

WOMEN

RISKS, AND CONSUMER PROTECTION IN ONLINE LENDING PLATFORMS IN INDONESIA:

A Study on the Multiple Vulnerabilities of Women as Users
and Its Impact to Gender-Based Violence

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WOMEN, RISKS, AND CONSUMER PROTECTION IN ONLINE LENDING PLATFORMS IN INDONESIA:

A Study on the Multiple Vulnerabilities of Women as Users
and Its impact to Gender-Based Violence

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PREFACE

In recent years, the growth of the financial technology industry, particularly online peer-to-peer lending (P2P lending), has become part of a policy that is believed to be able to provide justice and opportunity for people who have not had access to conventional banking services, especially women. The increase in funds and the number of people who receive benefits are one of the measurements of the success of this program in creating social inclusion and welfare.

Various reports in the media show the opposite condition. For example, instead of news about the benefits of online loans, the media in Indonesia contains more news about women's bad experiences rather than the benefits of online loans for women's economic independence. Therefore, this study attempts to narrate the experience of female online loan users from a both-sided perspective. The first is the perceived benefits of female online loan users on online loans to solve their financial problems. In this regard, women take out loans to meet their urgent needs, such as costs for medical treatment, school tuition fees, and business capital. However, experiencing gender-based violence is one of the bad experiences resulting from taking out loans online. This experience has a broad and long-term impact on women's lives, involving relationships in the private and public spheres. This impact is often not commensurate with the value of the perceived economic benefits.

The Indonesian government has developed systems and regulations, but they are not yet strong enough to provide protection for online loan borrowers. As a result, lending companies have a big opportunity to make women their victims. Women experience various forms of gender-based violence, but in the eyes of the public, female victims are not seen as victims. Women are instead blamed for being wasteful, consumptive, not careful, and even treated as people who have bad intentions or are 'criminals.'

The financial technology industry is an inevitable future of economic policy. Therefore, this report attempts to echo the voices of women victims that have not been heard so far in the hope of providing impetus for policy improvements in the future. For us, technological progress and efforts to build a technology-based economic system must be inclusive and inherent with guaranteed protection for vulnerable groups, especially women with middle to lower-economic class backgrounds (the poor).

Finally, we would like to thank the research collaboration provided by the MicroSave Consulting (MSC). We hope you enjoy reading this report, and we welcome your feedback. We also hope this report brings benefit to all of us.

Yours Sincerely,

Ni Made Martini Puteri

Team Leader

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PREFACE

MSC (MicroSave Consulting) is a global consulting firm that enables social, financial, and economic inclusion for everyone in the digital age. We have been at the center of the digital finance revolution since its early days. We offer strategic and operational advice and help implement programs using insights from meticulous field-based research that is rooted in a deep understanding of clients, their needs, perceptions, aspirations, and behavior. We facilitate transformations, support strategy, and implementation, uncover insights and improve efficiency to create impact.

Gender Equality and Social Inclusion (GESI) is one of the main sectors at MSC wherein we provide gender-centric solutions to practitioners and policymakers. The team focuses on two distinct but interconnected aspects—women's financial inclusion and economic empowerment.

MSC in collaboration with the Faculty of Social and Political Science, Department of Criminology of the University of Indonesia conducted a study with the title Women, Risk, and Consumer Protection in Online Loan Platforms in Indonesia.

The purpose of the study is to: i) better understand the experiences of female online loan users in accessing digital financial services; ii) Identify gaps and risk factors that hinder the use of equal, inclusive, and secure online lending platforms for women (and other vulnerable groups); iii) analyze various layers of vulnerability and risk of violence against women online loan users and the interrelationships between factors; iv) provide suggestions and recommendations for the relevant stakeholders related to consumer protection policies and financial literacy.

This study report highlights the main issues regarding the financial services provided by financial technology (Fintech), specifically Online Lending, and its impact on Gender-based violence against women (victims). In addition, the report also highlights the importance of legal aspects for Consumer Protection both at the micro and macro level to provide equal access and security for women.

The findings presented in this report are based on the qualitative study and in-depth interviews with Online Lending customers as well as financial service providers and regulators. We are thankful for those who participated in this research and for their support in providing invaluable insights. Finally, we hope you will find this report useful.

