

Protection of Personal Data Abuse in Online Lending in Indonesia

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Abstract

The misuse of personal data in online lending in Indonesia has become an important issue alongside the rapid growth of the digital finance sector. This study aims to analyze personal data protection in the context of online lending, focusing on Law No. 27 of 2022 and POJK No. 22 of 2023. The method used is a normative legal approach with a descriptive-analytical approach, which includes an analysis of legislation and data protection practices in the industry. The research subjects include both regulations and how they are applied in practice. Data collection techniques were conducted through document studies, including analysis of laws, regulations, and related literature. The main theory used is the theory of personal data protection, which emphasizes individual rights and the responsibilities of data controllers. The results of the study show that Law No. 27 of 2022 and POJK No. 22 of 2023 provide a comprehensive legal framework for personal data protection in online lending, with an emphasis on individual rights and the responsibilities of data controllers. Although this legal framework is already strong, there are still challenges in its implementation, so further efforts are needed to ensure effective personal data protection in this sector. The academic contribution of this research is to provide new insights into the effectiveness of regulations in protecting personal data and to encourage discussion on improving data protection implementation in the digital finance sector.

Keywords: Personal Data Protection, Online Lending.

Abstrak

Penyalahgunaan data pribadi dalam pinjaman online di Indonesia telah menjadi isu penting seiring dengan pesatnya pertumbuhan sektor keuangan digital. Penelitian ini bertujuan untuk menganalisis perlindungan data pribadi dalam konteks pinjaman online, dengan fokus pada UU No. 27 Tahun 2022 dan POJK No. 22 Tahun 2023. Metode yang digunakan adalah pendekatan hukum normatif dengan pendekatan deskriptif-analitis, yang mencakup analisis peraturan perundang-undangan dan praktik perlindungan data di industri. Subjek penelitian mencakup peraturan dan bagaimana penerapannya dalam praktik. Teknik pengumpulan data dilakukan melalui studi dokumen, termasuk analisis peraturan perundang-undangan, peraturan, dan literatur terkait. Teori utama yang digunakan adalah teori perlindungan data pribadi, yang menekankan hak-hak individu dan tanggung jawab pengontrol data. Hasil penelitian menunjukkan bahwa UU No. 27 Tahun 2022 dan POJK No. 22 Tahun 2023 memberikan kerangka hukum yang komprehensif untuk perlindungan data pribadi dalam pinjaman online, dengan penekanan pada hak individu dan tanggung jawab pengendali data. Meskipun kerangka hukum ini sudah kuat, masih ada tantangan dalam implementasinya, sehingga diperlukan upaya lebih lanjut untuk memastikan perlindungan data pribadi yang efektif di sektor ini. Kontribusi

akademis dari penelitian ini adalah untuk memberikan wawasan baru tentang efektivitas regulasi dalam melindungi data pribadi dan mendorong diskusi tentang peningkatan implementasi perlindungan data di sektor keuangan digital.

Kata kunci: *Perlindungan Data Pribadi, Pinjaman Online.*

Introduction

Information technology has caused important shifts in various dimensions of life, especially in the financial sector, along with the development of the current digital and global era. Fintech (*financial technology*) with its online lending services is one of the most important breakthroughs of these technological advances. People can now get funds easily without having to go through complicated processes like in traditional financial institutions. Through smartphone applications or digital platforms, both individuals and businesses can apply for loans quickly. (Kirana, 2021) The role of fintech is crucial in encouraging the expansion of access to finance, especially for community groups that have not previously been touched by the traditional banking system. (Sugiharto, 2021). However, most Indonesians still do not have adequate digital literacy and legal understanding of personal data rights. (Amanda, R., & Suharto, 2023)

Behind the many benefits offered by online lending, there are problematic aspects that need to be considered, especially with regard to the security of consumers' personal information. Digital lending services require users to submit a variety of sensitive information such as full identity, residential location, phone contact, ID card number, employment details, and various financial records. This personal information is used to evaluate creditworthiness and complete the loan application process. The accumulation and management of large amounts of personal data by online loan providers poses a serious threat if not managed with adequate security. Various forms of misuse of personal information can occur, ranging from data trading without user consent to cyber-attacks that result in the leakage of confidential information. (Mahendra, 2022)

In digital credit services, misuse of personal information is a crucial issue that needs serious attention. The act of misuse often involves irresponsible external entities that exploit user information for harmful purposes.

