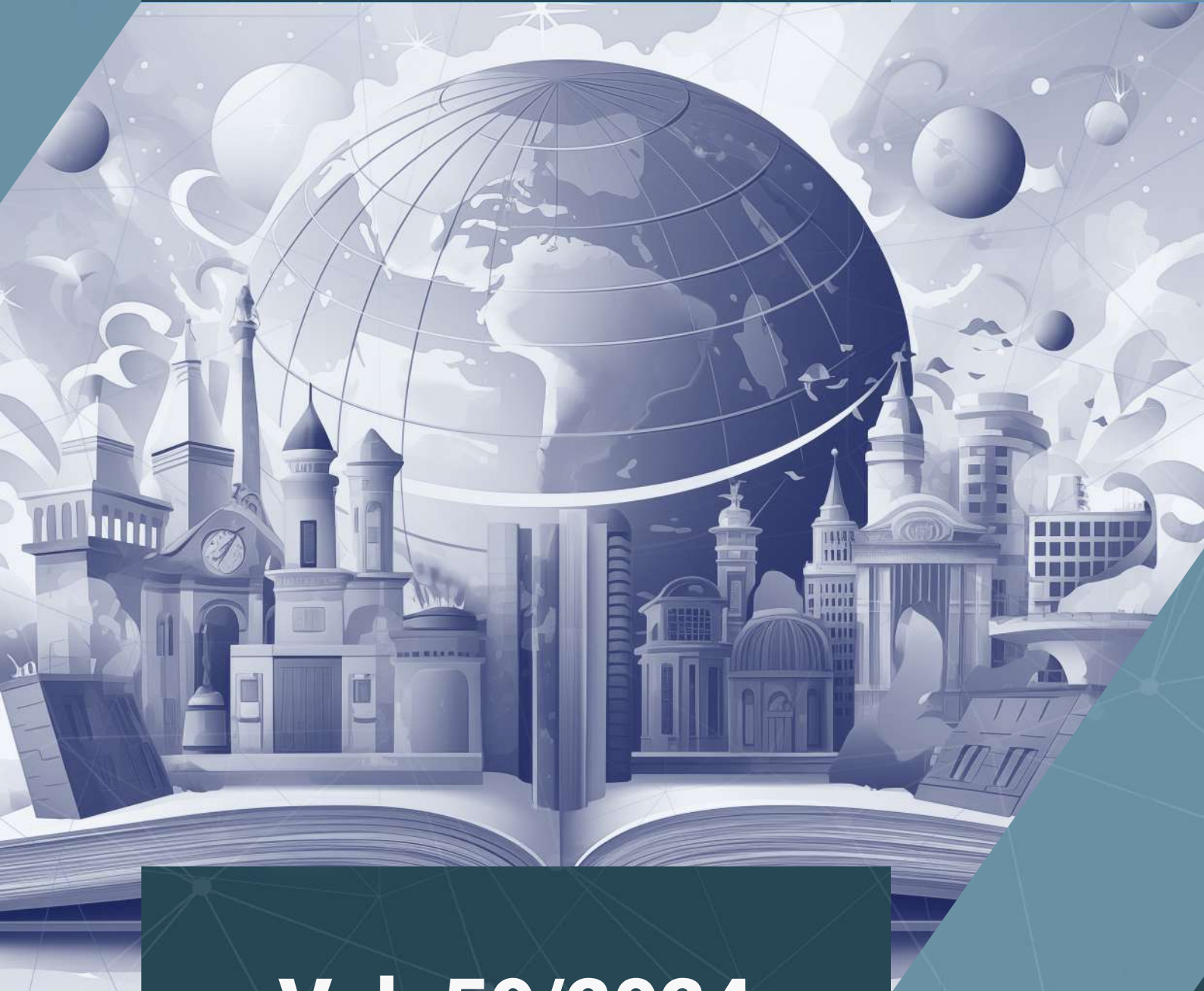




TECHNIUM
SOCIAL SCIENCES JOURNAL



Vol. 59/2024
A New Decade for Social Changes

PLUS
COMMUNICATION P



International
Communication & PR

Legal protection of personal data for emergency contacts unilaterally included in illegal online loan services

