

## ABSTRAK

### PERLINDUNGAN HUKUM TERHADAP PENYALAHGUNAAN IDENTITAS PADA PERJANJIAN PINJAMAN ONLINE (STUDI PUTUSAN MAHKAMAH AGUNG NOMOR 1206 K/PDT/2024)

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Perkembangan teknologi informasi telah mendorong pertumbuhan *financial technology (fintech)*, khususnya layanan pinjaman online, yang memberikan kemudahan akses pembiayaan bagi masyarakat. Namun, dalam praktiknya, penyelenggaraan pinjaman online di Indonesia kerap menimbulkan permasalahan hukum, terutama terkait penyalahgunaan identitas dan data pribadi debitur dalam proses pendaftaran maupun penagihan. Praktik tersebut bertentangan dengan asas itikad baik dalam perjanjian, melanggar hak atas privasi, serta menimbulkan kerugian baik materiil maupun immateriil bagi debitur, sehingga diperlukan perlindungan hukum yang efektif.

Rumusan masalah dalam penelitian ini adalah bagaimana bentuk perlindungan hukum terhadap identitas debitur dalam perjanjian pinjaman online di Indonesia serta bagaimana pertimbangan hakim dalam menilai penyalahgunaan identitas debitur sebagai perbuatan melawan hukum. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus. Data diperoleh melalui studi kepustakaan dan didukung dengan wawancara bersama pihak Otoritas Jasa Keuangan (OJK).

Hasil penelitian menunjukkan bahwa penyalahgunaan identitas debitur dalam perjanjian pinjaman online dapat dikualifikasikan sebagai perbuatan melawan hukum sebagaimana diatur dalam Pasal 1365 Kitab Undang-Undang Hukum Perdata. Dalam pertimbangan hakim, perbuatan tersebut dinilai memenuhi unsur adanya perbuatan melawan hukum, kesalahan, kerugian, serta hubungan kausal antara perbuatan dan kerugian yang dialami debitur. Hakim juga mempertimbangkan tidak adanya persetujuan debitur atas penggunaan identitasnya serta kelalaian penyelenggara dalam melakukan verifikasi dan perlindungan data pribadi. Perlindungan hukum terhadap identitas debitur diwujudkan melalui perlindungan preventif dan represif. Perlindungan preventif dilakukan melalui penguatan regulasi, pengawasan oleh Otoritas Jasa Keuangan, penerapan standar verifikasi identitas yang aman, serta edukasi hukum kepada masyarakat. Sementara itu, perlindungan represif dilakukan melalui upaya hukum perdata berupa gugatan ganti kerugian, pembatalan perjanjian, pemulihan nama baik, serta pemberian sanksi administratif terhadap penyelenggara pinjaman online ilegal.

**Kata Kunci:** Perlindungan Hukum, Pertimbangan Hakim, Perbuatan Melawan Hukum, Identitas Debitur, Pinjaman Online.

## **ABSTRACT**

### **LEGAL PROTECTION AGAINST IDENTITY MISUSE IN ONLINE LOAN AGREEMENTS**

*(Based on the Supreme Court Decision Number 1206 K/Pdt/2024)*

**By**

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*The rapid development of information technology has accelerated the growth of financial technology (fintech), particularly online lending services, which provide easy access to financing for the public. However, in practice, the implementation of online lending in Indonesia has given rise to various legal issues, especially the misuse of debtor identity and personal data during the registration and debt collection processes. Such practices violate the principle of good faith in contractual relations, infringe upon the right to privacy, and cause both material and immaterial losses to debtors, thereby necessitating effective legal protection.*

*The research problems addressed in this study are: (1) what forms of legal protection are available for debtor identity in online lending agreements in Indonesia; and (2) how judges consider and assess the misuse of debtor identity as an unlawful act. This research employs a normative legal research method using statutory and case approaches. The data were obtained through a literature review and supported by interviews with officials from the Financial Services Authority (Otoritas Jasa Keuangan/OJK).*

*The results indicate that the misuse of debtor identity in online lending agreements may be classified as an unlawful act as stipulated in Article 1365 of the Indonesian Civil Code. In their judicial considerations, judges assess that such actions fulfill the essential elements of an unlawful act, namely the existence of an act, fault, loss, and a causal relationship between the act and the loss suffered by the debtor. The judges also consider the absence of the debtor's consent in the use of personal identity and the negligence of online lending providers in conducting proper verification and ensuring the protection of personal data. Legal protection for debtor identity is implemented through both preventive and repressive measures. Preventive legal protection includes the strengthening of regulatory frameworks, enhanced supervision by the Financial Services Authority, the application of secure identity verification standards, and legal education for the public. Repressive legal protection is carried out through civil law remedies, including claims for compensation, annulment of agreements, restoration of reputation, and the imposition of administrative sanctions against illegal online lending providers.*

**Keywords:** *Legal Protection, Judicial Considerations, Unlawful Acts, Debtor Identity, Online Lending.*