The Indonesian government has shown seriousness in securing users' personal information through various policies. A significant action that has been implemented is the enactment of Law No. 27 of 2022 on Personal Data Protection. This regulation provides a comprehensive and definitive legal basis for individuals' rights to control the use of their personal information. The fundamental principles enshrined in the law include the obligation for service providers, including

digital lending platforms, to ensure the security and confidentiality of user data. The regulation also stipulates severe legal consequences for service providers found to have misused users' personal information (Sugiharto, 2021). This law is expected to encourage online lending providers to manage personal data more carefully and responsibly.

Financial Services Authority Regulation (POJK) Number 22 of 2023 on Online Loan Services is also one of the steps taken by the Financial Services Authority (OJK) to improve the protection of personal information. This regulation is intended to control the operational activities of digital loan service providers, including the aspect of safeguarding personal data. The essential provisions in this regulation require digital lending platforms to obtain users' consent before collecting and processing their personal information. The regulation also requires service providers to ensure data confidentiality and implement robust security systems to protect users' sensitive information from the threat of leakage or misuse.(Nurul Aulia, Joni Emirzon, 2020)

However, although Law No. 27 of 2022 has become a solid juridical foundation in ensuring the protection of personal data, its implementation still faces various challenges. One of the main obstacles is the low understanding and awareness of online loan providers on the importance of maintaining personal data security. Some of them still use systems that are vulnerable to hacking and data leakage. In addition, supervision from relevant authorities has not been optimal, mainly because many organizers operate without adequate supervision.(Mahendra, 2022)

Safeguarding personal information in digital credit services is not only a matter of policy, but also of consumers' understanding of their rights to personal information. Many consumers do not fully understand how their personal information is used and what rights they have in relation to the management of this information.(Sugiharto, 2021)

Equally important is the improvement of supervision mechanisms from the competent authorities, such as OJK and other relevant institutions, to verify the compliance of digital credit service providers with the established personal information security parameters. Intensive supervision will encourage service providers to be more careful in managing consumer data, thereby minimizing the risk of misuse of information and maintaining public trust in the digital lending industry. One strategy that can be implemented is to strengthen collaboration between various government agencies and the business sector to develop a more comprehensive and accountable personal information protection system.(Puspita, 2023)

Novrianti, 'Florianus Yudhi Priyo Amboro, 'Rufinus Hotmaulana Hutauruk wrote a study

entitled "Analysis of Consumer Protection in the Act of Personal Data Misuse by Online Loan Providers Based on Indonesian Legal Perspective". The study found that regulations that will protect personal data in 2022 will be highly anticipated by customers, especially those who feel harmed by digital service providers, especially in the field of online financial services. Law No. 27 of 2022 on Personal Data Protection (UU PDP) is a specific law that regulates how personal data should be protected. Consumers have two options for legal resolution in the event of a personal data protection breach: arbitration or litigation. If the arbitration process does not result in an agreement between the parties, the case can be brought to court to be settled in court. (Novri, N., Amboro, F. Y. P., & Hutauruk, 2023)

Hendri Hendri, Suriyanto Suriyanto, and Resi Pranacitra entitled "Certainty and Legal Protection of Personal Data of Fintech Peer to Peer Lending Users". The findings of this study show that Indonesian law provides preventive and repressive legal protection to the personal information of users of peer-to-peer lending fintech services. The purpose of preventive laws is to stop violations before they happen, especially in financial technology-based financing. The Financial Services Authority Regulation (POJK) on Information Technology-Based Shared Funding Services (LPBBTI) and the Financial Services Authority Circular Letter (SEOJK) on Governance of Information Technology-Based Shared Funding Services Organizers (LPBBTI) are two important regulations that the government has established in this regard. These regulations help fintech organizations protect user data responsibly and methodically. On the other hand, repressive legal protection seeks to resolve disputes or violations that have occurred. This mechanism can be done through litigation in the District Court as part of the General Court, or through government agencies authorized to handle administrative disputes. In this context, administrative sanctions can also be imposed on fintech providers who are proven to violate provisions related to personal data protection. (Hendri, H., Suriyanto, S., & Pranacitra, 2023)