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Abstract. New opportunities for digital financial services (Fintech) have emerged to accelerate digital financial inclusion amid social distancing, one of which is through Online Loans. The convenience offered by Online Loans in the process of borrowing money or financing without having to visit conventional financial institutions such as banks directly, is one of the factors supporting the increasing popularity of Online Loans, thereby opening up more opportunities for Online Loan Providers to expand their industry. However, issues arise due to the ease of this technology, one of which is the misuse of borrowers' emergency contacts, causing inconvenience to the owners of those contacts whose personal lives are disrupted. The study is conducted using normative legal research. The experience of convenience offered by Online Loans is much greater; the borrowing process only takes place through a website or mobile phone, allowing consumers to confirm only through the system and do it anytime and anywhere. However, the conveniences provided by Online Loans are often not accompanied by adequate education in society regarding the technology used or the legal and lending provisions. This has become a loophole for "predatory lending" actors to develop their businesses. Legal protection for borrowers is already regulated in the Financial Services Authority Regulation Number 10/POJK.05/2022 Regarding Information Technology-Based Borrowing and Lending Services. Borrowers regarding their personal data have also been clearly regulated in Law Number 27 of 2022 Concerning Personal Data Protection, as well as the presence of Financial Technology associations that accompany the pace of technology-based borrowing and lending services. Control of personal data must obtain explicit consent from the data subject to process personal data. There are several sanctions for online loan customers who provide emergency contact numbers without consent. These sanctions include written warnings, temporary cessation of all personal data processing activities, deletion or destruction of personal data, and/or administrative fines.

Keywords. Protection, Personal Data, Technology-Based Loans

Introduction

Technological advancements have brought significant changes to people's lives, including in the economic sector. One of the major changes is the emergence of Financial Technology (Fintech). The National Digital Research Centre (NDRC) defines Fintech as "innovation in financial services" that utilizes modern technology to facilitate financial transactions. Fintech offers faster and safer alternatives to cash payments.

In Indonesia, Fintech has developed rapidly with various types of services, such as:

1. Peer to Peer (P2P) Lending and Crowdfunding,
2. Investment Risk Management,
3. Payment, Clearing and Settlement,
4. Market Aggregator.

Among these types, P2P Lending or Online Loans are highly popular. According to data from the Financial Services Authority (OJK) as of September 2023, the cumulative funding of P2P lending reached IDR 696.87 trillion. In Indonesian law, this service is regulated by OJK Regulation Number 10/POJK.05/2022 on Information Technology-Based Joint Funding Services (LPBBTI), which replaces POJK No. 77/POJK.01/2016.

The COVID-19 pandemic has increased public interest in online loans due to the ease of the process without the need for direct meetings. However, the lack of public education about technology and the legality of online loans has been exploited by "predatory lending" actors. Online loans often involve the collection of personal data without permission, which is used intimidatingly by debt collectors.

The main problem arises when personal data, such as emergency contacts, is used without consent. In article 44 point c of the LPBBTI Regulation requires organizers to obtain consent from the owner of personal data before using it. However, oversight only covers registered LPBBTI, while unregistered ones escape supervision.

As a solution, the Government enacted Law Number 27 of 2022 on Personal Data Protection (PDP Law). Article 20 of the PDP Law requires explicit consent from the data subject for the processing of personal data. Article 57 of the PDP Law stipulates sanctions for violations, such as written warnings, temporary suspension of data processing, data deletion and administrative fines. However, despite the issuance of the PDP Law, the protection provided is still considered inadequate.

Based on this background, this research aims to answer questions regarding the protection of personal data in debt collection on Information Technology-Based Lending Services: (1) How is personal data protection in debt collection regulated by the Financial Services Authority Regulation (POJK) and the Personal Data Protection Law (PDP Law)? (2) How is the personal data of emergency contacts, unilaterally included in debt collection on such services, protected? (3) What are the effective legal solutions to achieve personal data protection in the context of debt collection on online lending services? Accordingly, this research aims to (1) Analyze and identify personal data protection in debt collection on Information Technology-Based Lending Services in accordance with POJK and the PDP Law, (2) Analyze the protection of personal data of emergency contacts included without consent in debt collection and (3) Examine effective legal solutions to achieve personal data protection in this context.

This research is expected to provide theoretical and practical contributions. Theoretically, this research contributes to the field of business economic law, particularly concerning the importance of personal data protection and encourages the development of legal sciences that are responsive to fintech technological advancements. Practically, this research can serve as a reference for legal practitioners, students and academics in research or education on personal data protection law in Indonesia and provide input to stakeholders on the importance of personal data protection.

Thus, this research is expected to provide deeper insights into personal data protection in online lending services and inspire more effective legal measures.

