

# Pengaturan Mekanisme Penagihan Pinjaman Online (Studi Perbandingan Indonesia, Uni Eropa dan Malaysia = Regulation of Online Loan Collection Mechanism (Comparative Study of Indonesia, European Union and Malaysia)

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## Abstrak

Permasalahan pinjaman online semakin kompleks seiring pertumbuhan Fintech itu sendiri, terutama Fintech ilegal. Jenis-jenis pelanggaran hukum yang dilakukan Fintech ilegal beragam, bisa berupa penagihan yang kasar hingga pelecehan seksual, tersebar data pribadi dari konsumen. Selain itu, tingginya bunga pinjaman hingga pencurian data pribadi melalui telepon seluler konsumen yang dilakukan perusahaan Fintech menimbulkan dampak buruk terhadap konsumen. Dengan mengambil perbandingan antara Uni Eropa dan Malaysia, ada beberapa aspek dalam penyusunan model regulasi Fintech. Pertama, Uni Eropa memiliki regulasi Fintech yang efisien dan transparan serta sanksi yang tegas bagi penyelenggara yang melanggar. Pengaturan hukum tentang mekanisme penagihan pinjaman online di Indonesia dijelaskan adanya penyelenggara layanan, pemberi pinjaman pinjaman online dan penerima dana pinjaman telah diatur dalam Pasal 1 ayat 6 Peraturan Otoritas Jasa Keuangan (POJK) Nomor 10/POJK.05/2022 Tentang Layanan Pendanaan Bersama Berbasis Teknologi Informasi (POJK LPBBTI/Fintech P2P Lending). Pengaturan hukum tentang mekanisme penagihan pinjaman online Uni Eropa dan Malaysia yaitu di Uni Eropa dikenal suatu undang-undang yang disebut General Data Protection Regulation (GDPR). Regulasi tersebut mengatur pihak penyelenggara yang mengakses data pribadi dan lembaga penagihan yang bekerja sama dengan penyelenggara harus bertanggung jawab. Perbandingan pengaturan hukum tentang mekanisme penagihan pinjaman online antara Indonesia, Uni Eropa dan Malaysia sehingga dapat diterapkan di Indonesia.

.....The problem of online loans is increasingly complex as Fintech itself grows, especially illegal Fintech. The types of law violations that illegal Fintech commits vary, ranging from abusive billing to sexual harassment, the sharing of personal data from consumers. In addition, the high interest on loans and the theft of personal data via consumer cell phones by Fintech companies have had a negative impact on consumers. By taking a comparison between the European Union and Malaysia, there are several aspects in the preparation of the Fintech regulatory model. First, the European Union has efficient and transparent Fintech regulations and strict sanctions for violators. The legal arrangements regarding the online loan collection mechanism in Indonesia explain that there are service providers, online loan lenders and loan recipients that have been regulated in Article 1 paragraph 6 of the Financial Services Authority Regulation (POJK) Number 10/POJK.05/2022 concerning Technology-Based Co-Funding Services Information (POJK LPBBTI/Fintech P2P Lending). Legal arrangements regarding the European Union and Malaysia's online loan collection mechanism, namely in the European Union there is a law known as the General Data Protection Regulation (GDPR). The regulation stipulates that administrators who access personal data and collection agencies that work with administrators must be responsible. Comparison of legal arrangements regarding online loan collection mechanisms between Indonesia, the European Union and Malaysia so that they can be implemented in Indonesia.