Design of Legal Protection for Consumers and Personal Data for Business Activities Using Fintech in Indonesia was written by Fuad, Rio Rama Baskara, and Anas Urbaningrum. The result of the study is that the Government has issued a number of regulations to protect consumers and people's personal data, especially when using technology-based financial services (fintech). This policy is made so that every citizen gets fair and safe legal protection when doing activities, especially in financial matters. If violations occur, these regulations also contain provisions for sanctions, either in the form of administrative sanctions, fines, or imprisonment, depending on

the level of violation committed. (Fuad, F., Baskara, R. R., & Urbaningrum, 2025)

The originality of this discussion compared to previous research lies in the in-depth analysis of the legal protection of personal data in the context of online lending services based on Financial Services Authority Regulation (POJK) No. 22 of 2023. This research not only outlines the existing legal provisions, but also highlights the significant differences between this new regulation and the previous regulation, POJK No. 06/POJK.07/2022, which did not provide strict sanctions against the misuse of personal data. By emphasizing the importance of personal data protection as an integral part of consumer privacy, this study provides new insights into how regulation can serve as a tool to prevent misuse and protect consumer rights in digital financial transactions.

It also identifies and explains in detail the obligations of financial service providers in protecting consumers' personal data, including complaint mechanisms and administrative sanctions that may be imposed. This makes an important contribution to the understanding of how regulations can be practically implemented to create a safer and more transparent ecosystem for consumers. As such, this research serves not only as an academic reference, but also as a practical guide for industry players and policymakers in improving personal data protection in the financial services sector.

Furthermore, the *maslahah* perspective in this discussion underlines that personal data has economic value and can be considered as property, so its protection is important to prevent losses that can be experienced by individuals. As such, this research offers a new perspective that combines legal, ethical and economic aspects of personal data protection, and provides recommendations for more effective and equitable regulatory implementation in the fintech sector. This is expected to encourage public awareness of the importance of personal data protection and encourage businesses to comply with the established protection principles.

The topic of personal data protection in online lending services is very important to study from both academic and practical perspectives given the rapid development of financial technology that carries the risk of widespread misuse of consumer data. Academically, this research fills the void of in-depth literature on how regulations such as Law No. 27 of 2022 and POJK No. 22 of 2023 are implemented and faced with challenges in the field, and provides a conceptual framework based on legal and ethical principles of data protection in the context of fintech. This research also contributes to the development of personal data protection theory

relevant to the dynamics of financial services digitization. Practically, this topic is crucial for identifying gaps and obstacles in the implementation of regulations, increasing consumer awareness of their rights, and encouraging service providers to improve data management policies and mechanisms. Thus, the research results have the potential to strengthen public trust, prevent data misuse, and ensure a safe, transparent, and equitable online lending service ecosystem, thus providing real benefits to the wider community and policy makers.

Methods

In this research, various literatures such as scientific journals, legal articles, books, and laws and regulations were studied. The method used is descriptive-analytical. This means describing the current situation regarding personal data protection in online lending practices and analyzing the benefits and weaknesses of the current regulations. The subjects of this research include online loan service providers, consumers who use such services, as well as regulations governing personal data protection. The research also involves analyzing various literatures, including scientific journals, legal articles, books, and relevant laws and regulations. The data collection technique used is literature, where the author collects and analyzes literature sources such as scientific journals, legal articles, books, and relevant laws and regulations. The data obtained was then analyzed using content analysis techniques by identifying key themes and evaluating the effectiveness of data protection policies and practices.