Literature review

Several previous studies share similarities with the theme of this research. Wahyu Purnomo's (2020) study aimed to identify and analyze consumer protection regulations in Fintech Lending and formulate a consumer protection concept. Using a socio-legal approach, this study concluded that the main regulation governing Fintech Lending is OJK Regulation Number 77/POJK.01/2016, while consumer protection is regulated by OJK Regulation Number 1/POJK.07/2013. OJK acts as the regulator that regulates, supervises and prevents consumer losses. Fintech Lending operators must be registered and licensed by OJK and three preventive aspects in consumer protection include legality synchronization, application description standardization and application control. Consumer protection optimization is carried out through regulation and supervision, policy implementation assistance and the formation of a Fintech Lending development forum.

I Nyoman Adi Pardana's (2019) study analyzed the legal implications of using third-party personal data in Fintech P2P Lending agreements and loan repayment when the debtor defaults. Using a normative juridical method, this study showed that the use of third-party personal data without consent causes the agreement to be null and void because it does not meet the requirements for a valid agreement. Such actions violate Article 26 paragraph (1) of Law Number 19 of 2016 and Article 31 paragraph (3) of OJK Regulation Number 1/POJK.07/2013. Defaulting debtors are required to pay the principal loan, interest and late fees to ensure balanced and fair rights and obligations for the parties.

Linton Hans Pratama's (2019) research focused on the legal analysis of personal data protection in Fintech. Using a normative juridical method and descriptive approach, this study demonstrated that related institutions and authorities play an important role in education and preventing abuse of power. Awareness among parties is essential for transactions to be carried out properly. Regulators and regulations must be active in implementing financial services to ensure effective personal data protection.

This literature review shows that personal data protection in Fintech P2P Lending requires strict regulations and effective supervision to prevent data misuse and protect consumers. Education and awareness among related parties are also crucial to ensure safe and fair transactions.

Literally, personal data consists of two words, "data" and "personal." "Data" is the plural form of "datum," derived from Latin, meaning something given, usually related to facts, symbols, images, words, numbers, or letters that indicate an idea, object, condition, or situation. "Personal" refers to a human as an individual. In communication science, data is distinguished from information. Data are facts such as numbers, texts, documents, images and sounds representing a verbal description or specific code, while information is processed data that is meaningful and useful for decision-making. According to Jerry Kang in his scientific research titled "Information Privacy in Cyberspace Transaction" in the *Stanford Law Review Journal* Volume 50 of 1998, personal data is information that can identify an individual. Data is considered personal if it has three relations: authorship relation, descriptive relation and instrumental mapping relation. Authorship relation means data or information created or prepared by the individual, such as telephone conversations or personal diaries. Descriptive relation refers to biological or biographical data like weight, blood type, or birth date that describe a specific individual. Instrumental mapping relation is data related to security access, such as passwords.

In general, data is a collection of information obtained from observations that can provide an overview of a situation or problem. Good data must be reliable, timely and relevant.

Demography is the science that studies population dynamics, including size, structure, distribution and changes in population due to birth, death, migration and aging. Law No. 24 of 2013 Article 1 point 9 states that population data is individual or aggregate data structured as a result of population registration and civil registration activities. This data is categorized into several types: personal data, databases, population data and aggregate data. Personal data is specific individual data stored, maintained, kept accurate and protected in confidentiality (Article 1 point 22). A database is a systematically and structurally stored collection of population data using software, hardware and data communication networks (Article 1 point 29 of Government Regulation No. 37 of 2007). Population data includes individual or aggregate data structured from population registration and civil registration, including information such as Family Card numbers, Resident Identification Numbers, full names, genders, birthplaces and birth dates and other data elements that are confidential (Article 58 paragraph 2). Aggregate data is a collection of data on population events, gender, age groups, religion, education and occupation (Explanation of Article 58 paragraph 3 of Law No. 24 of 2013).

Population data is used for various purposes, including public services (such as issuing driver's licenses, tax services and public health insurance), national development planning, budget allocation and democratic development. This data is also useful for law enforcement and crime prevention, such as tracking criminals and preventing human trafficking and illegal labor shipments.

Personal data, based on its characteristics, can be categorized into three types: factual information, expert opinions and intentional information. Factual information includes data such as names, religions, genders and addresses. Expert opinion includes analysis from a professional, such as medical records from a doctor, confessions known to a pastor, or psychological conditions held by a psychiatrist. Intentional information relates to someone's views about others that can affect their reputation in society, such as personality traits and social influence. All types of this information are considered personal.

