

The Legal Liability of Online Lending Service Providers from the Perspective of Personal Data Protection in Indonesia

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ABSTRACT;

The development of online loan services in the digital economic ecosystem has increased people's access to financing, but has also raised serious problems regarding the protection of personal data in billing practices. This research aims to analyze the juridical qualifications for disseminating debtors' personal data in the online loan collection process and examine the form of legal responsibility of organizers as data controllers. This normative legal research uses a statutory and conceptual approach, analyzing primary and secondary legal materials through systematic and teleological interpretation to assess unlawful data acquisition or disclosure and corporate responsibility attribution. The research results show that the practice of accessing and disseminating personal data to third parties in the billing process has the potential to fulfill the elements of an unlawful act if it is carried out intentionally and causes harm to the data subject, because it is contrary to the principles of legality, purpose limitation and proportionality in data processing. Furthermore, if the action is carried out within the scope of business activities and for the benefit of the corporation, then responsibility can be imposed on the legal entity as the data controller, so that the practice of collecting online loans is not only a contractual issue, but also a violation of privacy rights which demands corporate accountability within the framework of the rule of law.

INTRODUCTION

The development of financial technology (fintech), especially in the peer-to-peer lending (fintech lending) sector, in Indonesia shows a structural transformation in the national financial intermediation system (Junarsin et al., 2023; Nopiah, 2025). Since experiencing significant acceleration in 2016, the number of fintech providers has increased rapidly and is organized in the Indonesian Fintech Association (AFTECH), with increasingly diverse business models, no longer limited to payment systems, but expanding to financing, investment, digital insurance, and capital raising (Purwanto et al. 2022). Quantitatively, the transaction value and accumulation of online loan distribution has experienced exponential growth, even approaching the scale of credit distribution for certain government programs. Data from the Financial Services Authority (OJK) shows a sharp increase in the number of users and the volume of financing disbursed, indicating that fintech lending has become an alternative financing instrument that de facto expands people's financial access outside conventional banking schemes (Purwanto et al. 2022). This phenomenon not only represents technological innovation, but also a paradigm shifts in the practice of providing credit, from a traditional prudential analysis-based model to a digital system that prioritizes speed, convenience and

electronic data processing (Nugroho 2022). This transformation also gives rise to new juridical consequences, especially regarding personal data governance, the precautionary principle, and the legal responsibilities of organizers within the framework of financial regulations and data protection in Indonesia.

The phenomenon of online lending expansion in Indonesia shows an acceleration that is not only quantitative, but also structural in the public financing system. Data shows that in June 2024 the outstanding value of online loans had reached IDR 66.79 trillion, while in August 2024 loan distribution was recorded at IDR 27.44 billion with the number of recipients reaching 12.93 million accounts (Fikarudin et al. 2025). The scale reflects the wide penetration of application-based digital financing models, underpinned by very simple requirements mechanisms. In practice, in practice, it is sufficient to verify your Identity Card (KTP) without collateral and without an in-depth creditworthiness analysis process (Lesmono et al. 2024). This model marks a shift in the financial intermediation paradigm from a prudential approach based on individual risk analysis to a digital system based on accessibility and speed. On the one hand, such construction expands financial inclusion; However, on the other hand, the absence of risk mitigation instruments such as comprehensive verification, assessment of repayment capacity, and strict application of the precautionary principle, creates a potential imbalance between credit access and the debtor's financial capacity.

The normative consequences of this ease of access are reflected in the increased risk of payment default (*galbay*), which is systemically correlated with the demographic characteristics of users. Data from the Indonesian Joint Funding Fintech Association (AFPI) shows that 60% of users aged 19–24 years use online loans for consumptive needs, such as purchasing gadgets, clothing and concert tickets (Amos and Papalangi 2024). This fact shows that digital financing is not always used for productive needs or emergencies, but is often an instrument for fulfilling a lifestyle. With the number of loan recipients reaching 12.93 million accounts, the level of exposure to default risk is very wide (Fikarudin et al. 2025). From a financial law perspective, this condition shows a disruption of the principle of responsible lending, because the provision of credit is not fully balanced with a proportional evaluation of the ability to pay. The high number of *galbays* is not just a matter of individual default, but rather an indication of weaknesses in regulatory design and risk management in the online lending ecosystem, which in the next stage has implications for collection practices that have the potential to violate consumer protection norms and personal data protection.

