

A Review of Islamic Criminal Law and the Electronic Information and Transactions Law on Online Loan Collection Crimes

Gusri Putri Aprilia^{1*}, Zulkarnain²

¹⁻²Islamic Criminal Law State Islamic University of North Sumatra Medan, Indonesia

*Corresponding Author: gusri0205193112@uinsu.ac.id

Article Info	Abstract
Received: 23-10-2024 Accepted: 03-12-2024 Published: 04-12-2024 Keywords: Crime; Pinjol Collection; Islamic Criminal Law.	This study aims to analyze the perspectives of Islamic criminal law and the Law on Information and Electronic Transactions on online loan collection crimes. Online loan collection crimes have become an increasingly disturbing problem for society in recent years, especially with the rapid development of information technology and electronic transactions. In this context, the aspects of Islamic criminal law and the Law on Information and Electronic Transactions are very relevant to analyze in order to determine the extent of legal protection for individuals involved in online loan collection. In this study, the researcher uses a normative legal analysis method with a legislative and literature approach, as well as a comparative approach to compare the perspectives of Islamic criminal law and the Law on Information and Electronic Transactions on this crime. The results of the study indicate that in Islamic criminal law, the crime of online loan collection can be classified as a crime that harms individual human rights and the punishment that will be given is ta'zir and criminal sanctions of imprisonment for 1 (one) year and a fine of IDR 70,000,000.00 (seventy million rupiah) according to Article 45 paragraph (4) Jo Article 27 paragraph (4) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions. Therefore, it can be said that the act of online loan collection by spreading the identity of the borrower is a crime that can be subject to criminal sanctions.
Info Artikel	Abstrak
Kata Kunci: Kejahatan; Penagihan Pinjol; Hukum Pidana Islam.	Penelitian ini bertujuan untuk menganalisis tinjauan pidana Islam dan Undang-Undang informasi dan transaksi elektronik terhadap kejahatan penagihan pinjaman online. Kejahatan penagihan pinjaman online telah menjadi permasalahan yang semakin meresahkan masyarakat dalam beberapa tahun terakhir, terutama dengan maraknya perkembangan teknologi informasi dan transaksi elektronik. Dalam konteks ini, aspek pidana Islam dan Undang-Undang informasi dan transaksi elektronik menjadi sangat relevan untuk dianalisis guna mengetahui sejauh mana perlindungan hukum bagi individu yang terlibat dalam penagihan pinjaman online. Dalam

studi ini, peneliti menggunakan metode analisis hukum normatif dengan pendekatan perundang-undangan dan literatur, serta pendekatan komparatif untuk membandingkan perspektif hukum pidana Islam dan Undang-Undang informasi dan transaksi elektronik terhadap kejahatan ini. Hasil penelitian menunjukkan bahwa dalam hukum pidana Islam, kejahatan penagihan pinjaman online dapat digolongkan sebagai tindak pidana yang merugikan hak asasi individu serta hukuman yang akan di beri yakni ta' zir serta sanksi pidana penjara selama 1 (satu) tahun dan denda sejumlah Rp.70.000.000,00 (tujuh puluh juta rupiah) menurut Pasal 45 ayat (4) Jo Pasal 27 ayat (4) Undang-Undang Nomor 19 Tahun 2016 tentang Perubahan Atas Undang- Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik. Oleh karena itu dapatlah dikatakan perbuatan penagihan pinjaman online dengan cara menyebarkan identitas peminjam merupakan suatu kejahatan yang dapat dikenai sanksi pidana.



Copyright© 2024 by Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License.

INTRODUCTION

The development of digital technology has brought significant changes to various aspects of life, including the financial sector. One emerging innovation is online lending services, which offer easy access and speed in the borrowing process. According to data from the Financial Services Authority (OJK), the number of online lending providers in Indonesia has increased rapidly in recent years, reaching more than 160 companies in 2021. Despite their benefits, online lending also raises various problems, particularly in debt collection practices that often violate the law. (Rodes Ober Adi Guna Pardosi and Yuliana Primawardani, 2020)

A striking example of a loan collection case in Indonesia is the case of Christopher in Lubuk Pakam in 2021. Christopher, a debt collector for an online lending company, was arrested by authorities for unlawful collection practices. He was found to have threatened and intimidated borrowers in inhumane ways.

