggles to free her 25-year-old child, who is entangled in digital loans amounting to nearly two billion rupiah. Her child accessed loans from various online loan accounts and did not realize that the interest would keep increasing until it felt suffocating. From 2021 until early 2024, the mother and her child faced terror from online loan collectors. The terror was carried out through dozens of phone calls, and the debt collectors also came to their house, even to the neighborhood association (RT) officials in their area, to inform them that her child was in debt. The debt collectors also accessed the phone numbers in the child's contact list, and everyone in that list was informed that the child owed money and had not paid it off. To pay off the online loan debt, the mother, who works as an employee at a private company, had to use her savings and monthly salary and borrow from friends, relatives, and cooperatives. The experience of being caught in online loans traumatized her.¹²

Previous research titled "The Application of Criminal Law in Handling Illegal Online Loan Cases" analyzes the significance of enforcing criminal law in addressing cases of unlawful online lending, particularly against operators responsible for generating both tangible and intangible losses, should not only have their operational licenses and applications revoked, but they also need to be prosecuted under criminal law. If not, they can create a new business by changing their application. The DPR RI must stimulate cooperation among related entities, united by a joint statement of commitment, to fortify preventive and repressive actions against unlawful online loan activities, ensuring that perpetrators are legally processed and subjected to imprisonment and/or fines as criminal sanctions.¹³

Supreme Court Decision Number 1206 K/Pdt/2024 dated April 24, 2024, on a citizen lawsuit regarding online loans, ruled that the President, Vice President, and Chairman of the DPR must supervise and instruct the Ministry of Communication and Digital (Kemkomdigi) and the Financial Services Authority (OJK) to create regulations governing legal protection for all users of online loan applications, establish an integrated and competent personal data protection monitoring system, and implement rigorous legal actions toward offenses arising in online loan activities.¹⁴

Based on the above background, it is important to analyze the criminal law aspects of illegal online loans, specifically focusing on the criminal liability of illegal online lending providers and the legal protections available to victims of such lending. This research aims to

¹² Sonya Hellen Sinombor et al., "Ketika Utang Pinjol Mencekik Leher Perempuan Kepala Keluarga...", <https://www.kompas.id/>, accessed August 10, 2025, <https://www.kompas.id/artikel/ketika-utang-pinjol-mencekik-leher-perempuan-kepala-keluarga>.

¹³ Puteri Hikmawati, "Pengembalian Kerugian Keuangan Negara dari Pembayaran Uang Pengganti Tindak Pidana Korupsi, Dapatkah Optimal? (Return of State Financial Losses from The Payment of Substitute Money Corruption Criminal Act, Can It Be Optimal?)," *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 10, no. 1 (2019): 89–107, <https://doi.org/10.22212/jnh.v10i1.1217>.

¹⁴ Humas Kemenkum Bali, "Pemerintah Betuk Tim Pokja untuk Tindak Tegas Pinjaman Online Ilegal," <https://bali.kemenkum.go.id/>, January 21, 2025, <https://bali.kemenkum.go.id/berita-utama/pemerintah-bentuk-tim-pokja-untuk-tindak-tegas-pinjaman-online-ilegal>.

promote more robust criminal law enforcement against illegal online lenders within this defined legal context and to encourage efforts in criminal law enforcement against illegal online loan providers as protection to the society.

2. METHOD

This research employs a normative juridical research method,¹⁵ which focuses on examining legal norms, principles, and doctrines contained in statutory regulations and other authoritative legal sources. The normative nature of this research lies in its objective to analyze the legal framework governing illegal online lending, assess the applicability of criminal provisions, and evaluate the adequacy of existing legal protections for the public.

