

PERLINDUNGAN HUKUM DAN MITIGASI RISIKO PERSEBARAN DATA PRIBADI PENERIMA PINJAMAN DANA YANG DIKELOLA OLEH *PLATFORM PEER-TO-PEER LENDING* DI INDONESIA

Oleh: Yoda Rifky Hanindya¹ dan Karina Dwi Nugrahati Putri²

INTISARI

Penelitian dalam Penulisan Hukum ini bertujuan untuk menganalisis dan mengetahui perlindungan hukum dan mitigasi risiko persebaran data pribadi penerima pinjaman dana yang dikelola oleh *Platform Peer-to-Peer Lending* di Indonesia. Perlindungan hukum dan mitigasi risiko persebaran data pribadi penerima pinjaman dana *Peer-to-Peer Lending* dilakukan oleh Otoritas Jasa Keuangan selaku regulator Industri Keuangan Non-Bank.

Penelitian dalam Penulisan Hukum ini merupakan penelitian hukum normatif empiris yang dilakukan dengan cara meneliti bahan pustaka primer, sekunder dan tersier serta melakukan wawancara dengan narasumber dan responden. Data dianalisis menggunakan metode kualitatif yang selanjutnya dituangkan dalam bentuk uraian dengan pendekatan naratif deskriptif sehingga mendapat kesimpulan dan menjawab permasalahan.

Berdasarkan hasil penelitian dapat disimpulkan bahwa data pribadi penerima pinjaman dana *Peer-to-Peer Lending* belum sepenuhnya dilindungi oleh peraturan perundang-undangan, guna menanggulangi hal tersebut OJK menggunakan kewenangan diskresi direktur dan himbauan tertulis untuk melakukan pengawasan dan pengaturan terhadap perlindungan data pribadi penerima pinjaman dana yang dikelola oleh *Platform Peer-to-Peer Lending*. Upaya perlindungan hukum diwujudkan dengan kewajiban *Platform Peer-to-Peer Lending* untuk memiliki sertifikasi SNI ISO/IEC 27001:2009, anjuran agar tidak bekerja sama dengan perusahaan asing, serta kewajiban penyimpanan data pribadi penerima pinjaman dana di wilayah Republik Indonesia. OJK juga mendorong agar AFPI berperan aktif melakukan mitigasi risiko apabila data pribadi penerima pinjaman dana telah tersebar dengan menekankan pada kewajiban *platform Peer-to-Peer Lending* untuk sepenuhnya bertanggung jawab atas kerugian penerima pinjaman dana dan menjamin adanya upaya pemulihan hak penerima pinjaman dana *Peer-to-Peer Lending*.

Kata Kunci: Data Pribadi, Penerima Pinjaman Dana, *Platform Peer-to-Peer Lending*.

¹ Mahasiswa Strata-1 (S-1) pada Departemen Hukum Dagang di Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.

² Dosen pada Departemen Hukum Dagang di Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.

LEGAL PROTECTION AND MITIGATION OF RISK SPREAD OF PERSONAL DATA RECOVERING MANAGED FUNDS BY PEER-TO-PEER LENDING PLATFORM IN INDONESIA

Author: Yoda Rifky Hanindya¹ and Karina Dwi Nugrahati Putri²

ABSTRACT

This research aimed to analyze and find out about legal protection and risk mitigation of the distribution of personal data of recipients of loan funds managed by the Peer-to-Peer Lending Platform in Indonesia. Legal protection and risk mitigation of personal data distribution of recipients of Peer-to-Peer Lending fund loans carried out by the Financial Services Authority as the Non-Bank Financial Industry regulator.

Research in Legal Writing is an empirical juridical legal research conducted by examining primary, secondary and tertiary library materials and conducting interviews with informants and respondents. Data were analyzed using qualitative methods which were then poured in the form of a description with a descriptive narrative approach so as to draw conclusions and answer problems.

Based on the results of the study it can be concluded that the personal data of the borrowers of Peer-to-Peer Lending funds are not fully protected by legislation, in order to overcome this OJK uses the authority of the director's discretion and written appeals to supervise and regulate the protection of personal data of the loan recipient which is managed by the Peer-to-Peer Lending Platform. Legal protection efforts are realized with the obligation of the Peer-to-Peer Lending Platform to has SNI ISO/IEC 27001:2009 certification, recommendations for not cooperating with foreign companies, as well as the obligation to retain personal data of recipients of funds in the territory of the Republic of Indonesia. OJK also encourages AFPI to play an active role in mitigating risk if the personal data of the recipient of the loan fund has been spread by emphasizing the obligation of the Peer-to-Peer Lending platform to be fully responsible for the loss of the loan recipient's funds and guaranteeing the recovery recipient rights of fund of Peer-to-Peer Lending.

Keywords: Personal Data, Loan Recipients, Peer-to-Peer Lending Platform.

¹ Undergraduate students (S-1) at the Department of Commercial Law at the Faculty of Law, Universitas Gadjah Mada, Yogyakarta.

² Lecturer at the Department of Commercial Law at the Faculty of Law, Universitas Gadjah Mada, Yogyakarta.