The main problem arising from online lending services is aggressive and often illegal collection practices. Numerous reports have emerged of intimidation, harassment, and the dissemination of borrowers' personal data by debt collectors. A prominent example is the complaint received by the Jakarta Legal Aid Institute (LBH Jakarta), which received more than 1,330 complaints related to intimidation and the dissemination of personal data by online loan collectors in 2019. (Jakarta Legal Aid Institute, 2019) This phenomenon indicates a gap in law enforcement that requires serious attention.

In facing these challenges, it is important to examine how Islamic criminal law and the Electronic Information and Transactions Law can be applied to address violations in online loan collection. Islamic criminal law offers a different perspective on crime management, emphasizing justice and a balance of rights.

Meanwhile, the Electronic Information and Transactions Law provides a more modern legal framework relevant to developments in digital technology. This study aims to find common ground and synergies between the two legal systems in addressing online loan collection crimes..

Islamic criminal law has fundamental principles that govern the relationship between individuals and society, including in the context of financial transactions. In the case of

online loan collection, it is important to understand how principles such as justice ('adl) and the prohibition against injustice (dhalim) can be applied. This study will explore the views of Islamic scholars and Islamic legal literature regarding fair and sharia-compliant debt collection practices.

Indonesia's Electronic Information and Transactions Law (ITE Law) provides the legal basis for regulating the use of information technology, including in the context of financial transactions. Articles in the ITE Law relating to personal data protection and the prohibition against intimidation will be analyzed to assess their effectiveness in addressing violations by online lending service providers. Case studies and statistical data regarding the enforcement of the ITE Law in this context will be the primary focus.

LITERATURE REVIEW

a. Concept of Islamic Criminal Law

1. Basic principles of Islamic criminal Law

The basic principles of Islamic criminal law are rooted in the Qur'an and Hadith, which emphasize justice, prevention, and rehabilitation of perpetrators of crime. According to Mahrus Ali (2015), Islamic criminal law aims to protect the rights of individuals and society by applying punishments appropriate to the type of crime. For example, in cases of theft, Islamic criminal law stipulates the punishment of amputation with very strict conditions, which aims to have a deterrent effect while providing an opportunity for rehabilitation for the perpetrator. Statistics show that countries that implement Islamic criminal law, such as Saudi Arabia, have relatively low crime rates compared to other countries. However, the application of this law is often debated among academics and legal practitioners, especially regarding human rights.

2. Application of Islamic criminal law in a modern context

In the modern context, the implementation of Islamic criminal law faces various challenges, both within national and international legal systems. Muslim countries adopt a dual legal system, where Islamic criminal law is applied alongside positive law. (Salim HS, & Nurbaini, 2019) For example, in Indonesia, Islamic criminal law is implemented in the form of Sharia Regional Regulations in several provinces, such as Aceh.

b. Electronic Information and Transactions Law

1. Legal aspects of electronic transactions and consumer protection

The Electronic Information and Transactions (ITE) Law in Indonesia is regulated by Law Number 11 of 2008 and its amendments, which aims to provide a legal framework for electronic transactions and protect consumers. Although the ITE Law has provided legal protection for consumers, many violations still occur, especially in online lending transactions. (Nugroho, 2020) Data from the Financial Services Authority (OJK) shows a significant increase in the number of complaints related to online lending, indicating the need for stricter oversight of these service providers. Consumer protection is a key focus of the ITE Law, emphasizing information transparency and personal data protection.

2. Legal cases related to online loan collection

Legal cases related to online loan collection often involve unlawful collection

practices, such as intimidation and the dissemination of personal data. Online loan companies not registered with the Financial Services Authority (OJK) conduct collection using unethical methods, even violating the law. (Sastradinata, 2020) A prominent example is a case of online loan companies threatening and humiliating consumers via social media. Jaya Kusuma, 35, recounted being threatened with a robbery or being subjected to harsh demands. He said: "I have a loan from a legal online loan company, but due to financial constraints, I haven't been able to pay the installments for almost a year. The online loan company has called me several times to collect. I've explained my financial situation to the legal online loan company, but they threatened to have a third party collect and then spoke rudely to me."