The regulation of personal data in Indonesia is governed by Law No. 11 of 2008, amended by Law No. 19 of 2016, specifically Article 26. This article states that the use of personal information through electronic media must have the consent of the data owner unless otherwise stipulated by legislation. Although this law does not provide a specific definition of personal data, Article 26 emphasizes that personal data protection is part of privacy rights. The Personal Data Protection Law (PDP Law) Article 1 point 1 defines personal data as any data about a person that can be directly or indirectly identified through electronic and/or non-electronic systems. Article 1 point 2 defines information as statements, ideas and signs that have value, meaning and messages that can be seen, heard and read and are presented in various forms of information and communication technology. Law No. 27 of 2022 classifies personal data into two types: specific data and general data. Specific data includes health data, biometric data, genetic data, criminal records, child data, personal financial data and other data regulated by legislation (Article 4 paragraph 2). General data includes full names, genders, nationalities, religions, marital statuses and other data that can be used to identify someone (Article 4 paragraph 3). This research also expands the definition of personal data to include phone numbers, addresses and other data related to the existence and communication pathways of the data owner.

Loan agreements have been regulated in Articles 1754 to 1773 of the Civil Code. Article 1754 explains that a loan agreement is an agreement in which one party provides a certain amount of consumable goods or money to another party, on the condition that the recipient will return it in the same amount, kind and condition. In this context, there are two

subjects in a loan agreement: the lender and the borrower. The object includes consumable goods and their use that does not conflict with the law, norms, morality and public order. This agreement is a conventional form requiring face-to-face meetings without the use of technology.

Online lending introduces new elements not present in conventional agreements, namely personal data. This service has been widely accepted by the Indonesian public and continues to grow. To address the legal vacuum in Peer-to-Peer Lending, OJK issued Regulation Number 77/POJK.01/2016, later amended by Regulation Number 10/POJK.05/2022. This regulation forms the legal basis for all Peer-to-Peer Lending fintech activities. Peer to Peer Lending operators must be Indonesian legal entities and meet various requirements such as tax identification numbers, domicile certificates, establishment deeds and proof of operational readiness. After being registered with OJK, they must apply for a license to ensure no deviations from legal provisions and no harm to consumers. Illegal Peer to Peer Lending operators are those who do not register and do not have a license from OJK and thus are not recognized by the government. Products and services offered by illegal Peer to Peer Lending operators are only considered as money lending.

Legal Peer to Peer Lending operators must have official licenses from OJK, clear management identities and office addresses and stringent selection processes before providing loans. They must provide clear information about loan fees, penalties, terms and interest rates from the beginning, with a maximum interest rate of 0.4% per day and a maximum total loan fee of 100% of the initial loan. They can only access the borrower's camera, microphone and location for identity verification and cannot access phone contacts or social media. Legal operators provide free consumer complaint services, can only offer services through their platforms and their employees and debt collectors must be certified by AFPI. They are also connected to the Fintech Data Center to check consumer information that has used other fintech services. Since the issuance of the LPBBTI Regulation on July 4, 2022, this regulation replaces Regulation No. 77/POJK.01/2016. According to Article 1 paragraph (1) of Regulation Number 10/POJK.05/2022, Information Technology-Based Joint Funding Services are financial services that bring together funders and fund recipients for conventional or sharia funding through electronic systems using the internet.

Consumer protection is crucial because consumers often find themselves in an unequal position compared to businesses in terms of economics, education levels and bargaining power. AZ Nasution states that Indonesian consumers are generally vulnerable to rights violations and often suffer losses due to weak consumer education and training. This vulnerability allows businesses to exploit consumers for maximum profit. The relationship between consumers and businesses requires rules that provide certainty regarding the responsibilities, rights and obligations of each party. A significant development in consumer protection in Indonesia is marked by the birth of Law Number 8 of 1999 on Consumer Protection (UUPK), which aims to protect consumers from harmful business practices. The UUPK also aims to educate the public about their rights and obligations towards businesses, so consumers can protect themselves and encourage businesses to act responsibly.

According to Article 1 point 1 of the UUPK, consumer protection is all efforts to ensure legal certainty to protect consumers. Consumer Protection Law is designed to prevent arbitrary actions by businesses that harm consumers. This legal certainty is important because of the imbalance between consumers and businesses. With the UUPK, consumers' rights are protected from harmful actions and consumers are given the right to sue or take legal action against businesses. The UUPK was created to fill the legal vacuum in consumer protection and provides a set of specific provisions regulating consumer protection. However, the provisions in the

UUPK and other related laws regarding consumer relations and issues are still very important to study. Consumer law in Indonesia consists of various legal regulations covering civil law, criminal law, procedural law, administrative law and various international agreements. In principle, consumer protection based on the UUPK is based on five principles: benefit, fairness, balance, consumer safety and security and legal certainty. These principles are relevant in development and are carried out as a joint effort to protect consumers.