The practice of collecting online loans by third parties (debt collectors) shows a pattern of violations that are not only administrative in nature, but have entered the realm of violating individual privacy and dignity rights. Complaint data from the Indonesian Consumers Foundation (YLKI) notes that 39.5% of consumer complaints relate to billing methods that do not comply with regulations, including the use of third parties who access and utilize debtors' personal data (Rosedila 2024). In practice, access to the contact list on the debtor's device is often used to contact third parties who are listed as emergency contacts even without valid consent from the party concerned. This action does not only take the form of notification of debt obligations, but is often accompanied by the dissemination of the debtor's personal information to his family, co-workers and social relations. In addition, various reports show a pattern of terror through repeated telephone calls, SMS spam from different numbers every day, as well as verbal threats that cause serious psychological pressure for debtors. Such

practices represent a form of misuse of personal data that goes beyond the initial purpose of data collection and has the potential to become an instrument of systematic intimidation.

This action cannot be seen simply as a violation of business ethics, but rather as a violation of the right to personal protection and a sense of security guaranteed in the 1945 Constitution of the Republic of Indonesia, especially Article 28G paragraph (1) (Qurrotuaini 2024). The right to privacy is an inherent part of human rights which demands proportional and law-based restrictions in any processing of personal data. When contact data is accessed without a valid basis for consent, disseminated to unauthorized parties, and used as a tool of pressure and threats, there has been a violation of citizens' constitutional rights. Thus, collection practices accompanied by illegal access to personal contacts, dissemination of personal data, as well as terror and intimidation are not only civil or contractual problems, but have touched the dimension of protecting constitutional rights and demanding strict legal accountability for online loan service providers.

Several previous studies have examined the issue of personal data protection in the context of online loans. Oktavia and Rahardiansyah (2025a) analyzed the legal mechanisms of online loan collection involving the dissemination of personal data, concluding that such practices violate the principles of data protection. Ulfa and Nugroho (2025) examined the criminal liability of online loan providers for personal data breaches of defaulting debtors, emphasizing the need for corporate accountability. Muhammad Rizky et al. (2026) discussed legal protection and legal certainty regarding personal data trading within the framework of the PDP Law. Shafa Salsabila and Wiraguna (2025) analyzed legal responsibility for personal data violations from the perspective of the Indonesian PDP Law. Richard Ratuwalu et al. (2025) focused on consumer legal protection in fintech P2P lending due to collection practices by third parties. However, most of these studies tend to examine violations separately, either from a criminal law perspective or consumer protection, without comprehensively integrating the constitutional dimensions of privacy rights, the juridical qualification of data dissemination acts under the PDP Law, and the construction of corporate liability as a data controller in a single analytical framework. Furthermore, limited research has explicitly connected the principles of personal data processing (legality, purpose limitation, proportionality) with the practice of using personal data as an instrument of intimidation in online loan collections.

The practice of accessing debtors' personal contacts, disseminating personal data to parties with whom they have no direct legal relationship, as well as using data as an instrument of terror, intimidation and threats in the online loan collection process cannot be understood simply as a consequence of contractual relationships, but rather as a matter of violation of the constitutional right to personal protection and a sense of security as guaranteed in the 1945 Constitution of the Republic of Indonesia Article 28G paragraph (1). This guarantee received normative concretization through Law Number 27 of 2022 concerning Personal Data Protection which emphasizes the principle of limiting purposes, lawful basis for processing, as well as the responsibility of data controllers for every activity of processing and disclosing personal data.

Therefore, this research is directed at analyzing the juridical qualifications of the act of disseminating personal data in the online loan collection process as well as examining the construction of legal responsibility for online loan service providers as data controllers, so that collection issues are no longer positioned as purely civil issues, but as constitutional problems

and a data protection regime that demands firm corporate accountability. This research is expected to provide theoretical benefits by developing a legal study of personal data protection, corporate criminal liability, and constitutional privacy rights through an integrated analytical framework that connects the PDP Law, the 1945 Constitution, and the doctrine of corporate accountability, as well as practical benefits for policymakers such as the OJK and the Ministry of Communication and Digital in the form of recommendations to strengthen supervision of online loan providers. for legal practitioners and judges in the form of systematic interpretation of Articles 67, 68, and 70 of the PDP Law, for consumers and the public in the form of increased awareness of the right to privacy and the legal basis to seek justice, and for online loan service providers as a normative reminder that compliance with data protection principles is a fundamental aspect of corporate legal responsibility.