Data from the Jakarta Legal Aid Institute (LBH) shows hundreds of reports from consumers experiencing intimidation by debt collectors. This highlights the need for stricter law enforcement against violations committed by online lending companies.

c. Online Loan Collection Crimes

1. Illegal billing methods

Illegal debt collection methods in the online lending industry often involve practices such as intimidation, threats, and the dissemination of personal information. These illegal debt collection methods are not only illegal but also economically detrimental to consumers. A common example is the use of applications that automatically access consumers' phone contacts to spread threatening messages to friends and family. (Prakoso, et al, 2017) Statistics show that these types of debt collection methods can cause stress and mental health problems in victims. This highlights the need for stricter regulations and effective law enforcement to protect consumers from illegal debt collection practices.

2. Social and psychological impact on victims

The social and psychological impacts of online loan collection crimes are significant, affecting victims' mental well-being and social relationships. Many victims of online loan collection experience stress, depression, and even suicide due to the pressure they face. Research shows that persistent intimidation and threats can lead to anxiety disorders and depression in victims. Furthermore, the disclosure of personal information by debt collectors can damage victims' social reputations, leading to social isolation and loss of support from friends and family. Data shows that these psychological impacts require serious attention from authorities and mental health service providers to provide support to victims.

RESEARCH METHODS

This research methodology uses a sociological legal approach and normative juridical analysis with a comparative approach, as explained by Soerjono Soekamto, enabling researchers to understand how law interacts with society and how society responds to the law. (Soerjono Soekamto, 2014) In the context of online loan collection crimes, this approach is relevant for identifying behavioral patterns and societal responses to unethical collection practices. Based on data from the Financial Services Authority (OJK), in 2022 there was an increase in public reports of intimidation and threats in online loan collection, indicating a discrepancy between collection practices and applicable legal norms. (OJK, 2023)

On the other hand, normative legal analysis focuses on the study of applicable

written legal regulations, particularly those relating to Islamic criminal law and the Electronic Information and Transactions Law (UU ITE). This approach aims to evaluate the alignment of debt collection practices with existing legal provisions. For example, Article 27 of the ITE Law prohibits the dissemination of information containing threats or extortion, which is often violated in online loan collection cases.

The use of these two approaches is expected to provide a comprehensive picture of online loan collection crimes, from both a social and legal perspective. This research also seeks to identify legal loopholes that allow violations to occur and provide recommendations for future regulatory improvements.

This research relies on two types of data sources: primary and secondary data. Primary data was obtained through analysis of information or news related to online loan collection crimes.

Secondary data comes from relevant literature and journals discussing Islamic criminal law, the Electronic Information and Transactions (ITE) Law, and case studies on online loan collection. For example, a 2021 World Bank study showed that 30% of online loan users in Indonesia experienced psychological distress due to aggressive collection practices. This literature provides the theoretical and empirical context that supports the analysis in this study.

The use of primary and secondary data is expected to provide a strong foundation for the analysis and recommendations produced. Primary data provides a direct perspective from the field, while secondary data provides the theoretical and comparative framework necessary for a broader understanding of the issue.

The data collection procedure in this study involved in-depth techniques and document studies. In-depth analysis techniques were used to extract information from existing data in greater detail and depth, drawn from case sources on social media.

Document review and content analysis were conducted on various documents, including OJK reports, court decisions, and relevant journal articles. Content analysis aims to identify emerging patterns and themes from the collected data. For example, an analysis of OJK reports can reveal trends in public complaints regarding online loan collection.

This procedure is designed to ensure that the collected data is valid and can be used to support research analysis and conclusions. Document studies allow researchers to gain a more complete and in-depth picture of online loan collection crimes.

RESULTS AND DISCUSSION

a. Islamic Criminal Law Analysis of Online Loan Collection

1. Principles of Justice and Protection in Islamic Criminal Law

Islamic criminal law emphasizes the principle of justice ('adl) and the protection of individuals in society. In the context of online loan collection, this principle demands that all debt collection actions be conducted fairly and without harming the debtor. According to Al-Mawardi in "Al-Ahkam As-Sultaniyyah," justice in debt collection must ensure that the debtor's rights are respected. Data from the Financial Services Authority (OJK) shows that many online loan collection cases in Indonesia are conducted through intimidation, which contradicts this principle of justice. This raises questions about the extent to which Islamic criminal law principles can be applied in this modern context.