The basic principle in the concept of the rule of law is that every government action must be based on legislation or have legitimacy or authority. Government actions are considered legitimate if they comply with the law. The application of this principle varies between countries; some apply it strictly, while others are more flexible, especially for non-fundamental actions. The position of the government in state administration cannot be separated from the application of the principle of legality, which is the main principle in a democratic rule of law. The principle of legality is the basis for every government action, ensuring that the action is legitimate and in accordance with the law.

Law enforcement is the effort to realize justice, legal certainty and social benefits into reality. It is the process of turning legal ideas into reality in the life of society. According to Soerjono Soekanto, law enforcement is the activity of harmonizing relationships of values described in rules and acting to create, maintain and sustain peaceful life. Concrete law enforcement means applying positive law in practice according to applicable rules, providing justice in concrete cases and maintaining compliance with material law through procedural means stipulated by formal law.

The theory of legal protection is a concept that provides protection against human rights harmed by others. Legal protection is provided so that people can enjoy their rights as stipulated by law. Sudikno Mertokusumo explains that the law aims to create order and balance in society, divide rights and obligations and regulate the resolution of legal issues and maintain legal certainty. Legal protection of personal data is part of human rights recognized internationally and nationally. Some countries even include personal data protection as a constitutional right in their constitutions.

Supervision is often synonymous with control. According to the General Indonesian Language Dictionary, supervision is inspection or control. Sujamto defines supervision as an effort to know and assess whether the implementation of tasks is as it should be. Control, on the other hand, is stronger than supervision; it is an effort to ensure and direct the implementation of tasks to proceed correctly. Muchsan adds that supervision is the activity of assessing the implementation of tasks *de facto*, aiming to match whether activities comply with predetermined benchmarks.

Research Method

Research is the process of seeking the truth. Research activities begin with ignorance, followed by anxiety and end with assumptions or hypotheses that can be temporarily perceived as truth until proven false. Legal research is scientific research involving methodological, systematic and consistent analysis and construction to study specific legal phenomena.

The type of research used in this study is normative legal research. Normative legal research examines the law as norms or rules applicable in society and serves as a reference for everyone. According to Soerjono Soekanto and Sri Mamudjo, normative legal research is conducted by studying literature or secondary data.

Legal research uses various approaches to obtain information from different aspects related to the issues being studied to find answers to the main problems. An approach can also

be understood as a method to gain understanding about the issues being researched and as a means to comprehend and direct the research issues. In normative juridical research, the approaches used are the statute approach and the conceptual approach. The statute approach involves examining all laws and regulations related to the legal issue at hand. In academic research, it is necessary to seek the ratio legis and the ontological basis of a law. This approach is used to study the provisions governing the nature of personal data protection for emergency contacts in online loans. The conceptual approach is derived from the views and doctrines that develop in legal science. By studying legal views and doctrines, researchers can find ideas that give rise to understanding, concepts and legal principles relevant to the issue at hand.

The data collection techniques in this research are conducted in several ways. Library research is used to obtain the necessary secondary data to complement the primary data, including legislation, expert opinions, literature, books, scientific manuscripts and mass media. Observation is conducted to obtain information about the situation by seeing and hearing what is happening and then recording it carefully. Interviews are conducted as conversations with specific purposes between the interviewer and the interviewee. Interviews are important to gather information from informants who have knowledge related to the research topic.

This research is descriptive, which means it describes the current state of the subject or object of research (individuals, institutions, communities, etc.) based on existing facts. Descriptive research is a problem-solving procedure by describing the symptoms found in the investigated problem objectively.

Data in normative legal research is analyzed qualitatively, i.e., by systematically, sequentially, logically and effectively describing the data in sentences. Qualitative analysis facilitates the interpretation of data and understanding of the analysis results. In other words, qualitative analysis is a way to analyze data sourced from legal materials based on concepts, theories, legislation, doctrines, legal principles, expert opinions, or the researcher's own views.