The research approach used is the statute approach, supported by a conceptual approach. Through the statute approach, all relevant laws and regulations are systematically examined to understand the legal construction and regulatory framework related to illegal online lending. In line with Peter Mahmud Marzuki's view, the statute approach is conducted by reviewing legal provisions that directly or indirectly regulate online lending activities and criminal sanctions imposed on illegal lending practices.¹⁶

The legal materials used in this research consist of: Primary legal materials, including Indonesian statutory regulations such as the Criminal Code, Trade Law, Financial Services Authority Regulations, Electronic Information and Transactions Law, Personal Data Protection Law, Consumer Protection Law, and Anti-Money Laundering Law. Secondary legal materials, including textbooks, journal articles, research reports, and expert opinions relevant to the topic. Tertiary legal materials, including legal dictionaries, encyclopedias, and supporting reference materials. The legal material collection technique is carried out through a literature study, by collecting documents, statutory regulations, academic writings, and relevant court decisions. The method of analysis used in this research is qualitative normative analysis. The collected legal materials are systematically classified, interpreted, and analyzed to identify legal issues, assess the consistency and adequacy of existing regulations, and develop arguments to answer the research problems. Through this method and approach, this research is expected to provide a comprehensive analysis of the criminal law aspects of illegal online lending and contribute to strengthening law enforcement and legal protection for the public.

3. DISCUSSION

3.1. Criminal Liability of Illegal Online Loan Providers

The accelerated development of technology is transforming the structure and patterns of community life. This change in lifestyle patterns is evident from the forms of activities that are beginning to shift within the community. Society, which initially still emphasized conventional traits and attitudes, is beginning to shift toward a more modern approach that emphasizes digitalization or the use of the internet.¹⁷ One tangible form of this digitalization

¹⁵ Peter Mahmud Marzuki, "Penelitian Hukum: Edisi Revisi - Prof. Dr. Mahmud Marzuki - Google Buku," 2017, <https://books.google.co.id/books?id=CKZADwAAQBAJ&printsec=copyright&hl=id#v=onepage&q&f=false>.

¹⁶ M. Fajar et al., *Dualisme Penelitian Hukum: Normatif & Empiris* (Pustaka Pelajar, 2010), <https://books.google.co.id/books?id=M-jWSAAACAAJ>.

¹⁷ Dea Justicia Ardha et al., "Mekanisme Pinjaman Online Yang Diakui Negara (Perspektif Hukum Dan Agama) Di

is the emergence of online-based financing. Online lending, also known as online loans, is a financing service that uses technology to facilitate borrowing and lending, providing convenience because transactions are conducted without the need for face-to-face engagement between the two parties.¹⁸ In addition to being popularly called online loans, they are also referred to in English as financial technology (Fintech). The legal framework for such services is established in the Financial Services Authority Regulation of the Republic of Indonesia No. 40 of 2024 concerning Information Technology-Based Peer-to-Peer Lending Services, which governs requirements, implementation mechanisms, and administrative sanctions for LPBBTI providers.

There are legal distinctions between legal and illegal fintech lending: legal fintech is subject to OJK licensing and consumer protection mechanisms, while illegal fintech operates outside the legal system. The following are several distinctions between legal and illegal fintech lending. Illegal fintech lending is not supervised by any specific authority in its lending operations, whereas licensed fintech lending providers are under the supervision of the Financial Services Authority (OJK), which ensures compliance with consumer protection principles. Illegal fintech lending platforms impose excessive, non-transparent fees and penalties, while licensed fintech providers are required to provide clear information on interest rates and the maximum penalties that may be imposed on users. The Indonesian Fintech Association (AFPI) sets a maximum daily loan cost of 0.8% and stipulates that the total cost, including penalties, may not exceed 100% of the principal loan amount. Illegal fintech lending providers operate without complying with regulations, including OJK regulations and other statutory provisions, while licensed fintech lending providers are required to comply with OJK regulations and all other applicable laws.¹⁹

Online loans are considered convenient for the public. This convenience stems from the process and flow of borrowing funds, as well as the absence of collateral or security requirements. This is considered easier than borrowing funds at conventional banks. However, the convenience offered by online lenders is actually being abused by the public. Now, online loans have developed into two types: legal online loans, registered and licensed by the Financial Services Authority (OJK), and illegal online loans, registered, licensed, and supervised by the OJK. Illegal online loans have much easier requirements than legal ones. This often tempts people to use them. The initial intention of borrowing for business capital becomes a loan used to maintain a consumptive lifestyle, creating a situation of digging a hole to cover a hole to repay the loans.²⁰

Tanjung Atap Barat Kabupaten Ogan Ilir," *Asabiyah: Jurnal Pengabdian Hukum* 1, no. 1 (2023), <https://doi.org/10.32502/jph.v1i1.5926>.