Legal Protection of Personal Data in Online Lending According to Law No. 27 of 2022

Personal data protection in Indonesia rests on a solid philosophical foundation. The philosophical basis refers to Pancasila and the 1945 Constitution of the Republic of Indonesia after the Fourth Amendment (UUD 1945). The Constitution in Article 28G paragraph (1) contains a mandate on the right of every citizen to obtain protection of all elements concerning him, including protection of his individual entity, family scope, dignity, and assets under his control. In addition, every citizen has the right to feel safe and protected from all forms of threats that could threaten their basic rights (1945 Constitution, Article 28G paragraph (1)). Therefore, the public must better understand and comprehend the law related to the humanitarian aspects relating to the protection of privacy and personal data when using *peer- to-peer lending financial technology* services, especially as consumers. It is crucial to be aware of everyone's constitutional right to be free from intimidation directed at them through misuse of personal information. (Fakhri

Yulenrivo, Busyra Azheri, 2023)

An Analysis of the Gap Between Data Protection Regulations and Privacy Rights Implementation in Indonesia written by Judijanto, Solapari & Putra (2024) in *The Easta Journal Law and Human Rights* reveals that there is still a significant gap between the legal substance in the PDP Law and implementation in the field, especially related to the supervisory institutions that have not been established and the weak public awareness of their privacy rights. The research also emphasized that compared to the GDPR, Indonesia lacks an effective enforcement structure and detailed legal definitions, thus risking legal uncertainty in personal data protection practices. (Judijanto, 2024)

In another study, the journal "Personal Data Protection in ASEAN: A Critical Comparison between Indonesia's and Malaysia's Legal Frameworks" written by Darma Sukerta and Sutrisno (2024) in the *Constitutional Law Review* reveals that although Indonesia's regulation (PDP Law) has a broader scope than Malaysia's PDPA, both countries still face similar issues, especially regarding the independence of the supervisory authority. The PDP Law is considered more progressive in substance as it adopts GDPR principles, but institutionally it is not yet supported by a truly independent and strong authority in terms of law enforcement. This study emphasizes the importance of institutional reform and improving the legal literacy of the public so that regulations can be implemented effectively. (Darma Sukerta & Sutrisno, 2024)

Debt collection actions that use intimidation methods, do not meet ethical standards, or violate "Article 4 in Law No. 8 of 1999 concerning Consumer Protection (Consumer Protection Law), as well as Article 29 paragraph (1) and Article 30 in Law No. 39 of 1999 concerning Human Rights (Human Rights Law)." personal information in *peer-to-peer* lending-based financial technology services (P2P lending) (Pardosi & Primawardani, 2020). According to the Consumer Protection Regulation, consumers are entitled to government protection from unfair.

Law No. 27 of 2022 concerning Personal Data Protection (PDP Law) was passed in Indonesia in 2022. This law sets out specific limits, principles, and standards for personal data protection. The purpose of this law is to address the need for comprehensive regulations given the increasing use of digital services. In practice, the processing of personal data plays an important role in the provision of financial technology services, particularly in peer-to-peer (P2P) lending models. Before applying for a loan through a Fintech P2P Lending platform, consumers are typically required to submit certain personal data, such as information from their ID card, a

photo of themselves, their phone number, and other data needed for verification and eligibility assessment.(Theresa, 2024)

In the context of personal data management by online lending service providers, there are six fundamental principles that serve as normative guidelines, namely: the principle of transparency, which requires service providers to provide transparent and comprehensive information regarding the purpose, methods, and reasons for collecting and processing personal data; the principle of purpose limitation, which stipulates that data utilization is only permitted for legitimate, specific purposes consistent with the explicit consent of the data subject, such as identity verification, creditworthiness analysis, and loan disbursement; the principle of accuracy, which requires providers to ensure the accuracy and timeliness of data and to grant data subjects the right to correct inaccurate information; the principle of security, which mandates the implementation of reliable data protection systems to ensure the confidentiality, integrity, and availability of personal data from potential unauthorized access, leaks, or misuse; the principle of fairness, which emphasizes that all data collection and processing activities must be conducted lawfully, proportionally, and without manipulative actions; and the principle of accountability, which demands full responsibility from service providers for any risks and violations of data protection, including compensation if losses occur to the data subject. These six principles represent the essential ethical and legal framework for ensuring the protection of individual privacy rights in the digital financial services ecosystem. (Eva Desy Fatmasari, 2023)

The PDP Law also emphasizes the similarity of principles with legal determinations, whereby individuals as data owners or subjects of personal data have full rights over their data. One of these rights is the right to revoke or withdraw consent if personal data is collected or processed automatically without valid permission. This step aims to ensure a sense of security and comfort for individuals who have data in every stage of personal data management.(Fakhri Yulenrivo, Busyra Azheri, 2023)

Additionally, to strengthen the sense of security for data subjects, data controllers are required to provide documentation of consent before processing data. This evidence serves as the legal basis that the data owner has given consent voluntarily and knowingly. This obligation is established to prevent potential violations and misuse of personal data.

