

ABSTRAK

Proses kredit yang terlalu rumit di bank merupakan alasan yang berpengaruh bagi minat calon nasabah yang ingin melakukan pinjaman melalui bank. Masyarakat mulai berpaling pada aplikasi pemberi pinjaman dana berbasis teknologi finansial yang menitik beratkan pada efisiensi prosedur serta pinjaman tanpa jaminan melalui sistem pencairan mudah. Peraturan teknologi finansial peminjaman dana atau yang biasa disebut *Peer to Peer Lending (P2P Lending)* di atur dalam POJK Nomor 77/POJK.01/2016 tentang Layanan Pinjam Meminjam Uang Berbasis Teknologi Informasi. Namun masyarakat dihimbau untuk waspada apalagi di saat pandemi virus corona ini, dikarenakan banyaknya *P2P Lending* yang belum terdaftar di OJK atau biasa di sebut pinjaman *online* ilegal yang dapat menimbulkan masalah berupa suku bunga yang terlalu tinggi. Berdasarkan hal tersebut penulis tertarik melakukan penelitian yang bertujuan untuk mengetahui dan memahami pengaturan hukum terhadap pinjaman *online* yang belum terdaftar di OJK dan akibat hukum bagi pinjaman *online* yang belum terdaftar di OJK.

Metode penelitian hukum yang digunakan ialah yuridis normatif dengan menggunakan spesifikasi penelitian bersifat deskriptif. Dimana penulis menggunakan sumber data sekunder yang bersumber dari studi kepustakaan dan kemudian dianalisis secara kualitatif.

Hasil penelitian yang di dapat penulis menunjukkan bahwa: 1) Pengaturan hukum terhadap pinjaman *online* yang belum terdaftar di Otoritas Jasa Keuangan, terdapat di dalam Peraturan Otoritas Jasa Keuangan Nomor 77/POJK.01/2016 Tentang Layanan Umum Pinjam Meminjam Uang Berbasis Teknologi Informasi. Regulasi tersebut mengatur, perusahaan *Financial Technology (fintech)* yaitu yang dimaksud disini adalah *fintech Peer to Peer Lending* atau yang sering di sebut pinjaman *online*, wajib mengajukan izin kepada Otoritas Jasa Keuangan untuk menjalankan usahanya. 2) Akibat hukum bagi pinjaman *online* yang belum terdaftar di Otoritas Jasa Keuangan hanya sebatas pemblokiran yang dilakukan oleh satuan tugas (satgas) waspada investasi yaitu kementerian Komunikasi dan Informatika. Sedangkan apabila terdapat perbuatan melawan hukum di dalam menjalankan kegiatannya, maka satgas waspada investasi akan melakukan upaya represif melakukan tindakan hukum terhadap pelanggaran ketentuan dan perundang-undangan.

Kata Kunci : Pinjaman *Online*, Belum Terdaftar, Otoritas Jasa Keuangan.

ABSTRACT

The credit process that is too complicated at the bank is an influential reason for the interest of prospective customers who want to make loans through banks. People have started to turn to financial technology-based lender applications that emphasize procedural efficiency as well as unsecured loans through an easy disbursement system. The regulation of financial technology for lending funds or what is commonly called Peer to Peer Lending (P2P Lending) is regulated in POJK Number 77 / POJK.01 / 2016 concerning Information Technology-Based Lending and Borrowing Services. However, people are urged to be vigilant especially during the coronavirus pandemic, due to the large number of P2P lending that have not been registered with the OJK or commonly called an online loans illegal which can cause problems in the form of too high interest rates. Based on this, the authors are interested in conducting research that aims to find out and understand the legal arrangements for online loans that have not been registered with the OJK and the legal consequences for online loans that have not been registered with the OJK.

The legal research method used is normative juridical using descriptive research specifications. Where the authors use secondary data sources that come from literature studies and then analyzed qualitatively.

The results of the research show that the author can indicate that: 1) Legal arrangements for online loans that have not been registered with the Financial Services Authority are contained in the Financial Services Authority Regulation Number 77 / POJK.01 / 2016 concerning Information Technology-Based Borrowing and Lending Public Services. The regulation regulates Financial Technology (fintech) companies, which is meant here, are Peer to Peer fintech Lending or what is often called an online loan, must apply for permission to the Financial Services Authority to run its business. 2) The legal consequences for online loans that have not been registered with the Financial Services Authority are limited to blocking which is carried out by the investment alert task force, namely the Ministry of Communication and Information. Meanwhile, if there is an act against the law in carrying out its activities, the investment alert task force will make repressive efforts to take legal action against violations of provisions and laws.

Keywords : *Online Loans, Not Yet Registered, Financial Services Authority.*