

ABSTRAK

PERLINDUNGAN HUKUM BAGI PENGGUNA LAYANAN PINJAM MEMINJAM DANA BERBASIS TEKNOLOGI FINANSIAL (*FINANCIAL TECHNOLOGY*) DI INDONESIA

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Pertumbuhan penyelenggara *Financial Technology* di Indonesia khususnya *Peer to Peer Lending* meningkat dari tahun ke tahun. Otoritas Jasa Keuangan sebagai lembaga pengaturan dan pengawasan sektor jasa keuangan berperan aktif dalam mengawasi perkembangan penyelenggara *Financial Technology* jenis *Peer to Peer Lending* agar sesuai Peraturan Otoritas Jasa Keuangan Nomor 77/POJK.01/2016, karena dalam opininya, masih banyak terjadi pelanggaran- pelanggaran khususnya mengenai pendaftaran dan perizinan penyelenggara di Otoritas Jasa Keuangan. Permasalahannya adalah Bagaimana pengawasan fungsi Otoritas Jasa Keuangan terhadap pelaksanaan pemberian pinjaman berbasis *fintech* terhadap data pribadi pengguna layanan dan bagaimana perlindungan hukum bagi pengguna layanan pinjam meminjam dana berbasis *fintech* (*peer to peer lending*) jika dianalisis berdasarkan Peraturan Perundang-Undangan. Tujuan penelitian ini adalah untuk mengetahui fungsi pengawasan OJK terhadap pelaksanaan pemberian fasilitas pinjaman berbasis *fintech* terhadap data pribadi pengguna layanan, serta untuk mengetahui perlindungan bagi pengguna layanan pinjam meminjam dana berbasis *fintech* (*peer to peer lending*) yang dianalisis berdasarkan Peraturan Perundang-Undangan di Indonesia. Penelitian ini menggunakan metode yuridis normatif, dimana pengumpulan data dilakukan dengan menggunakan pendekatan undang-undang, yaitu dengan menelaah semua undang-undang dan regulasi yang terkait. Dari penelitian tersebut dapat disimpulkan bahwa Pengawasan Otoritas Jasa Keuangan terhadap perusahaan *fintech* dihubungkan dengan prinsip transparansi dalam mekanisme *fintech* di Indonesia sudah berjalan dengan mengikuti Peraturan Otoritas Jasa Keuangan Nomor 77/POJK.01/2016 tentang Layanan Pinjam Meminjam Uang Berbasis Teknologi Informasi, akan tetapi dalam pelaksanaannya belum memadai, serta perlindungan hukum terhadap pengguna layanan *fintech* jenis *P2P Lending* masih belum menjangkau kepentingan perlindungan hukum terhadap pengguna layanan layanan *fintech* tersebut.

Kata Kunci : Pengawasan, *Fintech* Jenis *Peer To Peer Lending*, Perlindungan Konsumen.

ABSTRACT

LEGAL PROTECTION FOR USERS OF LOAN LENDING SERVICES BASED ON FINANCIAL TECHNOLOGY IN INDONESIA

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The growth of Financial Technology providers in Indonesia especially Peer to Peer Lending has increased from year to year. The Financial Services Authority as the financial service sector regulatory and supervisory agency plays an active role in overseeing the development of Financial Technology providers of the Peer to Peer Lending type to comply with the Financial Services Authority Regulation Number 77 / POJK.01 / 2016, because in his opinion, there are still many violations especially regarding registration and licensing of the organizer at the Financial Services Authority. The problem is how to supervise the function of the Financial Services Authority on the implementation of fintech-based lending on the personal data of service users and how legal protection for users of lending and borrowing funds based on fintech (peer to peer lending) if analyzed based on Laws and Regulations. The purpose of this study is to determine the function of OJK supervision of the implementation of fintech-based loan facilities for personal data of service users, as well as to find out the protection for users of borrowing and borrowing services based on fintech-based funds (peer to peer lending) which are analyzed based on Indonesian Legislation. This study uses a normative juridical method, where data collection is done using a law approach, namely by examining all relevant laws and regulations. From this research it can be concluded that the Supervision of Financial Services Authority for fintech companies is connected with the principle of transparency in the fintech mechanism in Indonesia already running by following the Financial Services Authority Regulation Number 77 / POJK.01 / 2016 concerning Information Technology Based Lending and Borrowing Services, but in the implementation is inadequate, and the legal protection of users of P2P Lending services is not yet reaching the interests of legal protection of users of these fintech services.

Key words: Supervision, Fintech Type Peer To Peer Lending, Consumer Protection