¹⁸ Sharda Abrianti et al., "Dampak Pinjaman Online bagi Masyarakat: Mensejahterakan atau Menyengsarakan? (Studi Tentang Pandangan Masyarakat di Wilayah Bintaro, Tangerang Selatan)," *UNES Law Review* 6, no. 4 (2024): 10420–31, <https://doi.org/10.31933/unesrev.v6i4.1926>.

¹⁹ Otoritas Jasa Keuangan (OJK), "FINTECH LENDING ILEGAL vs FINTECH LENDING TERDAFTAR/BERIZIN," Otoritas Jasa Keuangan (OJK), n.d., accessed January 12, 2026, <https://ojk.go.id/id/kanal/iknb/data-dan-statistik/direktori/fintech/Documents/Fintech%20Lending%20Legal%20vs.%20Ilegal.pdf>.

²⁰ Anna Maria Tri Anggraini and Megawati Simanjuntak, *Dinamika Perlindungan Konsumen di Indonesia*, (IPB Press,

The government is tasked with the responsibility of protecting all citizens, as enshrined in the Fourth Paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia and further reinforced by Article 3 of Law Number 8 of 1999 on consumer protection, which requires the state to maintain a legal framework for consumer protection grounded in the principles of certainty and informational transparency. Until 2024, there were approximately 300 illegal online loan sites shut down by the Financial Services Authority.²¹ This is one form of protection provided by the state to the community.

According to Prof. Sudarto, who cites Mezger's opinion, criminal law is understood as a body of legal rules that associate particular conduct, once satisfying prescribed requirements, with corresponding criminal repercussions.²² The rules that organizers of illegal online loans potentially violate include the following:

First, Law Number 7 of 2014 concerning Trade and Regulation of the Financial Services Authority of the Republic of Indonesia Number 40 of 2024 concerning Information Technology-Based Joint Funding Services. Article 24 of Law Number 7 of 2014 on Trade regulates that *"business actors who carry out trade business activities are required to have a permit in the trade sector issued by the Minister or Regional Government or certain technical agencies."* Article 10 of the OJK Regulation Number 40 of 2025 stipulates that *"organizers conducting Peer-to-Peer Lending (P2P Lending) business activities must obtain a business license from the Financial Services Authority (OJK)."* Illegal online loans conduct P2P lending business activities without a license. They are not registered with the authorized licensing authority, which is the Financial Services Authority (OJK); therefore, based on Article 13 of the Financial Services Authority (OJK) Regulation Number 40/2025, the absence of this license is subject to administrative sanctions and administrative fines. Moreover, in accordance with Article 106 of the Trade Law, unlicensed business operators face a potential penalty of up to four years of imprisonment or a monetary fine not exceeding 10 billion rupiah.

Second, Criminal Code (KUHP) The Criminal Code is the legislation regulating material criminal acts in Indonesia. In relation to illegal online loans, there are several actions within them that fall under the category of criminal offenses.²³ Illegal online loans are increasingly moving toward fraudulent schemes, ultimately causing more parties to be harmed. The modus operandi of online loan scams to ensnare victims includes offers via WhatsApp/SMS, direct transfers to the victim's account, advertising on social media, and using names similar to legal fintech funding.²⁴ To convince potential customers regarding online loan services, many online

2023).

²¹ "Easycash," accessed May 26, 2025, <https://easycash.id/blog/daftar-pinjol-ilegal>.