Furthermore, Article 34 of the PDP Law addresses the potential significant impacts that may arise from the processing of personal data. Improper data processing can cause significant harm

to data subjects, including privacy, security, and social and economic aspects. Therefore, data controllers are highly responsible for ensuring that all data processing activities are conducted in accordance with applicable laws and security standards. They must also prevent the illegal dissemination of data.

Important articles such as Article 42(1), Article 43(1), and Article 44(1) of the Personal Data Protection Law (PDP Law) establish data management mechanisms to enhance the protection of personal data. These three articles explain that if a failure occurs during the processing or handling of personal data, whether caused by technical errors, negligence, or cyber-attacks, the Personal Data Controller is obligated to immediately cease all such processes. This cessation must be carried out to prevent greater risks, such as data breaches or the misuse of personal information that could harm the data owner.(Khotimah & Yazid, 2023)

All activities related to the processing and control of personal data are always under strict supervision by the authorized parties. The designated institutions or agencies have the obligation to conduct regular monitoring and assessments to ensure that all data management processes comply with applicable laws and regulations. Furthermore, all activities related to

In practice, Personal Data Controllers are required to carry out their duties and obligations in accordance with applicable laws and regulations. They must comply with established operational standards to ensure the security and integrity of the personal data they manage. This serves as concrete evidence that officials or individuals appointed as personal data managers are not chosen arbitrarily. They must possess a deep understanding, adequate technical skills, and relevant competencies in line with their primary duties and functions (tupoksi). Enforcement of data violations must utilize digital forensics and online reporting systems.(Zulfikar, 2023)

Law No. 27 of 2022 on Personal Data Protection also explicitly regulates international cooperation in Chapter X, Article 62. This provision provides a legal basis for Indonesia to strengthen cooperation with other countries for the management and protection of personal data at the global level. The article emphasizes that international cooperation must continue to ensure the protection of personal data in accordance with applicable international standards. In addition, partner countries are required to comply with equivalent data protection principles to ensure that the privacy rights of data subjects remain protected, even if the data is processed or stored outside the jurisdiction of Indonesia.

Administrative sanctions for violations of regulations in the field of personal data protection

are also clearly stipulated in Law No. 27 of 2022 on Personal Data Protection (PDP Law). Article 57 of Chapter VIII sets out these provisions, stating that violations may be subject to administrative sanctions in the form of written warnings, administrative fines, temporary or permanent suspension of data processing activities, and the deletion of the relevant personal data. The purpose of enforcing these sanctions is to ensure that data management is carried out in accordance with applicable laws and regulations and to serve as a deterrent.

Additionally, Chapter XII Article 64 of the PDP Law also regulates the mechanism for resolving disputes arising from violations of data subjects' rights. Such resolutions may be carried out through arbitration, court proceedings, or other alternative dispute resolution procedures in accordance with relevant laws and regulations. If someone feels aggrieved due to the misuse of personal data, this provision provides them with legal security and access to justice. (Handayani, 2023)

The PDP Law also provides strong protection against the use of personal data. Everyone is prohibited from using personal data that is not their property for personal or other parties' interests without valid permission. Violations of this provision may result in criminal penalties, as stipulated in Chapter XIV, Articles 67 and 68. These articles state that "if someone discloses another person's personal data without permission, the perpetrator may be subject to imprisonment for up to 5 years and a maximum fine of Rp 4,000,000,000.00 (Four Billion Rupiah). Additionally, if someone collects another person's personal information without permission, they may be subject to a maximum fine of Rp 5,000,000,000.00 (Five Billion Rupiah) or a maximum prison sentence of 5 years."