Research Result

A. Protection of Personal Data in Information Technology-Based Lending Services Based on Financial Services Authority Regulations and Law Number 27 of 2022 on Personal Data Protection

Financial Technology (Fintech) Peer-to-Peer Lending (P2P Lending) is a type of technology-based financial service regulated by the Financial Services Authority Regulation (POJK) Number 10/POJK.05/2022 on Information Technology-Based Joint Funding Services (LPBBTI). This regulation replaces POJK Number 77/POJK.01/2016, aligning with the industry's development and the legal needs of Indonesian society. The Financial Services Authority (OJK) acts as an independent institution that regulates, supervises, and investigates the financial services sector, including Fintech P2P Lending.

P2P Lending connects borrowers in need of capital with lenders through a digital platform, offering ease of access and transparency. This service is relevant for enhancing financial inclusion in Indonesia, particularly for Small and Medium Enterprises (SMEs) that are not bankable. P2P Lending is divided into two types: consumptive and productive. Productive P2P Lending provides loans as business capital with annual interest, while consumptive P2P Lending or payday loans have daily interest rates and shorter loan terms.

The COVID-19 pandemic accelerated the adoption of digital financial services, including online loans. However, the ease offered is often not matched by education on technology and legality, creating opportunities for "predatory lending" practices. Therefore, the

Indonesian Government has established legal policies to protect the personal data of users of these services.

Article 1 point 1 of POJK Number 10/POJK.05/2022 defines LPBBTI as the provision of financial services that bring together funders and fund recipients directly through an electronic system. Besides POJK, other related regulations include Bank Indonesia Regulation Number 19/12/PBI/2017 on Financial Technology Providers, which regulates registration, regulatory sandbox, licensing, monitoring, and supervision of fintech. Additionally, Law Number 27 of 2022 on Personal Data Protection provides a legal foundation for the protection of personal data of P2P Lending users.

Personal data in this context includes factual information such as name and address, expert opinions such as medical records, and intentional information such as personal traits. Personal data protection is regulated in Law No. 11 of 2008, amended by Law No. 19 of 2016, and specifically in PDP Law Articles 1 point 1 and 2. Personal data consists of specific and general data that must be protected by service providers.

P2P Lending operators are required to obtain licenses from OJK and be established as legal entities. They must meet various requirements, including establishment documents, a list of shareholders, data on members of the board of directors and commissioners, and proof of operational readiness. In electronic lending, electronic documents must contain important information such as the agreement number, identities of the parties, funding amount, and dispute resolution mechanisms.

Funding provided through P2P Lending is limited to IDR 2,000,000,000 per recipient. Recipients are protected regarding their personal data, including the right to complete, correct, and delete inaccurate data. Personal data protection is also regulated in the PDP Law, which requires data usage to be based on the data owner's consent.

To mitigate risks, knowledge of the establishment and supervision mechanisms of P2P Lending is crucial. Operators must comply with various regulations and provisions to ensure the legality of the services provided. The personal data protection of loan recipients is linked to consumer legal protection theory and the rule of law theory, which stipulate that every government action must be based on legislation.

Consumer legal protection is an effort to protect consumer rights from harmful actions. Consumer law regulates the relationship between consumers and businesses, ensuring fairness and balance in transactions. Sudikno Mertokusumo emphasizes that the law aims to create an orderly society, allocate rights and obligations, and maintain legal certainty. Consumer legal protection includes all efforts made by the government and law enforcement agencies to provide security for the public from various threats.

With these regulations, it is hoped that P2P Lending services can develop well, provide economic benefits to the community, and protect consumers' rights and their personal data.

B. Protection of Emergency Contact Personal Data Unilaterally Listed for Debt Collection in Information Technology-Based Lending Services

Online money lending agreements have become a continuous transaction in modern society. Fintech is considered an efficient and appropriate method, especially in P2P Lending services. Lending regulations are subject to the provisions of Article 1320 of the Indonesian Civil Code (KUHPperdata), which requires the agreement of the parties, the capability to make agreements, a specific subject matter, and a lawful cause.

Article 1754 of the Indonesian Civil Code defines a money lending agreement as an agreement in which one party provides consumable goods or money to another party, who must return it in the same amount and condition. In the context of P2P Lending, the lender and

borrower do not meet directly but are connected through a digital platform providing the service.

P2P Lending offers easy access and speed without requiring collateral. However, this convenience also poses risks, particularly related to debt collection. The use of personal data, including emergency contacts, by P2P Lending operators is regulated by various regulations, including POJK and the Personal Data Protection Law (PDP Law).

POJK Number 10/POJK.05/2022 mandates that P2P Lending operators must maintain the confidentiality, integrity, and availability of personal data. Operators are required to obtain consent from the data owner before using or disclosing the data. In practice, many cases involve operators not complying with this rule, resulting in violations of individual rights as emergency contacts.