METHOD

This research was normative legal research (normative juridical) which focuses on the analysis of positive legal norms related to the protection of personal data in the provision of online loan services. The approaches used include a statutory approach and a conceptual approach (Dyah Ochtorina Susanti and A'an Efendi 2018). The legislative approach is carried out by systematically reviewing the provisions in the 1945 Constitution of the Republic of Indonesia, especially Article 28G paragraph (1), as well as Law Number 27 of 2022 concerning Personal Data Protection, especially regarding data processing principles, prohibitions on unauthorized disclosure, and sanctions provisions. Apart from that, this research also considers sectoral regulations in the financial services sector and doctrinal literature regarding legal protection, privacy rights, and the legal responsibility of corporations as data controllers.

The legal materials used consist of primary legal materials in the form of relevant laws and regulations; secondary legal materials in the form of books, scientific journals, and research results related to fintech lending, personal data protection, and corporate accountability; as well as tertiary legal materials in the form of legal dictionaries and encyclopedias that support the interpretation of terms. The technique for collecting legal materials is carried out through library research. The analysis was carried out qualitatively using grammatical, systematic and teleological interpretation methods in order to construct the juridical qualifications for the act of disseminating personal data in the online loan collection process as well as formulating a form of legal responsibility for organizers as data controllers within the framework of the personal data protection regime in Indonesia.

RESULTS AND DISCUSSION

The results in this case report are systematically compiled to describe the patient's disease Collection practices in administering online loans from a normative juridical perspective must be read as a legal relationship between data controllers and data subjects which is built on the principles of legality, good faith and respect for the constitutional right to personal protection (Oktavia and Rahardiansyah 2025a). The transformation of personal data into the main instrument in the financial technology business model creates a new power configuration, where control of information functions as a control mechanism over debtors. In such situations, the inequality in bargaining positions is not only economic, but also epistemic because the organizers control the system architecture, risk assessment algorithms, and access to sensitive

personal data. This asymmetrical relationship structure demands a reading of the law that is not merely formalistic, but is based on the protection of human rights and the principle of proportionality.

Doctrinally, the legitimacy of personal data processing requires the existence of a legitimate basis, specific objectives, and restrictions on use in accordance with the initial purpose of data collection (Abdullah 2024). When data obtained in the credit verification stage is then used to exert social pressure through disseminating debt information to third parties, goal deviation (function creep) occurs which is conceptually contrary to the principles of goal limitation and data minimization. In Indonesian positive law, acts of obtaining, using and disclosing personal data without rights can be qualified as a violation of the norms regulated in Law Number 27 of 2022 concerning Personal Data Protection, which emphasizes the prohibition of unlawful access and distribution of personal data (Muhammad Rizky et al. 2026).

These deviations cannot be reduced to individual actions of billing officers alone, but must be analyzed as manifestations of corporate policy or system design. Thus, the attribution of error can be directed at legal entities as data controllers through the doctrine of corporate liability, both in administrative, civil and criminal dimensions. This normative analysis confirms that the issue of online loan collection is not just a matter of contractual default, but rather a problem of protecting privacy rights and human dignity in digital economic governance which demands comprehensive legal accountability.

Online Loan Implementation Practices and Vulnerability to Personal Data Breaches

The operational characteristics of online loans that offer easy access through minimum requirements of just having an Identity Card without collateral, a fast approval process, and verification that is administrative and not detailed represent a business model based on accelerated credit distribution which tends to override prudential standards in conventional financing practices (Maulana Ishaq 2024). In contrast to banking mechanisms which are subject to the prudential principle and feasibility analysis based on 5C (character, capacity, capital, collateral, condition of economy), many online loan providers do not implement comprehensive due diligence or substantive know your customer (KYC) procedures, so that the credit risk assessment process becomes shallow and relies more on access and processing of users' digital data. This condition not only increases the risk of default (default risk), but also creates an imbalance in contractual relations between creditors and debtors, because ease of access at the lending stage is not balanced with risk management and data protection which results in excessive and legally problematic collection practices (Arista and Rusmini 2020).