Furthermore, "if personal data is forged for personal gain that harms others, the perpetrator may be subject to criminal sanctions in the form of a maximum prison sentence of 6 years and a fine of up to Rp 6,000,000,000.00 (Six Billion Rupiah). These penalties aim to provide stronger protection for individuals' personal data and to address criminal acts that may directly harm individuals."(Puspita, Khadafi, 2023)

The protection of personal data as regulated in Law No. 27 of 2022 is not only the responsibility of the government and public institutions but also the obligation of the entire community. The public needs to understand and support efforts to protect personal data in accordance with applicable regulations. One way to do this is by educating others who may not have sufficient knowledge about the law and personal data protection. This is important to help

the public understand and distinguish between legal and illegal online loans, as well as to enable them to understand their rights in protecting their personal data in the digital world.

The protection of personal data in the context of online lending in Indonesia has a strong constitutional basis and is reinforced by comprehensive regulations through Law No. 27 of 2022. Although it is regulated normatively with principles such as accountability, transparency, and data security, its implementation in practice still faces serious challenges such as weak oversight institutions, low legal literacy among the public, and data misuse practices by fintech providers. Comparisons with the GDPR and Malaysia's legal framework indicate that Indonesia still needs to strengthen its legal enforcement structure and independent oversight authorities. Therefore, personal data protection requires not only the existence of regulations but also collaboration between the government, service providers, and the public to achieve safe, fair, and equitable digital privacy rights.

Legal Protection of Personal Data in Online Lending according to POJK NO 22 of 2023

Misuse of users' personal data in financial technology lending services can cause substantial losses, highlighting the importance of legal protection of consumers' personal data. Thomas J. Imedinghaff put forward the concept of "privacy of data about a person", stating that "the right to privacy relates to information about a person that is collected and used by others. This concept asserts that personal data security is an important part of a person's privacy and must be properly protected." (K. Benuf, 2019) In this case, the Financial Services Authority Regulation No. 22 of 2023 on Consumer and Community Protection in the Financial Services Sector was made with the aim of improving the protection of consumers' personal data, including consumers who use peer-to-peer financing platforms.

In many cases, customer data during registration is not always secure. This is evidenced by the habit of business actors or their employees who casually send short messages or call customers at any time, without considering the security and privacy of customer data. The provision of Article 19 letter a, which mandates that Financial Services Providers (PUJK) protect the confidentiality and security of customer data and information, is clearly violated by the exploitation of consumers' personal data. Based on the principle of contractual relations, business actors are obliged to protect consumers because they have a contractual relationship with consumers that requires business actors to be responsible for the security and quality of services or products if these provisions are violated. Business actors become legally responsible parties

when there is a contractual relationship.

In this case, Article 22 paragraph 1 of POJK No. 22 of 2023 concerning Consumer and Community Protection in the Financial Services Sector states that: (Pasal 22 ayat (1), 2023)

1. Provide data or information about consumers to other parties;
2. Use data and/or information of consumers who have terminated product and/or service agreements;
3. Using data and/or information of prospective customers whose application for the use of products and/or services is rejected by PUJK; and/or 4) using data and/or information of prospective customers who reject the application for the use of products and/or services.

OJK regulations protect the personal data and information of individuals and companies, including various types of data (Pasal 19, 2023) for an individual such as; full name, population identification number (NIK), address, date of birth, phone number, birth mother's name, other data submitted or given access by the consumer to PUJK and/or, other data in accordance with the provisions of laws and regulations. As for corporate such as; name, address, phone number, identify documents in the form of identity cards/passports residence permits of directors, boards of commissioner, and shareholders and/or, other data submitted or given access by the consumer to PUJK.

OJK Regulation No. 22 of 2023 requires financial services businesses to provide both written and verbal explanations of the purpose and consequences of gaining access to people's personal data. To ensure the security of their data, financial services companies must use reliable technology when managing people's personal data. In cases where businesses obtain personal data from third parties, they must provide a written statement indicating that the third party has given consent to the public. In addition, in accordance with the provisions of Article 23, businesses must inform the public about the source of the personal data they obtain.

The purpose and effect of consumer consent regarding the provision of consumer data and/or information must be explained by PUJK in writing and/or verbally. Where PUJK receives information and/or data about a person or group of persons from a third party and uses such information to carry out its business activities, PUJK shall:

1. Has a written statement that the other party has obtained approval from the person and/or group of persons to provide the data and/or information in question to certain parties, including PUJK; and

2. Informing the Consumer about the source of data and/or information obtained by PUJK.

Thus, Article 23 of POJK No. 22 of 2023 on consumer and community protection in the financial services sector, including online lending, provides legal protection with the aim of preventing practices that are contrary to the principles of consumer protection in transactions in the financial services sector.

