

ABSTRACT

Technological advances now encompass almost all aspects of people's lives.

From financial transactions and shopping to lending and borrowing, IT-based business activities are highly efficient, requiring minimal human resources and minimal space, yet they can create broader employment opportunities. This study aims to determine the existence of legal protection for the public against misuse of customer personal data in Indonesia and to support the creation of a law to protect against misuse of customer personal data in Indonesia. This is closely related to the rise of IT-based loan applications, also known as online loans, which offer crowdfunding and peer-to-peer lending (P2P) services, or a combination of both.

The research method used in this study is a sociological juridical method to examine the applicable legal provisions and what actually happens in society. The online lending and borrowing process carries significant risks, which are accepted by both borrowers and lenders. One example of a common risk experienced by creditors, as borrowers, is default in debt repayment. Another example of a risk experienced by debtors, as borrowers, is losses in bearing interest that does not comply with the initial agreement. When the debtor agrees to all the terms including granting permission to access personal data and use it according to the creditor's needs. Initially, the platform provider company requests permission to be able to access personal data on the user's cellphone, for example in the gallery and contact sections for reasons of credit scoring or eligibility for loans. However, in practice, the accessed data is only used for the collection process carried out by a third party, which is not covered by the loan collection agreement. The legal relationship in a loan event between the lender and the debtor is a debt-to-credit relationship as stipulated in Article 1754 of the Civil Code. Another legal relationship is related to the customer's personal data, which can be easily accessed and used by the creditor. Another legal relationship is related to the customer's personal data, which can be easily accessed and used by the creditor. Implementation of legal protection for the public from misuse of customer personal data in online loans in Indonesia does not yet exist specifically, but is generally regulated in Article 26 of Law No. 11 of 2008 and its amendments concerning Information and Electronic Transactions. Specifically, the protection of borrowers' personal data in online loan services is regulated in POJK No. 77/POJK 01/2016 concerning Information Technology-Based Money Lending Services.

Therefore, there is no specific protection for the public. It is hoped that appropriate regulations will soon be enacted to protect the public from misuse of customer personal data in online lending. In the absence of specific protection, public awareness campaigns regarding the urgency of using online lending applications and the importance of protecting personal data in all aspects are needed.

Keywords: Misuse of personal data