The legal basis for lending and borrowing in the Qur'an is as follows:
Surah Al-Baqarah Verse 282:

Meaning: O you who believe, if you owe a debt for a specified time, you should write it down. Let a note taker among you write it down correctly. Let not the recorder refuse to write it down as Allah has taught him. Let him record (it) and the person who owes it dictate (it). Let him fear Allah, his Lord, and let him not reduce it in the slightest. If the debtor is someone who lacks intelligence, is weak (in his condition), or is unable to dictate himself, let his guardian dictate it correctly. Ask for the testimony of two male witnesses among you. If there are no (witnesses) two men, (may be) a man and two women among the people you like from the (existing) witnesses so that if one (female witness) forgets, the others will remind him. Witnesses should not refuse to be called. Don't get bored of writing it down until the deadline, whether (the debt) is small or large. That is more just in the sight of Allah, more able to strengthen the testimony, and closer to you without doubt, unless it is a cash business that you carry out between yourselves. So, there is no sin for you if you do not record it. Take witnesses when you buy and sell and don't let the recorder make things difficult (or made difficult), as well as the witnesses. If you do (that), indeed it is an act of disobedience to you. Fear Allah, Allah teaches you and Allah knows all things. (Q.S. Al-Baqarah 282).

Imam Syafi'i, the father of ushul fiqh (Islamic jurisprudence) in Islamic sciences, called the act of spreading information whose truthfulness is unknown al-kadzib al-khafiy (the hidden/obscure lie). As stated in the book Ar-Risalah

"إِنَّ الْكَذِبَ الَّذِي يُحْطَرُ أَيْضًا هُوَ الْكَذِبُ غَيْرُ الْمَرْئِي، وَهُوَ تَرْوِجُ الْأَخْبَارِ مِنْ شَخْصٍ غَيْرِ

وَاضِحُ الصِّدْقِيَّةِ".

"In fact, the lies that are also forbidden are invisible lies, namely telling news from people whose honesty is unclear." (Asy-Syafi'i, Imam, 2018)

In Iryadul "ibd ila Sabilir Rasyad, Abdul 'Aziz al-Malibari, who also quotes the words of Imam Syafi'i, explains the editorial sentence more clearly:

"مِنْ بَيْنِ أَنْوَاعِ الْكَذِبِ هُوَ الْكَذِبُ الْغَامِضُ، وَهُوَ عِنْدَمَا يَنْشُرُ شَخْصٌ مَعْلُومَاتٍ مِنْ شَخْصٍ لَا يَعْرِفُ مَا إِذَا

كَانَ هُوَ يَكْذِبُ أَمْ لَا"

"Among the types of lies is a vague lie, namely when someone spreads information from someone who does not know whether he is lying or not."

In understanding loan collection crimes from the perspective of Islamic law, it is important to refer to the arguments from the Koran and Hadith. The Qur'an as the main source of Islamic law emphasizes the importance of justice and fair

treatment of fellow humans.

مَنْ غَشَّنَا فَلَيْسَ مِنَّا، وَالْمَكْرُ وَالْخِدَاعُ فِي النَّارِ

"Whoever cheats is not from our group. People who commit treason and deception, their place is in hell." HR. Ibnu Hibban 2:326.

Furthermore, the Hadith of the Prophet Muhammad (peace be upon him) also provides guidance on ethical transactions. A hadith narrated by Al-Bukhari states, "This indicates that Islam prohibits all forms of fraud, including unethical loan collection." In this context, collection actions involving threats or intimidation can be considered a prohibited form of fraud.