In addition to preventive legal protection, there is also repressive legal protection intended to resolve disputes that arise due to differences of interest between customers and service providers. This difference can arise due to consumers' wishes and expectations of peer-to-peer lending financial technology services that do not match. In accordance with OJK Regulation No. 22 of 2023, legal sanctions are applied to parties that violate the provisions, such as misuse of consumer data. One of the sanctions applied is administrative sanctions:

1. Written warning
2. Monetary penalties
3. The prohibition as the main party is in accordance with the OJK Regulation regarding the reassessment of the main party of the Financial Services Institution, where later the incumbent directors can no longer serve as directors (removed from their positions as directors);
4. Restrictions on products, services, and or business activities;
5. Suspension of products, services, and or business activities;
6. Revocation of product and or service licenses; and
7. Revocation of business license. It should be noted that the imposition of administrative sanctions can be carried out with or without preceding the imposition of written warning sanctions.

The provision of sanctions in OJK Regulation No. 22 of 2023 is part of repressive protection measures, which include actions such as imprisonment, fines, and other sanctions that are applied after a problem occurs, with the aim of solving the problem. (K. Benuf, 2019)

In comparison with Financial Services Authority Regulation No. 06/POJK.07/2022 on Consumer and Community Protection in the Financial Services Sector, the law does not provide sanctions for financial services businesses that misuse consumers' personal data. The regulation only highlights violations that cause financial losses to consumers in the banking sector, capital markets, pension funds, life insurance, financing, pawn companies, guarantees, and general

insurance. Therefore, the existing sanctions in the previous OJK Regulation do not specifically regulate violations that occur in consumer dispute cases.

The form of obligations and repressive protection efforts carried out by Financial Services Business Actors in dealing with disputes or disputes with consumers is also explained in Article 77 as follows.

1. PUJK shall provide a Complaint Response to the Consumer for the Complaint received.
2. In the event that the Complaint is submitted in writing, PUJK shall submit a written Response to the Complaint.
3. In the event that a Complaint is submitted orally, the PUJK shall submit a Response to the Complaint orally and/or in writing.
4. PUJK who violate the provisions as referred to in paragraph (1) shall be subject to administrative sanctions in the form of:
 - a. written warning;
 - b. limitation of products and/or services and/or business activities in part or in full;
 - c. suspension of products and/or services and/or business activities for part or all;
 - d. dismissal of the board;
 - e. administrative fines;
 - f. revocation of product and/or service licenses; and/or
 - g. revocation of business license.
5. The sanctions as referred to in paragraph (4) letter b through letter g shall be imposed with or without preceding the imposition of the written warning sanction as referred to in paragraph (4) letter a."
6. The fine sanction as referred to in paragraph (4) letter e shall be imposed at a maximum of Rp15,000,000,000.00 (fifteen billion rupiah)."
7. In the event that PUJK does not fulfill the implementation of administrative sanctions as referred to in paragraph (4) within the period stated in the determination of sanctions, PUJK may be subject to sanctions in accordance with the law regarding the development and strengthening of the financial sector."

Article 78 describes the complaint responses referred to in Article 77 paragraph 1 in the form of: (Pasal 78, n.d.)

- a. explanation of the problem, in the absence of errors, omissions, and actions that are contrary to

the provisions of laws and regulations in the financial services sector, and/or agreements, whether carried out by the Board of Directors, Board of Commissioners, Employees, and/or carried out by third parties working for or representing the interests of PUJK that cause losses and/or potential losses to Consumers; or"

- b. settlement offers, in the event of errors, omissions, and actions that are contrary to the provisions of laws and regulations in the financial services sector, and/or agreements, whether committed by the Board of Directors, Board of Commissioners, Employees, and/or carried out by third parties who work."

OJK Regulation No. 22/POJK.07/2023 on Consumer and Community Protection in the Financial Services Sector enhances the previous regulation. This regulation provides clearer and firmer guidelines regarding rights and obligations, both for financial service providers and consumers. It aims to minimize uncertainty in financial transactions. Overall, the Financial Services Authority Regulation No. 22 Year 2023 creates a safer, fairer, and more transparent ecosystem for consumers and the public in conducting transactions in the financial services sector.