The lack of credit worthiness analysis in online lending practices has direct implications for the high rate of default (galbay), because the loan granting process is not based on a comprehensive assessment of repayment capacity, financial track record, or debtor risk profile. The absence of risk mitigation mechanisms equivalent to the banking system such as the application of the prudential principle and 5C analysis creates credit exposure that is not adequately measured (Billah 2025). This condition also opens up space for moral hazard, both from the side of debtors who take advantage of easy access without a proportional payment commitment, and from the side of administrators who prioritize expanding fund distribution without strict risk control (Widijantoro 2019). In the legal framework, this high galbay cannot

be used as legitimacy for billing practices that violate personal data protection norms, because risk management failure is the responsibility of the corporation as a business actor.

The online loan collection process often involves a third party (debt collector) who gains access to the debtor's personal data, including the contact list on the mobile device, through a general and non-specific agreement at the time of application installation (Oktavia and Rahardiansyah 2025b). This access is then used to disseminate information about the debtor's debt to family, co-workers or other parties who do not have a direct legal relationship, accompanied by psychological pressure, intimidation and even threats. Such actions legally have the potential to exceed the limits of legitimate collection interests and enter the realm of violation of the right to privacy and protection of personal data as regulated in Law Number 27 of 2022 concerning Personal Data Protection, especially regarding the principles of limitation of purposes, lawful basis for processing, and prohibition of unauthorized disclosure. Thus, collection practices by third parties must be placed within the framework of the organizer's legal responsibility as a data controller, not solely as the actions of individual debt collectors.

Violations of personal data in online loan collection practices are essentially not only administrative or contractual violations, but also touch on the dimensions of citizens' constitutional rights. The 1945 Constitution of the Republic of Indonesia expressly in Article 28G paragraph (1) guarantees everyone's right to protection of their person, family, honor, dignity and property, as well as the right to a sense of security and protection from the threat of fear of doing or not doing something. When a debtor's personal data is accessed and disseminated to parties who do not have a direct legal relationship, accompanied by intimidation or psychological pressure, this action has the potential to violate constitutional guarantees of personal security and personal protection, because personal information that should be in the private domain is used as an instrument of pressure (Shafa Salsabila and Sidi Ahyar Wiraguna 2025).

Personal data in modern legal developments is seen as an inherent part of human rights, because it represents an individual's identity, autonomy and control over their information. This conception was then transformed into a positive legal regime through Law Number 27 of 2022 concerning Personal Data Protection which confirms in Article 4 that personal data subjects have the right to clarity of information, the right to complete and update data, the right to end processing, and the right to raise objections to decision-making actions that are solely based on automated processing. In addition, Article 20 paragraph (1) requires that the processing of personal data must be based on the valid consent of the data subject or other legitimate basis determined by law, while Article 65 prohibits anyone from unlawfully disclosing personal data that does not belong to them.

Dissemination of debtors' personal data to third parties without a valid legal basis and without proportional limitation of goals is not only contrary to the principles of data processing in the PDP Law, but also infringes constitutional rights guaranteed by the 1945 Constitution. Therefore, the issue of online loan collection must be qualified as an issue of violation of privacy rights within the framework of human rights and the rule of law, which demands legal responsibility for providers as data controllers, both in administrative, civil and criminal dimensions in accordance with the applicable normative construction (Ulfa and Nugroho 2025).

Juridical Qualifications for Dissemination of Personal Data and Legal Responsibility of Organizers in the Perspective of the PDP Law

The act of accessing a debtor's contact list without a valid legitimate basis, disclosing debt information to parties who do not have a direct legal relationship, and using personal data as an instrument of intimidation in the collection process, must be analyzed within the framework of the offenses regulated in Law Number 27 of 2022 concerning Personal Data Protection (PDP Law), specifically Article 67, Article 68, and Article 70. Article 67 regulates the prohibition of unlawfully obtaining or collecting personal data that does not belong to you, while Article 68 regulates the prohibition of unlawfully disclosing personal data. law. Article 70 expands the implications of sanctions, including additional penalties and possible corporate liability (Ulfa and Nugroho 2025). Thus, the practice of disseminating data in online loan collection has the potential to qualify as an offense if the normative elements are met.

