

ABSTRAK

Tujuan dari penelitian disertasi ini ialah untuk menganalisis pelaksanaan perlindungan hukum bagi debitur yang mengalami gagal bayar dalam perjanjian pinjaman uang berbasis online di Indonesia saat ini, untuk menganalisis faktor-faktor yang mengakibatkan pelaksanaan perlindungan hukum bagi debitur yang mengalami gagal bayar dalam perjanjian pinjaman uang berbasis online di Indonesia saat ini belum berkeadilan, untuk merekonstruksi perlindungan hukum bagi debitur yang mengalami gagal bayar dalam perjanjian pinjaman uang berbasis online yang berbasis nilai keadilan.

Adapun metode yang digunakan dalam penelitian ini ialah deskriptif analitis dengan pendekatan penelitian yuridis normatif. Teori yang digunakan teori sistem hukum Lawrence M. Friedman dan teori efektivitas Soerjono Soekanto.

Berdasarkan penelitian yang dilakukan ditemukan fakta bahwa Pengaturan pemberantasan *Fintech* masih belum mengatur perihal ancaman pidana. Hal ini diperumit kembali oleh belum jelasnya sistem pengaturan terkait teknis pengawasan dan pelaksanaan *financial technology* dalam Peraturan Otoritas Jasa Keuangan Nomor 1/Pojk.07/2013 dan Peraturan Otoritas Jasa Keuangan (POJK) Nomor 77/POJK.01/2016 belum secara jelas diatur, hal ini mengakibatkan berkembangnya kasus penipuan berkedok lembaga *financial technology* yang banyak merugikan masyarakat selaku debitur. Adapun faktor-faktor yang mempengaruhi pelaksanaan perlindungan debitur ketika tidak mampu membayar hutangnya kepada lembaga *financial technology* ialah faktor belum diaturnya perihal ancaman pidana pada peraturan hukum *Fintech* di Indonesia, faktor minimnya daya jangkau penegakan hukum dalam kasus penipuan berkedok lembaga *financial technology*, dan faktor pengaruh globalisasi yang mengakibatkan pertumbuhan lembaga *financial technology* semakin tidak terkendali. Saran yang diajukan dalam tesis ini ialah perlu dibuat formulasi aturan terkait ancaman pidana atas penyelenggaraan peminjaman online melalui lembaga *financial technology* baik di level undang-undang, peraturan pemerintah, peraturan Menteri, peraturan OJK, maupun Perda Provinsi, Kabupaten dan/atau Kota dan perlu dibuatnya formulasi terkait pengawasan terhadap lembaga *financial technology* secara ketat dan independent.

Kata Kunci: Efektivitas, Pidana, *Financial Technology*

ABSTRACT

The purpose of this dissertation research is to analyze the implementation of legal protection for debtors who experience default in online-based money loan agreements in Indonesia today, to analyze the factors that result in the implementation of legal protection for debtors who experience default in online-based money loan agreements. In Indonesia, there is currently no justice, to reconstruct legal protection for debtors who have failed to pay in online money loan agreements based on the value of justice.

The method used in this research is analytical descriptive with a normative juridical research approach. The theory used is Lawrence M. Friedman's legal system theory and Soerjono Soekanto's theory of effectiveness.

Based on the research conducted, it was found that the Fintech eradication regulation still does not regulate criminal threats. This is further complicated by the unclear regulatory system related to the technical supervision and implementation of financial technology in the Financial Services Authority Regulation Number 1/Pojk.07/2013 and the Financial Services Authority Regulation (POJK) Number 77/POJK.01/2016 has not been clearly regulated, This has resulted in the development of fraud cases under the guise of financial technology institutions which have caused a lot of harm to the public as debtors. The factors that influence the implementation of debtor protection when they are unable to pay their debts to financial technology institutions are factors that have not been regulated

regarding criminal threats in Fintech legal regulations in Indonesia, the factor of the lack of reach of law enforcement in cases of fraud under the guise of financial technology institutions, and the influence of globalization. which resulted in the growth of financial technology institutions increasingly out of control. The suggestion put forward in this thesis is that it is necessary to formulate rules related to criminal threats for the implementation of online lending through financial technology institutions both at the level of laws, government regulations, ministerial regulations, OJK regulations, as well as provincial, district and/or city regulations and need to be made formulation related to strict and independent supervision of financial technology institutions.

Keywords: *Effectiveness, Criminal, Financial Technology*