Protection of Personal Data Abuse in Online Lending in Indonesia from the Perspective of Law Number 27 of 2022 and POJK Number 22 of 2023 from a Maslahat Perspective

According to Al-Ghazali, as explained by M. Usman, *maslahah* is basically an effort to realize benefits and prevent loss or harm. With the creation of these benefits, the goals of human welfare will be achieved. The term *maslahah* itself refers to efforts to maintain *maqashid al-syari'ah*. Meanwhile, protecting *maqashid al-syari'ah* means protecting five basic principles known as "*al-mabadi' al-khamsah*, *al-kulliyyat al-khamsah*, or *ad-dharuriyyat al-khamsah*, namely: protecting religion (*hifzh al-din*), protecting the soul (*hifzh al-nafs*), protecting offspring (*hifzh al-nasl*), protecting the mind (*hifzh al-'aql*), and protecting property (*hifzh al-mal*)."(Ahmad Hafidh, 2011)

Regulations regarding consumer protection in the rules of Law Number 27 of 2022 and POJK Number 22 of 2023 include aspects of consumer personal data protection that have an important role in preventing and overcoming the harms arising from the misuse of personal data. In an Islamic perspective, the concept of *al-maslahah al-mursalah* is understood as something that is considered good based on common sense because it is able to bring benefits and prevent harm to mankind. Therefore, the implementation of personal data protection must be in line with *maqashid al-syariah*, which is the objectives of Islamic law in determining the law, in order to

realize benefit and justice for the community.

Personal data protection in the context of *financial technology* (fintech) is included in the category of *hājiyyāt* needs because its existence provides easy access for people to fulfill economic needs. Meanwhile, consumer protection in *fintech* is included in the *dharūriyyah* needs, because if consumers or the public are not protected in terms of financial transactions, there will be a threat to their property. This is related to the principle of *ḥifẓ al-māl* (safeguarding property). Personal data itself has economic value and can be considered as *al-māl* (wealth). Imam Shafi'i defines *al-māl* as something that has value and can be traded, and has legal consequences for those who damage it.

Regulations on consumer personal data protection are issued as legal guidelines that require businesses and consumers to maintain the confidentiality of consumers' personal data. The main purpose is to bring benefits and prevent harm. When viewed from the perspective of the five elements of *dharūriyyah*, this regulation also serves to maintain the safety of the soul. As explained by Muhammad Abu Zahrah, the guarantee of protecting the soul (*al-muhafadhah 'ala an-nafs*) includes the protection of the right to an honorable life, including the safety of life, limbs, honor, freedom of choice of profession, freedom of thought, speech, choice of residence, and others. Thus, the protection of consumer personal data is an absolute right owned by every individual to maintain their honor and safety.

Conclusions

The protection of personal data in online lending services in Indonesia has gained a solid legal foundation through Law No. 27 of 2022 and OJK Regulation No. 22 of 2023. These regulations emphasize the importance of individual rights, the obligations of financial service providers, and the imposition of administrative as well as criminal sanctions for violations. From the perspective of positive law, this legal framework serves as an essential instrument to ensure security, transparency, and accountability in the management of consumer data. However, practical challenges remain, including low public legal literacy, limited compliance among some fintech providers, and insufficient supervisory capacity from regulatory authorities. Thus, stronger implementation is required through enhanced public awareness, optimized oversight mechanisms, and closer collaboration between the government, business actors, and society.

From the perspective of *maqāṣid al-sharī'ah*, the protection of personal data falls under the category of *ḥifẓ al-māl* (protection of property), while also safeguarding dignity (*ḥifẓ al-'ird*) and

life safety (*hifz al-nafs*). Personal data holds economic value and is legally recognized as property; therefore, its misuse can cause significant harm. Ensuring effective regulatory implementation aligns with the principle of *maslahah*, which aims to realize benefits and prevent harm. In conclusion, personal data protection in the fintech sector must integrate both positive law and Islamic legal principles to create a safe, fair, and transparent digital ecosystem, thereby strengthening public trust and safeguarding the fundamental rights of consumers in the digital financial era.

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