

**ANALISIS YURIDIS PERJANJIAN PINJAMAN ONLINE DAN
PERLINDUNGAN DATA PRIBADI DALAM PRAKTIK *FINANCIAL
TECHNOLOGY* DI INDONESIA**

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ABSTRAK

Penelitian ini bertujuan untuk (1) menganalisis keabsahan perjanjian pinjaman online berdasarkan hukum di Indonesia dan (2) mengkaji perlindungan data pribadi dalam praktik financial technology (fintech). Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus. Sumber bahan Hukum diperoleh melalui studi kepustakaan terhadap bahan hukum primer, sekunder, dan tersier. Hasil penelitian menunjukkan bahwa (1) keabsahan perjanjian pinjaman online, khususnya yang dilakukan melalui platform ilegal yang tidak terdaftar di Otoritas Jasa Keuangan (OJK), tidak memenuhi syarat sahnya perjanjian sebagaimana diatur dalam Pasal 1320 KUH Perdata. Perjanjian tersebut umumnya bersifat sepihak dan tidak memenuhi unsur kesepakatan yang bebas serta causa yang halal, sehingga dapat dianggap cacat hukum. (2) Perlindungan data pribadi dalam praktik pinjol masih sangat lemah, terbukti dari maraknya manipulasi dan penyalahgunaan data pribadi oleh penyelenggara pinjol ilegal. Meskipun Undang-Undang Nomor 27 Tahun 2022 tentang Perlindungan Data Pribadi telah diundangkan, implementasinya dihadapkan pada hambatan berupa rendahnya literasi digital masyarakat, lemahnya penegakan hukum, dan kurangnya koordinasi antarlembaga. Oleh karena itu, dibutuhkan penguatan regulasi, pengawasan aktif oleh OJK dan Kominfo, serta penegakan hukum yang tegas terhadap pelaku penyalahgunaan data pribadi dalam layanan fintech guna menjamin kepastian hukum dan perlindungan bagi konsumen.

Kata Kunci: Pinjaman Online, *Financial Technology*, Perlindungan Data Pribadi,

**JURIDICAL ANALYSIS OF ONLINE LOAN AGREEMENTS AND
PERSONAL DATA PROTECTION IN FINANCIAL TECHNOLOGY
PRACTICE IN INDONESIA**

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ABSTRACT

*This study aims to (1) analyze the validity of online loan agreements based on the law in Indonesia and (2) examine the protection of personal data in the practice of financial technology (fintech). The method used is normative legal research with a legislative approach and a case approach. Data was obtained through literature studies on primary, secondary, and tertiary legal materials. The results of the study show that (1) the validity of online loan agreements, especially those carried out through illegal platforms that are not registered with the Financial Services Authority (OJK), do not meet the requirements for the validity of the agreement as stipulated in Article 1320 of the Civil Code. The agreement is generally unilateral and does not meet the elements of a free agreement and a *halal causa*, so it can be considered legally flawed. (2) The protection of personal data in the practice of loans is still very weak, as evidenced by the rampant manipulation and misuse of personal data by illegal loan operators. Although Law Number 27 of 2022 concerning Personal Data Protection has been promulgated, its implementation is faced with obstacles in the form of low public digital literacy, weak law enforcement, and lack of coordination between institutions. Therefore, it is necessary to strengthen regulations, active supervision by the OJK and Kominfo, and strict law enforcement against perpetrators of personal data misuse in fintech services to ensure legal certainty and protection for consumers.*

Keywords: Online Loans, Financial Technology, Personal Data Protection,