²² Odie Faiz Guslan, "Paradigma Ultimum Remidium Hukum Pidana dalam Masyarakat Indonesia," *RechtsVinding Online: RechtsVinding Media Pembinaan Hukum Nasional*, 2020, https://rechtsvinding.bphn.go.id/jurnal_online/PARADIGMA%20ULTIMUM%20REMIDIUM%20HUKUM%20%20PIDANA%20DALAM%20MASYARAKAT%20INDONESIA%20-%20revEDITCOCO.pdf.

²³ Desti Ariesti Rohim, S.Sos., "RUU KUHP (Kitab Undang-Undang Hukum Pidana)," SIPINTER, accessed August 11, 2025, <https://perpustakaan.dpr.go.id/sipinter/index/detail/id/59>.

²⁴ Admin, "AFPI | Kenali Modus Terbaru Penipuan Pinjol Ilegal yang Menjerat Korban Hingga Jutaan Rupiah," AFPI, accessed August 11, 2025, <https://afpi.or.id/articles/detail/modus-terbaru-penipuan-pinjol-ilegal>.

loan providers give false information to prospective customers. The actions taken by illegal online loan providers constitute a form of fraud as regulated in Article 378 of the Criminal Code. They may be subjected to a custodial sentence not exceeding four years. The methods of debt collection by illegal online loans often involve various forms of threats regarding the dissemination of personal data if payments are not made, as well as extortion, which is regulated in Article 369 Paragraph (1) of the Criminal Code and is punishable by imprisonment for up to four years.

Third, Law Number 1 of 2024 on the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions. Illegal online loan providers ensnare consumers by providing false information related to their services, and victims who have been trapped often receive treatment involving the spread of false news aimed at humiliating or defaming them, disseminated through various forms of electronic media such as WhatsApp, Instagram, Facebook, and others in loan collection. Online loans operate using internet media, thus falling under the regulation of Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law). Within the context of illegal online loans, acts such as defamation are considered criminal. Article 27A *jo*. Article 45 paragraph (4) prohibits the public dissemination of accusations that damage an individual's honor or reputation through electronic information or documents. Perpetrators of this offense may be subject to imprisonment for a maximum of two years and/or fines up to IDR 400,000,000. According to Article 27B *jo*. Article 45(8) of the ITE Law, the distribution or transmission of electronic information or documents aimed at compelling an individual through violent threats to provide goods or loans, admit debts, or cancel obligations is prohibited. The legal consequences include imprisonment for a maximum of six years and/or fines up to IDR 1,000,000,000. Article 29 in conjunction with Article 45B of the ITE Law addresses personal threats, specifically prohibiting the direct transmission of electronic information or documents containing threats of violence or intimidation. Such conduct is punishable by imprisonment for a maximum of four years and/or a fine of up to IDR 750,000,000. Additionally, Article 28 paragraph (1) together with Article 45A paragraph (1) regulates the dissemination of false information, defined as misleading notifications or information that result in material losses for consumers in electronic transactions. This offense carries a maximum penalty of six years' imprisonment and/or a fine of up to IDR 1,000,000,000.

Fourth, Law Number 27 of 2022, on Personal Data Protection. In the development of online loan services in Indonesia, one of the issues that arises is the practice of collecting and misusing users' personal data. When prospective borrowers download the online loan application, crucial information, including contact lists, photographs, and additional personal data stored on their smartphones can be automatically accessed by the service providers. Considering the high penetration of smartphone usage in the daily lives of the Indonesian people, this issue raises serious concerns. The personal data collected by online loan platforms was initially intended for credit scoring and credit risk assessment purposes. However, in practice, this data is often misused for unethical debt collection. Borrowers who experience

