

Perlindungan hukum terhadap privasi dan data pribadi pengguna aplikasi dalam transaksi elektronik peer to peer lending = Legal protection to privacy and personal data of upplication Users in peer to peer lending electronic transactions

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Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20494833&lokasi=lokal>

Abstrak

Lahirnya era digital pada teknologi finansial ditandai dengan munculnya layanan keuangan berbasis teknologi yang dikenal dengan istilah Financial Technology atau fintech. Bentuk dasar fintech antara lain pembayaran (digital wallets, P2P payments), investasi (equity crowdfunding, Peer to Peer Lending), pembiayaan (crowdfunding, micro-loans, credit facilities), asuransi (risk management), lintas-proses (big data analysis, predictive modeling), infrastruktur (security). P2P lending merupakan suatu layanan yang disediakan oleh suatu perusahaan kepada masyarakat dengan tujuan pinjam meminjam uang secara online melalui website atau aplikasi yang dikelola oleh perusahaan tersebut. Dalam pelaksanaan timbul permasalahan terkait dengan perlindungan privasi dan data pribadi pengguna aplikasi dalam transaksi elektronik peer to peer lending. Hal ini dikarenakan belum adanya undang-undang yang secara khusus mengatur tentang perlindungan data pribadi. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan undang-undang, historis, dan konseptual. Guna mengantisipasi hal tersebut, Otoritas Jasa Keuangan sebagai wasit industri keuangan telah mengeluarkan aturan pembatasan data yang dapat diakses, yakni Camera, Michrophone dan Location (CAMILAN), akan tetapi pelaksanaannya masih timbul kendala terkait dengan pemberian sanksi terhadap pelanggar. Pengguna aplikasi yang merasa dirugikan dapat mengajukan gugatan perbuatan melawan hukum, dan apabila ditemukan adanya unsur pidana, maka dapat membuat laporan polisi.

.....The birth of the digital era in financial technology was marked by the emergence of technology-based financial services known as Financial Technology or fintech. Basic forms of fintech include payments (digital wallets, P2P payments), investments (equity crowdfunding, Peer to Peer Lending), financing (crowdfunding, micro-loans, credit facilities), insurance (risk management), cross-process (big data analysis, predictive modeling), and infrastructure (security). Peer to peer lending is a service provided by a company to the community with the aim of borrowing money online through a website or application managed by the company. In its implementation, problems arise regarding the protection of the privacy and personal data of the application users in peer to peer lending electronic transactions. This is due to the absence of laws specifically regulating the protection of personal data. This study uses the normative juridical method with a range of laws, historical, and conceptual. In order to anticipate this, the Otoritas Jasa Keuangan, as a referee in the financial industry has issued a regulation limiting data that can be accessed, namely camera, microphone and location (CAMILAN), but the implementation is still a problem related to sanctions against violators. Application users who feel disadvantaged can file a lawsuit, and if any criminal element is found, they can make a police report.