The element "without rights" in this context must be interpreted as the absence of a valid legal basis for processing or disclosing data. Consent obtained through standard clauses that are general, non-specific, and do not provide free choice to the data subject cannot necessarily be considered valid consent according to the data protection regime. If access to contact or personal information does not have direct and proportional relevance to the purpose of providing the loan, then the access loses its legal legitimacy (Widijantoro 2019). Furthermore, the element of "unlawful" is not only understood as being formally contrary to the law, but also contrary to the principles of purpose limitation, proportionality and good faith in data processing. Dissemination of data to family, co-workers or other parties to pressure debtors clearly goes beyond the initial purpose of data collection and therefore can be qualified as unlawful disclosure as intended in Article 68.

The element of intent (*dolus*) can be analyzed from the perpetrator's will and knowledge that the data does not belong to him and that the act of disclosure will have certain consequences for the data subject. In systematic collection practices, for example through corporate instructions or standard operational procedures which direct the use of data to pressure debtors, the element of intent is difficult to deny because the actions are carried out consciously as part of a collection strategy. Forms of illegal data processing and disclosure in this context include: accessing contacts without valid legal grounds; storage and use of data beyond its original purpose; as well as distribution of debt information via short messages, calls or digital media to third parties (Arista and Rusmini 2020). If all of these elements are fulfilled, then the act is no longer in the realm of an administrative violation, but has the potential to meet the qualifications of a criminal act as regulated in Article 67 and Article 68 of the PDP Law, with additional sanctions as permitted by Article 70, including liability for corporations as data controllers.

Discussions regarding the dissemination of personal data in online loan collection practices must be placed within the theoretical framework of human rights protection and corporate responsibility theory in modern criminal law. Constitutionally, the right to personal protection and a sense of security guaranteed in the 1945 Constitution of the Republic of Indonesia Article 28G paragraph (1) is not just a defensive right against state intervention (negative rights), but also creates an obligation for the state to establish an effective legal regime in protecting citizens from violations by private actors, including digital corporations

(Richard Ratuwalu et al. 2025). The relationship between online loan providers and debtors is asymmetrical: providers control digital infrastructure, data processing algorithms, and access to personal information on a large scale, while debtors are in a vulnerable position due to economic needs and limited digital literacy. This structural inequality makes personal data an instrument of power (instrument of control) that can be misused in the billing process.

Normatively, Law Number 27 of 2022 concerning Personal Data Protection builds the construct that every data processing must be subject to the principles of legality, limitation of objectives, proportionality and accountability. Article 20 paragraph (1) emphasizes that processing must be based on valid consent or other legitimate grounds regulated by law; Thus, consent cannot be understood in a formalistic way by clicking approval in a standard clause, but must meet the standards of free, specific and informed will (Shafa Salsabila and Sidi Ahyar Wiraguna 2025). If access to contact lists or other information does not have direct relevance to the purpose of providing credit, then the processing loses its legal justification. Article 67 and Article 68 criminalize the unlawful acquisition and disclosure of personal data, so that the practice of disseminating debt information to third parties as a form of psychological pressure has the potential to fulfill the elements of an offense, especially if it is done intentionally and causes harm to the data subject. Article 70 then opens up space for additional criminal penalties, including against corporations, which emphasizes that the PDP Law regime does not stop at individual perpetrators, but extends to business entities as data controllers.

From the perspective of corporate criminal liability theory, debt collectors' actions cannot be separated artificially from the corporation if the actions are carried out within the scope of their duties, based on internal policies, or in the interests of the company. The doctrine of identification theory and vicarious liability in corporate criminal law allows the attribution of fault to a legal entity when the criminal act is a manifestation of policy, omission or failure of supervision. Therefore, if the dissemination of personal data is part of a structured and systematic collection strategy, then the blame does not stop with the individual implementing it, but rather lies with the corporation as the data controller who has the authority to determine the purpose and method of processing (Syamila et al. 2023). With this construction, the issue of online loan collection shifts from just a contractual problem to a problem of violation of privacy rights in the data protection and human rights regime, which demands an integrative administrative, civil and criminal law enforcement approach to ensure the effectiveness of citizens' constitutional protection in the digital economy era.