Meanwhile, regarding the crime of violence in debt collection, it is a crime of Hirabah, meaning a crime committed by a person in the form of taking another person's property openly accompanied by violence. The general elements that apply to all crimes are divided into three types, including:

1. Formal elements are the texts (stipulations) which prohibit actions and threaten them with punishment.
2. The material element is the existence of behavior that leads to a criminal act, either in the form of real actions or an attitude of not doing anything
3. The moral element is that people can be held responsible for the crimes they commit, therefore people who are insane or underage are not subject to punishment, because they are not burdened with criminal responsibility

The elements that have been put forward above prove that the criminal act of threatening violence in collecting loans, both directly and online, is included in the category of jarimah because there is a sharia text that prohibits this act.. (Rahmad Hakim, 2000)

In the context of Islamic law, violations of these principles are subject to appropriate sanctions. Therefore, understanding the Quranic and Hadith texts is crucial for creating a fair and Islamic debt collection system. This way, society can avoid unethical and detrimental practices, despite the existence of Islamic texts prohibiting such behavior.

Ta'zir punishments in Islamic law are punishments that are not specifically stipulated in the Qur'an or Hadith, but are left to the discretion of the judge or ruler, regarding the case and issues related to this title. In the book "Al-Mughni" by Ibn Qudamah, it is explained that ta'zir punishments can be fines, imprisonment, or light corporal punishment, depending on the severity of the crime and its impact on the victim. For example, if the debt collection is carried out in a way that is intimidating or physically harmful, a heavier penalty may be imposed.. (Ibnu Qudamah, 2005)

The application of ta'zir penalties aims to deter perpetrators and protect the public from harmful debt collection practices. Thus, Islamic law offers a flexible and adaptive mechanism for addressing debt collection crimes.

And in essence, Islam explains how to help our fellow human beings to avoid injustice, based on the Word of Allah SWT.:

وَإِنْ كَانَ ذُو عُسْرَةٍ فَنَظِرَةٌ إِلَىٰ مَيْسَرَةٍ ۗ وَأَنْ تَصَدَّقُوا خَيْرٌ لَّكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ

“and if (the debtor) is in trouble, then give him a grace period until he finds relief. And if you give in charity, it is better for you, if you only knew”. (Al Baqarah : 280).

2. Application of Sanctions in Cases of Unlawful Debt Collection

In Islamic criminal law, sanctions for violations of the law are designed to provide a deterrent effect and restore justice. These sanctions can be physical, financial, or social, depending on the severity of the violation. Muhammad Hashim Kamali, in "Principles of Islamic Jurisprudence," explains that sanctions must be proportionate to the violation committed. (Muhammad Hashim Kamali, 2003) In cases of illegal online loan collection, sanctions can include fines or operational restrictions for the companies involved. Data from the Ministry of Communication and Information Technology shows that as of 2022, more than 3,000 illegal online loan applications have been blocked, but enforcing sanctions against perpetrators still faces legal and technical obstacles.

Based on the statutory regulations Article 45 paragraph (4) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. Therefore, it can be said that the act of collecting online loans by spreading the identity of the borrower is a crime that can be subject to criminal sanctions. It is clear that the act of collecting online loans by spreading the identity/personal data of the borrower is a crime that can be subject to criminal sanctions. This is in accordance with the criminal elements stated in the article, namely: Every person without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents; Has blackmail and/or threatening content. The elements described have fulfilled the elements of a criminal act for someone who collects online loans by spreading the identity of the borrower. Because the distribution of the borrower's identity without the right with the intention of blackmailing/threatening to pay the existing online loan installments fulfills the elements in Article 45 paragraph (4) of Law Number 19 of 2016. This is in line with the Decision of the North Jakarta District Court Number 438/Pid.Sus/2020/PN Jkt.Utr, which in essence the Panel of Judges who examined gave criminal sanctions to the perpetrators of online loan collectors by spreading the identity of the borrower (victim), in the form of a criminal sanction of imprisonment for 1 (one) year and a fine of Rp. 70,000,000.00 (seventy million rupiah) with the provision that if the fine is not paid it is replaced with imprisonment for 2 (two) months. The judge gave the decision based on the provisions of Article 45 paragraph (4) in conjunction with Article 27 paragraph (4) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions. Therefore, it can be said that the act of collecting online loans by spreading the borrower's identity is a crime that can be subject to criminal sanctions.

b. Evaluation of the Electronic Information and Transactions Law

1. Effectiveness of Regulations in Protecting Consumers from Illegal Billing The Electronic Information and Transactions (ITE) Law in Indonesia was designed to protect consumers from illegal billing practices. Law Number 11 of 2008 concerning ITE regulates various aspects of electronic transactions, including the protection of personal data and the prohibition of the dissemination of intimidating information. However, the effectiveness of this regulation remains questionable. According to research from the Bandung

Institute of Technology, approximately 40% of consumers using online lending services experience unlawful billing, indicating that existing regulations are not yet fully effective. One relevant case study is a billing case involving the threat of disclosing personal data, which highlights weaknesses in consumer protection.

