

ABSTRAK

PERLINDUNGAN HUKUM BAGI DEBITUR DALAM PERJANJIAN PINJAM MEMINJAM SECARA *ONLINE* DI INDONESIA

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Referensi : 46 (1952 - 2020)

Perkembangan zaman mengakibatkan kemajuan teknologi yang mempengaruhi pertumbuhan ekonomi khususnya dalam lembaga keuangan di Indonesia, yang saat ini semakin meningkat baik dibidang perbankan maupun bidang non perbankan. Seiring terjadinya perkembangan jaman di era globalisasi ini, beragam aktivitas masyarakat tidak terlepas dari bantuan teknologi. Adanya penguatan prasarana teknologi internet juga membawa masyarakat ke era digitalisasi dimana hampir semua data yang kita butuhkan tersedia dengan lebih cepat, efisien dan lebih mudah. *Financial Technology* disingkat *Fintech* adalah implementasi serta pemanfaatan teknologi untuk meningkatkan layanan jasa keuangan perbankan juga layanan jasa keuangan non bank yang pada umumnya dilakukan oleh perusahaan rintisan (*Start up*). Adapun permasalahan yang timbul saat ini yaitu mengenai pengaturan pemberian layanan *Fintech Peer To Peer Lending* yang kurang jelas kepada pengguna dalam hal ini kepada debitur pinjaman *online*, serta terkait pemberian suku bunga yang belum diatur oleh Otoritas Jasa Keuangan sebagai pengawas layanan *Fintech Peer To Peer Lending*, melainkan diatur oleh pihak asosiasi AFTECH. Selain itu hal yang akan dibahas adalah mengenai perlindungan hukum bagi debitur pinjaman *online* yang mengalami kondisi keterlambatan bayar ataupun bayar ataupun gagal bayar. Meskipun pemerintah telah mengeluarkan aturan dalam layanan *Fintech Peer To Peer Lending* melalui Peraturan Otoritas Jasa Keuangan Nomor 77 POJK.01/2016 Tentang Layanan Pinjam Meminjam Berbasis Teknologi Informasi, akan tetapi peraturan ini masih perlu penambahan sedikit aturan aturan secara khusus terkait dengan penentuan suku bunga pinjaman *online* yang belum masuk didalamnya. Penelitian ini menggunakan metode yuridis normatif yaitu pengumpulan data yang dilakukan dengan menggunakan pendekatan undang-undang serta dilakukan telaah terhadap undang-undang dan juga regulasi terkait.

Kata Kunci : *Financial Technology*, Layanan Pinjaman *Online* dan Perjanjian
Pinjam Meminjam Secara *Online*.

ABSTRACT

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

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The times have resulted in technological advances that affect economic growth, especially in financial institutions in Indonesia, which are currently increasing both in the banking and non-banking fields. Along with the development of the era in this era of globalization, various community activities can not be separated from the help of technology. The existence of internet technology infrastructure has also brought people into the digitalization era where almost all the data we need is available on the internet, thus enabling us to perform all activities faster, more efficiently and more easily. Financial technology is an innovation in the financial services sector and financial technology to improve banking financial services as well as non-bank financial services, which are generally carried out by start up companies. The problems that arise at this time are regarding the regulation of providing peer to peer lending financial services that are not clear to users in this case to online credit debtors, as well as related to the provision of interest rates that not have been regulated by the financial authority as supervisor of peer to peer lending financial, but regulated by the AFTECH association. In addition, what will be discussed is about legal protection for online credit debtors who experience conditions of late payment of failure to pay. Although the government has issued regulations for peer to peer lending services through the Financial Services Authority Regulation Number 77 POJK/2016 concerning Information Technology-Based Lending Services, this regulation still needs to add few special rules inside it. This study uses a normative juridical method, namely data collection which is carried out a using legal approach as well as conducting a study of laws and related regulations.

**Key Words : Financial Technology, Financial Technology Peer To Peer Lending
and Online Lending Agreement.**