Sanctions in Law Number 27 of 2022 concerning Personal Data Protection (UU PDP) cannot be understood simply as a reactive penal instrument, but rather as a manifestation of the state's constitutional obligation to ensure the effectiveness of protection of the right to privacy as guaranteed in the 1945 Constitution of the Republic of Indonesia Article 28G paragraph (1). Protection of human rights does not simply stop at normative recognition, but requires enforcement mechanisms that are able to penetrate corporate structures as dominant actors in the digital economic ecosystem. Therefore, the sanctions regulations in the PDP Law must be read as a normative design that integrates preventive, corrective and repressive functions in one comprehensive accountability framework.

Administrative sanctions in the PDP Law represent a regulatory enforcement model which aims to build systemic compliance. Failure to prevent the dissemination of personal data in the billing process is often not an individual anomaly, but rather a reflection of problematic

data governance design (data governance architecture) ranging from excessive data collection, illusory consent, to weak monitoring mechanisms for third parties. Thus, administrative sanctions such as stopping data processing, data deletion, or administrative fines must be positioned as structural reconstruction instruments, not just incidental punishments. It forces corporations to rebuild their internal compliance systems based on the principles of accountability and due diligence (Lailiyah 2020).

However, when violations go beyond administrative negligence and enter the realm of exploitative intent, the criminal regime in Article 67 and Article 68 of the PDP Law acquires normative significance. The criminalization of unlawful acquisition and disclosure of personal data shows that legislators consider misuse of data as a form of attack on the personal integrity of data subjects. In collection practices, disseminating debt information to third parties to create social pressure can be qualified as a form of instrumentalization of personal data, namely the use of data as a tool of domination (Muhammad Rizky et al. 2026). Article 70 then emphasizes the corporative dimension of this responsibility by opening up space for additional criminal penalties, including against legal entities. This norm emphasizes that economic profits obtained through misuse of data must not be allowed to go without proportional legal consequences.

From the perspective of corporate criminal responsibility theory, the attribution of errors to legal entities can be built through an identification theory or corporate culture model approach, namely when violations are an expression of policy, omission or systemic failure of supervision. If the practice of disseminating data in collection is part of a standard operational procedure or business strategy designed to increase the recovery rate, then this action can no longer be reduced to individual debt collector deviation. It is a manifestation of the corporation's will (corporate intent) which can be criminally accountable. With this construction, sanctions in the PDP Law function not only as a repressive tool, but as a mechanism for transforming data governance in the online lending sector, to ensure that control of personal data is always accompanied by legal responsibility commensurate with the power it has.

CONCLUSION

Dissemination of personal data in the online loan collection process can legally be qualified as a violation of the personal data protection regime if it fulfills the elements of unlawful acquisition and/or disclosure of data as regulated in Law Number 27 of 2022 concerning Personal Data Protection, specifically Article 67 and Article 68. The practice of accessing contact lists, distribution of debt information to parties who do not have a direct legal relationship, as well as the use of data as an instrument of intimidation goes beyond the initial purpose of processing and is contrary to the principles of legality, limitation of objectives and proportionality. Thus, this act cannot be reduced to a contractual consequence, but has the potential to meet the qualifications of an offense in the PDP Law. Online loan service providers as data controllers cannot escape responsibility on the grounds that the action was carried out by a third party or debt collector. In the construction of corporate responsibility, every action carried out within the scope of business activities, for and on behalf of corporate interests, can be attributed to a legal entity. If the dissemination of data is a consequence of inadequate policy, system design, or neglect of oversight, then the blame does not stop with individual actors, but rather lies with the corporation as the entity that determines the purposes and methods of data

processing. The sanctions regime, including the possibility of additional penalties as is possible in Article 70 of the PDP Law, reinforces this dimension of corporate accountability. In the end, personal data protection is not just a technical issue of information management, but rather a concrete manifestation of the protection of citizens' constitutional rights to privacy and security as guaranteed in the 1945 Constitution of the Republic of Indonesia Article 28G paragraph (1). Therefore, law enforcement regarding data dissemination practices in online loan collection must be placed within the framework of protecting human rights and the rule of law, to ensure that the development of the digital economy does not compromise the personal dignity and integrity of data subjects.

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