2. Challenges in Law Enforcement and Personal Data Protection Law enforcement in online loan collection cases faces various challenges, including jurisdictional issues and personal data protection. Many online lending companies operate across borders, making it difficult to enforce national laws against them. Furthermore, breaches of consumer personal data often go undetected until they are misused. According to a report from the National Cyber and Crypto Agency (BSSN), there has been a significant increase in the number of reported personal data breaches, with more than 1,500 cases in 2023. This highlights the need for international cooperation and enhanced national law enforcement capacity.

c. Case Analysis

One of the most high-profile cases of loan collection in Indonesia was the case of Christopher in Lubuk Pakam in 2021. Christopher, a debt collector for an online lending company, was arrested by authorities for unlawful collection practices. He was found to have threatened and intimidated borrowers in inhumane ways.

This case attracted public attention and became a national topic because the debt collection method used was very disturbing to the public.

As in the Criminal Case Decision at the Lubuk Pakam District Court Number 2077/Pid.Sus/2021/PN/Lbp, which stated that the defendant Christopher was legally and convincingly proven guilty of committing the crime of "Intentionally and Without Authority Sending Electronic Information and/or Electronic Documents containing threats of violence or intimidation aimed at a person" as stated in the second Alternative indictment. The Public Prosecutor sentenced the defendant to 5 (five) months imprisonment and a fine of Rp 2,000,000 (two million rupiah), with the provision that if the said sentence is not paid, it will be replaced with 1 (one) month imprisonment;

Christopher used threats of violence and the disclosure of borrowers' personal information as a means to coerce them into paying their debts. This action violates Indonesia's Electronic Information and Transactions Law (UU ITE), which prohibits the misuse of personal data.

The Lubuk Pakam District Court sentenced Christopher to five months in prison and/or a fine of 2,000,000 Rupiah, based on articles in the ITE Law and the Criminal Code. This case serves as a concrete example of how law enforcement can be applied against illegal debt collectors and the importance of legal protection for victims.

From an Islamic legal perspective, Christopher's actions are punishable by *ta'zir* (impliciter) punishment, as they involve deception and intimidation. This punishment is expected to provide justice for the victim and prevent similar cases in

the future.

1. Legal and Social Impact of the Case

The impact of the illegal debt collection case is far-reaching, both legally and socially. Legally, this case sets an important precedent for law enforcement in the field of electronic transactions, by encouraging strengthened regulations and increased law enforcement capacity. Socially, this case has fueled distrust of online lending services and highlighted the need for consumer education. According to a survey by the Indonesian Survey Institute, approximately 60% of respondents stated that they felt unsafe using online lending services after this case was uncovered. This demonstrates the need for educational efforts and increased digital literacy among the public.

CONCLUSION

In Islamic criminal law, online loan collection practices involving intimidation and threats can be categorized as unjust acts that violate the principles of justice and public welfare. Islamic criminal law emphasizes the importance of protecting individual rights and preventing actions that harm others. In this context, debt collection practices conducted through unethical means and violating privacy clearly contradict these principles.

On the other hand, Indonesia's Electronic Information and Transactions (ITE) Law provides a more specific legal framework for online loan collection. The ITE Law prohibits the unauthorized dissemination of personal information and the use of force in debt collection. However, the implementation of this law often faces challenges, particularly in terms of effective oversight and enforcement. Data from the Ministry of Communication and Informatics shows that cases of ITE violations, including in online loan collection, continue to increase annually. (Kominfo, 2022).

Online loan collection cases involving violations of Islamic criminal law and the Electronic Information and Transactions (ITE) have significant legal implications. First, from an Islamic criminal law perspective, perpetrators can be subject to ta'zir punishments, which are tailored to the severity of the offense. This punishment aims to educate and deter perpetrators from committing similar offenses in the future.