late payments often become targets of intimidation, such as the dissemination of debt information to their personal contacts, including through WhatsApp groups. Such actions not only violate privacy but also impose significant psychological pressure on the borrower.²⁵ The defense of personal information is an essential right that inherently applies to every individual. Customer personal data often becomes the target of privacy violations in online loan services.²⁶ These violations occur not only because data is collected without clear consent, but also because customers' personal information is disseminated to third parties without permission²⁷. Illegal online loans do not comply with the provisions of the Financial Service Authority (OJK) Regulations regarding the terms and conditions for online loan service providers. Illegal online loans commit violations by misusing customers' personal data by asking customers to allow access to all data in the gallery, contacts, and user phone information. This data is then used to terrorize the customers. The actions taken by the illegal online loan providers violate Articles 65 and 67 of the Personal Data Protection Law, which regulate the prohibition of "deliberately and unlawfully obtaining or collecting personal data that does not belong to them with the intent to benefit themselves or others, which may cause harm to the Personal Data Subject, disclosing, and also using such personal data." The legal consequence for this act includes imprisonment for up to five years and a monetary penalty of up to five billion rupiah.

Fifth, Law Number 8 of 1999 on Consumer Protection. The Consumer Protection Law was created to protect consumers. Article 8 regulates that business actors must comply with the provisions of legislation. Article 9 regulates that business actors are prohibited from offering, promoting, and advertising incorrectly. Article 10 prohibits business actors from making false and misleading promotions or offers. Illegal online loans violate Articles 9 and 10 when they offer, promote, and provide false information that deceives consumers. According to Article 62, they can be subject to criminal sanctions of up to 5 years in prison and a maximum fine of 2 billion rupiah.

Sixth, Law Number 8 of 2010 on the Prevention and Eradication of Money Laundering. Illegal online loans are closely related to money laundering crimes. Money laundering itself means the transfer of assets derived from criminal activities to make them appear as if they were obtained legally.²⁸ Based on the analysis by the Indonesian Financial Transaction Reports and Analysis Center (PPATK), there is suspicion that funds from criminal activities, both within and outside Indonesia, are being used as capital for illegal online loan businesses.²⁹ This online

²⁵ Tiara Ratnaningrum et al., "Sisi Gelap Dampak Digital Teknologi Di Indonesia (Pinjaman Online Ilegal Di Indonesia)," *INNOVATIVE: Journal Of Social Science Research* 4, no. 1 (2024): 11715–26, <https://j-innovative.org/index.php/Innovative>.

²⁶ Achmad Rufaiddin Syifa and Richard C. Adam, "Perlindungan Data Pribadi Nasabah Peminjam dalam Layanan Pinjaman Meminjam Berbasis Teknologi Informasi Berdasarkan Hukum Perlindungan Data Pribadi," *UNES Law Review* 7, no. 2 (2024): 683–694., <https://doi.org/10.31933/unesrev.v7i2.2352>.

²⁷ Achmad Rufaiddin Syifa and Richard C. Adam, "Perlindungan Data Pribadi Nasabah Peminjam dalam Layanan Pinjaman Meminjam Berbasis Teknologi Informasi Berdasarkan Hukum Perlindungan Data Pribadi."

²⁸ Aulia Ali Reza, "Tindak Pidana Pencucian Uang," *MaPPI FHUI*, n.d., accessed May 26, 2025, <https://mappifhui.org/wp-content/uploads/2020/03/Tindak-Pidana-Pencucian-Uang.pdf>.

²⁹ "PPATK Temukan Dugaan Aliran Dana Hasil Kejahatan Dari Luar Negeri Untuk Modal Pinjol Ilegal," accessed August 11, 2025, <https://nasional.kompas.com/read/2021/11/22/20590721/ppatk-temukan-dugaan-aliran-dana->

lending pattern is often used to launder money by purchasing assets, converting them into other forms, and disguising them. Money laundering crimes can be carried out through online lending services/technology-based peer-to-peer lending services, using the modus operandi of employing online loans as a means to conceal the origins of assets derived from criminal activities.³⁰ Based on this action, online loan service providers can be charged under Articles 2, 3, 4, and 5 of the Anti-Money Laundering Law, which regulate predicate offenses and actions classified as money laundering, and are subject to criminal sanctions in the form of imprisonment and fines.