Examples of such cases include platforms like Home Credit and Ada Kami, where debt collection is conducted aggressively and disruptively towards emergency contacts listed without permission. These actions violate the provisions stipulated in POJK and the PDP Law. Article 20 of the PDP Law asserts that personal data processing must obtain explicit consent from the data owner, and Article 57 stipulates sanctions for violations, including administrative fines and temporary suspension of data processing.

Debt collection practices by collectors often do not conform to the Standard Operating Procedures (SOP) and Code of Conduct established by the Fintech Association (Aftech). They frequently use intimidation and harsh language, violating the personal data protection of victims. This situation highlights the urgent need for more effective law enforcement to protect individuals' rights regarding personal data.

Theories of law enforcement and consumer legal protection are relevant in this context. Law enforcement aims to achieve justice, legal certainty, and social benefits. Consumer legal protection efforts safeguard consumer rights from harmful actions, provide legal certainty, and balance rights and obligations among individuals in society. Sudikno Mertokusumo states that the law aims to create order and balance in society, allocate rights and obligations, and maintain legal certainty.

Legal protection of personal data is part of human rights recognized internationally and nationally. Some countries even include personal data protection as a constitutional right. Therefore, personal data protection in the context of P2P Lending is not only the responsibility of the government and law enforcement agencies but also a fundamental right that must be respected by all parties involved in information technology-based financial services.

C. Legal Solutions to Achieve Effective Personal Data Protection in Debt Collection on Information Technology-Based Lending Services

In the context of online loans, platform providers often contact borrowers and their emergency contacts for debt collection, potentially leading to misuse of personal data. According to Article 1338 of the Indonesian Civil Code, if the borrower fails to repay the loan, the lender has the right to claim their entitlement. However, the owner of the borrower's emergency contact data should receive legal protection against arbitrary use of their personal data.

Article 1243 of the Indonesian Civil Code states that misusing personal data by the operator can be categorized as a breach of contract, allowing the agreement to be annulled through the court, with the operator obliged to pay compensation as regulated in Articles 1266 and 1267 of the Indonesian Civil Code. Other legal solutions include reporting violations to relevant authorities.

Fintech operators that use or process personal data without the owner's consent can face administrative sanctions based on Law Number 27 of 2022 on Personal Data Protection and POJK Number 10/POJK.05/2022. Borrowers can report personal data misuse to the Financial Services Authority (OJK). According to Article 44 paragraph 1 of the POJK LPBBTI, operators must maintain the confidentiality, integrity, and availability of personal data, ensure authentication and validation processes, and obtain consent from the data owner before using or disclosing personal data.

Sanctions that can be imposed on fintech operators include written warnings, blocking electronic systems, restricting business activities, or revoking licenses by OJK. Borrowers can also report violations to the relevant authorities under Law Number 27 of 2022. OJK plays a crucial role in combating individuals who misuse the personal data of P2P Lending users. Law No. 27 of 2022 classifies personal data into specific data and general data, which must be protected by fintech operators.

Although OJK has prohibited access to contact lists, image files, and other personal information from smartphones according to POJK Number 10/2022, further socialization to the public about the importance of choosing secure fintech that does not misuse personal data is still necessary. This relates to the theory of supervision, which according to Sujamto, is an effort to know and assess the implementation of tasks or work, and stronger control to ensure tasks are carried out according to the rules.

According to Muchsan, supervision is the activity of assessing task implementation de facto to ensure activities comply with predetermined benchmarks. With proper supervision from OJK, effective legal protection can be realized, providing legal certainty and law enforcement for P2P Lending fintech users.

Legal protection is provided to the public to enjoy rights recognized by law. Sudikno Mertokusumo states that the primary purpose of law is to create order and balance in society. The law serves to allocate rights and obligations among individuals, regulate legal issue resolution, and maintain legal certainty. Legal protection of the personal data of fintech users is part of efforts to create an orderly and just society, ensuring individual rights are protected from misuse by irresponsible parties.

Conclusion

Legal protection for borrowers in Fintech Peer-to-Peer (P2P) Lending services is clearly regulated under the Financial Services Authority Regulation (POJK) Number 10/POJK.05/2022 on Information Technology-Based Joint Funding Services and Law Number 27 of 2022 on Personal Data Protection. These regulations ensure that borrowers have explicit rights concerning the protection of their personal data, with required consent before any data processing.