Meanwhile, within the Electronic Information and Transactions (ITE) legal framework, violators can be subject to criminal sanctions in the form of fines and imprisonment. For example, Article 29 of the ITE Law stipulates criminal penalties for those who distribute electronic information containing threats of violence. Implementing this law requires cooperation between various institutions, including the police and consumer protection agencies, to ensure that consumer rights are protected and perpetrators are prosecuted according to applicable law.

1. Policy recommendations for improving regulation and law enforcement. To improve regulation and law enforcement related to online loan collection, more stringent and comprehensive policies are needed. The government can consider revising and strengthening existing regulations, including clarifying the definition and limitations of actions considered violations. Furthermore, increasing the capacity of law enforcement agencies through training and providing adequate resources is essential to enable them to handle these cases more effectively.

2. Public education strategy regarding rights and obligations in online lending. Public education is a key element in preventing online loan collection crimes. The government and relevant institutions must develop educational programs that target various levels of society, including through social media campaigns, seminars, and workshops. These programs should include information on consumer rights and obligations in online lending transactions, as well as how to report violations.

Furthermore, it is crucial to improve the public's digital literacy so they better understand the risks and responsibilities associated with using online lending services. This education should also emphasize the importance of reading and understanding the terms and conditions before approving a loan, and avoiding loans from institutions not registered with and supervised by the Financial Services Authority (OJK).

DAFTAR PUSTAKA

- Kominfo, Kementerian Komunikasi dan Informatika. (2022). "Laporan Tahunan Kasus Pelanggaran ITE." Jakarta,
- OJK, Otoritas Jasa Keuangan. (2021). "Panduan Pinjaman Online: Hak dan Kewajiban Konsumen." Jakarta,
- Rodes Ober Adi Guna Pardosi dan Yuliana Primawardani. (2020). "Perlindungan Hak Pengguna Layanan Pinjaman Online Dalam Perspektif Hak Asasi Manusia". dalam JURNAL HAM, Volume 11, Nomor 3, Desember
- Lembaga Bantuan Hukum Jakarta, (2019) Laporan Pengaduan Masyarakat Terkait Pinjaman Online. Jakarta: LBH Jakarta,
- Mahrus Ali, (2015). Prinsip-prinsip Hukum Pidana Islam, Jakarta: RajaGrafindo Persada,
- Salim HS, & Nurbaini, E.S (2019)Hukum Islam Kontemporer, Bandung: PTRefika Aditama,
- Nugroho (2020)Aspek Legal Transaksi Elektronik, Yogyakarta: Pustaka Pelajar,
- Sastradinata (2020), Kasus Hukum Penagihan Pinjaman Online, Jakarta: Media Hukum,
- Prakoso, et al (2017). Metode Penagihan yang Melanggar Hukum, Surabaya: Universitas Airlangga,
- Suara.com (2024). Dampak Psikologis Penagihan Pinjaman Online, Jakarta:Suara Media,
- Soerjono Soekamto (2014). "Pengantar Penelitian Hukum", Jakarta: UI Press,Otoritas Jasa Keuangan (2023). Laporan Tahunan OJK 2022, Jakarta: OJK,
- Bank Dunia (2021). Digital Financial Services in Indonesia: Challenges and Opportunities, Washington D.C.: World Bank,
- Al-Mawardi (1996). Al-Ahkam As-Sultaniyyah, Beirut: Dar Al-Kutub Al-Ilmiyyah,
- Muhammad bin Idris al-Syafi'I (1996). al-Risalah, ditahqiq oleh Ahmad Syakir,cet. ke-1, Mesir: Mushthafa al-Babi al-Halabi,
- Muhammad Hashim Kamali (2003). Cambridge: Islamic Texts Society,
- Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik
Laporan dari Otoritas Jasa Keuangan (OJK)
Laporan dari Badan Siber dan Sandi Negara (BSSN)
Dany Garjito, "Pegawai Bank Bunuh Diri Terjerat Utang Pinjol, Surat Wasiatnya Beredar,

Isinya Nyesek”,<https://www.suara.com/news/2022/08/26/113935/pegawai-bank-bunuhdiri-terjerat-utang-pinjol-surat-wasiatnya-beredar-isinya-nyesek?page=all>, diakses tanggal 12 September 2024