3.2. Criminal Law Enforcement Against Illegal Online Lending Providers

A country that upholds the supremacy of law and provides its citizens access to justice is known as a rule of law state. Indonesia is a rule-of-law state, so every action must be regulated by legal guidelines. The existence of law truly depends on regulations that reflect justice for the common good of citizens. Because the applicable law will bind the parties involved, the law is essential.³¹

Legal certainty constitutes a fundamental aim of the legal system, signifying that justice is manifested through the consistent application of legal rules and the protection of actions irrespective of who undertakes them. Legal certainty provides assurance, enabling people to anticipate the outcomes of their decisions under the law. Law devoid of certainty loses its meaning because it cannot operate as a reliable guide for societal conduct.³² For example, in violations committed by illegal online loans, the government has provided legal certainty for the protection of personal data through Law No. 27 of 2022 concerning Personal Data Protection (PDP Law) which is stated in Article 65 Paragraph (2) with the affirmation that if anyone who intentionally and unlawfully discloses personal data that does not belong to him/her for the benefit of himself/herself or another person which can result in harm to the subject of personal data can be threatened with a maximum imprisonment of 4 (four) years and/or a maximum fine of IDR 4,000,000,000.00.

From various reports in online media regarding the case of illegal online loans, it can be concluded that the main motive for the public accessing these loan services is due to urgent financial needs that their own income cannot meet. In addition to the factor of necessity, some users are also driven by a consumerist lifestyle, impulsive behavior, and the desire to obtain money quickly and easily. Unfortunately, many of them do not realize that the service providers they choose are illegal entities. This situation causes them to get caught up in illegal

hasil-kejahatan-dari-luar-negeri-untuk.

³⁰ Muhammad Farid Wibawa Sakti, "Tindak Pidana Pencucian Uang Melalui Pinjaman Online dalam Prespektif Kebijakan Hukum Pidana" (Skripsi, Universitas Lambung Mangkurat, 2023), <https://digilib.ulm.ac.id/archive/digital/download.php?tkn=307e0dd96daa3dbeb99f32bddd4fbeb920230317eaae31d31c285dc54dd2e90e0275659e>.

³¹ Listiyono et al., "Perlindungan Hukum Nasabah Atas Kerugian Transaksi Pinjaman Online Ilegal Dihubungkan Dengan Undang-Undang Informasi Dan Transaksi Elektronik," *Binamulia Hukum* 12, no. 1 (2023): 109–19, <https://doi.org/10.37893/jbh.v12i1.348>.

³² Listiyono et al., "Perlindungan Hukum Nasabah Atas Kerugian Transaksi Pinjaman Online Ilegal Dihubungkan Dengan Undang-Undang Informasi Dan Transaksi Elektronik."

lending practices and become victims of exploitation, fraud, and even intimidation by the perpetrators. Victims experience inhumane treatment such as coercion, verbal abuse, threats, psychological terror, and even violations of privacy rights, where personal data is used as a tool of pressure to make the victims comply with the perpetrators' demands. Furthermore, it is known that the perpetrators of illegal online loans are not only Indonesian citizens but also foreign nationals.³³

For example, in September 2021, the Indonesian National Police arrested a foreign national identified as the mastermind behind an illegal online lending network that engaged in extortion and threats during the debt collection process. The individual was apprehended at Soekarno–Hatta International Airport, Cengkareng, while attempting to depart for Türkiye. Upon examining the suspect's laptop, the police discovered several allegedly illegal documents, including Indonesian identity cards containing falsified population identification numbers. The perpetrator operated the illegal online lending business through fictitious limited liability companies (PT) and savings and loan cooperatives (KSP). One of the cooperatives used, KSP Solusi Andalan Bersama (SAB), facilitated several illegal online lending applications, including "Fulus Mujur" and "Pinjaman Nasional." The "Fulus Mujur" application had provided a loan to a housewife in Wonogiri, Central Java. Due to sustained threats and extortion during the debt collection process, the victim ultimately committed suicide. The police declared that the case would be prosecuted under Indonesian jurisdiction.³⁴