Individuals designated as emergency contacts in P2P Lending services must give prior consent before their information is used. If an emergency contact feels aggrieved, they can report the issue to OJK. Article 57 of the PDP Law provides sanctions for operators who list emergency contact numbers without consent, including written warnings, temporary suspension of data processing activities, data deletion, and administrative fines.

If personal data is misused by P2P Lending operators, the legal remedies include reporting violations to OJK. Operators who process personal data without the owner's consent can face administrative sanctions based on the PDP Law and POJK Number 10/POJK.05/2022. Data owners can report non-compliant operators according to Article 44 paragraph 1 of POJK LPBBTI.

To ensure effective legal protection and enhance public trust in P2P Lending services, OJK needs to enforce strict and consistent sanctions against Fintech operators who violate data protection regulations. This will help ensure compliance with the established legal framework.

The public must be more selective in choosing safe and responsible loan providers. Consumers should ensure that operators comply with data protection regulations to safeguard their rights from misuse. Increasing public education and awareness about the importance of choosing compliant services will effectively protect consumer personal rights and data.

By addressing these issues, this research aims to contribute to better legal protection for consumers in Fintech P2P Lending services and provide clear guidelines for stakeholders in implementing personal data protection regulations.

References

- [1] Achmad Busro. (2012). *Contract Law Based on Book III of the Civil Code*. Yogyakarta: Pohon Cahaya.
- [2] Aminuddin & Zainal Asikin. (2012). *Introduction to Legal Research Methods*. Jakarta: RajaGrafindo Persada.
- [3] AZ. Nasution. (2006). *Consumer Protection Law: An Introduction*. Jakarta: Diadit Media.
- [4] Dani Vardiansyah. (2008). *Philosophy of Communication Science: An Introduction*. Jakarta: PT. Indeks.
- [5] Dendawijaya. (2009). *Banking Management*. Bogor: Ghalia Indonesia.
- [6] Firda Nur Asmita. (2020). *The Role of Digital Financial Management in Enhancing Financial Inclusion*. Jakarta: KoinWorks x Sekretariat DNKI.
- [7] Happy Susanto. (2008). *Consumer Rights When Harmed*. 1st ed. Jakarta: Visimedia.
- [8] Ishaq. (2015). *Research Methods and Thesis, Dissertation Writing*. Kerinci: Stain Kerinci.
- [9] Lexy J. Moleong. (2004). *Qualitative Research Methodology*. Bandung: Remaja Rosdakarya.
- [10] Mudrajad Kuncoro. (2016). *Quantitative Methods: Theory and Applications for Business and Economics*. Yogyakarta: YPKN.
- [11] Muhaimin. (2020). *Legal Research Methods*. Mataram: Mataram University Press.
- [12] Peter Mahmud Marzuki. (2011). *Legal Research*. Revised Edition. Jakarta: Kencana Prenada Media Group.
- [13] _____. (2013). *Legal Research Methods*. Revised Edition. Jakarta: Kencana.
- [14] Purwanto. (2007). *Research on Legal Protection of Digital Data*. Jakarta: National Legal Development Agency.
- [15] Ratna Sahay, et al. (2020). *The Promise of Fintech: Financial Inclusion in the Post Covid-19 Era*. Washington, DC: International Monetary Fund.
- [16] Salim HS & Erlies Septiana Nurbani. (2016). *Application of Legal Theory in Thesis and Dissertation Research*. Jakarta: PT. RajaGrafindo Persada.
- [17] Shant Dellyana. (1988). *Concept of Law Enforcement*. Yogyakarta: Liberty.
- [18] Shidarta. (2000). *Consumer Protection Law*. Jakarta: Grafindo.
- [19] Sirajun. (2012). *Public Service Law*. Malang: Setara Press.
- [20] Soerjono Soekanto. (2002). *Introduction to Legal Research*. Jakarta: UI Press.
- [21] Sudikno Mertokusumo. (1999). *Understanding Law: An Introduction*. Yogyakarta: Liberty.

- [22] Sujamto. (1983). *Some Definitions in the Field of Supervision*. Jakarta: Ghalia Indonesia.
- [23] Sunaryo. (2013). *Financing Institution Law*. Jakarta: Sinar Grafika.
- [24] Sutandyo Wignyosubroto. (2002). *Law: Paradigm, Method, and Dynamics of Its Issues*. Jakarta: Huma.
- [25] Titik Djumiarti. (2008). *Management Information Systems*. Semarang: Universitas Diponegoro.
- [26] W.J.S. Poerwadarminta. (1984). *General Dictionary of the Indonesian Language*. Jakarta: Balai Pustaka.