Several regulations have provided a legal basis to protect online loan users, particularly concerning fraud, misuse of personal data, and intimidating collection practices. One example of criminal law enforcement against illegal online loan providers is Decision Number 438/PID.Sus/2020/PN. Jkt. Utr. In this case, the defendant, who worked as a debt collector for PT Baraccuda Fintech Indonesia, an illegal online loan provider, made threats through messages and WhatsApp calls to the victim. After the evidentiary process in the trial, the Defendant was found guilty of committing the crime of "intentionally and unlawfully distributing and/or transmitting and/or making accessible Electronic Information and/or Electronic Documents containing extortion and/or threats" as regulated in Article 45 paragraph (4) *Jo.* Article 27 paragraph (4) of the Republic of Indonesia Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, the court ruled a penalty of one year in prison and a monetary fine of IDR 70,000,000, with a provision that failure to settle the fine would lead to a replacement custodial sentence of two months.

Regulatory enforcement against unauthorized online lending providers remains hampered by numerous challenges. Late payment of debt is not a criminal offense unless it involves elements of fraud. In practice, many victims are still reluctant to report because they

³³ Arigato dimitri Batistuta and Chontina Siahaan, "Pemberitaan Kasus Pinjaman Online Ilegal di Media Berita Elektronik," *INTELEKTIVA: Jurnal Ekonomi, Sosial, Humaniora* 3, no. 4 (2021): 23–32, <https://www.jurnalintelektiva.com/index.php/jurnal/article/view/642>.

³⁴ Pusiknas Bareskrim Polri, "WNA Otak Pinjol Ilegal Diadili Di Indonesia | Pusiknas Bareskrim Polri," Pusiknas.Polri, accessed January 12, 2026, https://pusiknas.polri.go.id/detail_artikel/wna_otak_pinjol_ilegal_diadili_di_indonesia.

feel afraid or lack legal knowledge. A victim-centered approach to law enforcement reflects respect for human rights within the Indonesian criminal justice system.³⁵

4. CONCLUSION

Illegal online lending poses a serious threat to society because it operates without the Financial Services Authority (OJK) 's permission and often commits legal violations that result in material and non-material losses for victims. Illegal online loan providers often violate various legal provisions that constitute criminal offenses, including: fraud as regulated in the Criminal Code; unauthorized business operations as regulated in Law No. 7 of 2014 on Trade Article 24 in conjunction with Article 106 connected with Financial Services Authority Regulation No. 40 of 2024 on Information Technology-Based Peer-to-Peer Lending Services Article 10; Law No. 1 of 2024 on Electronic Information and Transactions involving actions using electronic systems, including: defamation (Article 27A), coercion with threats of violence (Article 27B), threats of violence and intimidation against individuals (Article 29), and false information (Article 28 paragraph (1)); Law No. 27 of 2022 on Personal Data Protection, Articles 65 and 67, which involve obtaining, collecting, and using personal data unlawfully and causing harm to the personal data subject; Law No. 8 of 1999 on Consumer Protection, namely: Article 8 on business actors must comply with legal regulations, and Articles 9 and 10 on the prohibition of offering, promoting, and advertising falsely and misleadingly, which is punishable under Article 62. When the business capital of illegal online loans is derived from the proceeds of crime, the illegal online loan providers violate Articles 2, 3, 4, and 5 of Law No. 8 of 2010 concerning the Crime of Money Laundering. Victims of illegal online lending not only suffer financial losses but also psychological pressure, privacy violations, and intimidation. Although there have been court rulings and the closure of hundreds of illegal sites, law enforcement still faces challenges, including the lack of victim reports due to fear and a lack of legal knowledge. Therefore, strict criminal law enforcement is needed that favors victims, along with education on financial literacy and legal awareness for the community. The criminal prosecution of illegal online lending providers functions as a form of preventive legal protection for potential victims. This approach is essential to protect the public, prevent the misuse of financial technology, and promote a more assertive eradication of illegal online lending practices. The implication of this study is to emphasize the need to strengthen criminal law enforcement against illegal online lending providers in Indonesia to protect the wider public from the entrapment of illegal online lending practices.

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³⁵ 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>.

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