Yours Sincerely,

Grace Retnowati
Country Director of Indonesia
MSC Consulting

ES EXECUTIVE SUMMARY

RESEARCH OVERVIEW

Online loans--peer to peer (P2P) lending--benefit women who need fast loans for urgent needs, and women contribute significantly to the increasing number of borrowers and loans. On the positive side, the availability of online loans can be seen as an indicator of a country's achievement in realizing justice and prosperity via inclusive economic growth. However, women also face serious drawbacks from this industry. This study aims to provide policy recommendations for the online loan business by capturing the experiences of women using online loan platforms. The online loans term used in this report is P2P Lending.

RESEARCH METHOD

This research uses a qualitative approach through in-depth interviews with 35 main female subjects. The women we interviewed who use online loans came from various socioeconomic class backgrounds, and had an average age of 30 to early 40's (productive age). Thirty-one (88.57%) were married, nine (29%) of them were single parents. Fourteen (40%) were high school graduates, and 25 (72%) were working. The types of work varied, but generally, they worked in the service sector or were self-employed. Although these types of work do not always provide a fixed income, their average net income was between Rp1,000,000 - Rp5,000,000 (\$63.59 - \$317,97) monthly.

This research also included in-depth interviews with representatives of the Indonesian Joint Funding Fintech Association (AFPI) and the Indonesian Sharia Fintech Association (AFSI), as well representatives of key stakeholders of the Financial Services Authority (OJK), the Task Force Investment Alert (SWI), Kominfo, KPPPA, and the Cyber Crime Unit-Polda Metro Jaya. The purpose of these interviews was to gain the perspectives of business actors (representatives of fintech associations) and policymakers. The method also included data triangulation to obtain more comprehensive policy recommendations, interviewing psychologists; FGDs for legal aid institutes, and advocacy groups on women's empowerment and gender equality; and cyber experts.

GAMBARAN STUDI

Pinjaman online (pinjol) *Peer to Peer (P2P) Lending* memberikan manfaat bagi perempuan yang memerlukan dana pinjaman cepat, untuk memenuhi kebutuhan keluarga yang mendesak. Perempuan memberikan kontribusi yang signifikan pada peningkatan jumlah individu penerima manfaat, maupun jumlah dana yang diakses. Jumlah dana dan jumlah individu penerima manfaat pinjaman online menjadi salah satu indikator capaian suatu negara dalam mewujudkan keadilan dan kesejahteraan dalam pertumbuhan ekonomi yang bersifat inklusif. Studi ini bertujuan memberikan rekomendasi kebijakan pada bisnis pinjaman online, dengan cara memotret pengalaman perempuan pengguna pinjaman online. Istilah pinjaman online yang digunakan dalam laporan ini adalah *P2P Lending*.

METODE PENELITIAN

Penelitian ini menggunakan pendekatan kualitatif, yang dilakukan melalui kegiatan wawancara mendalam dengan subyek utama 35 perempuan. Perempuan pengguna pinjaman online berasal dari berbagai latar belakang kelas sosial ekonomi, dengan usia terbanyak adalah 30 sampai dengan awal 40 tahun (usia produktif). Status perkawinan, 31 orang (88,57%) sudah menikah, namun 9 orang (29%) di antaranya *berstatus single parents*. Berdasarkan tingkat pendidikan terbanyak adalah lulusan SMA 14 orang (40%), dan sebagian besar 25 orang (72%) perempuan bekerja. Jenis pekerjaan beragam, namun pada umumnya di sektor jasa dan wirausaha yang tidak memiliki pendapatan tetap, dengan temuan pendapatan rata-rata *netto* antara Rp 1.000.000, - Rp 5.000.000, -/bulan.

Mewakili perspektif pelaku dunia usaha (perwakilan asosiasi fintech) dan pembuat kebijakan, dilakukan wawancara mendalam bersama 2 perwakilan Asosiasi Fintech Pendanaan Bersama Indonesia (AFPI) dan Asosiasi Fintech Syariah Indonesia (AFSI), serta perwakilan stakeholder kunci Otoritas Jasa Keuangan (OJK) dari perwakilan Satgas Waspada Investasi (SWI), Kominfo, KPPPA, dan Unit Siber-Polda Metro Jaya. Sementara itu, triangulasi data didapatkan juga melalui wawancara psikolog, FGD

Finally, the research included analysis of secondary data from news on the media and institutional reports from official websites (OJK, AFPI, AFTECH) regarding policy reviews in the implementation of online loans and online loan procedures from fintech business/industry players.

KEY FINDINGS

Women's Reasons for Getting Loans Online

The main reason for women's accessing online loan services was family needs (23 borrowers (65.7%) and for individual needs (five (14,3%) borrowers) (consumptive category). Other loans were for business reasons (seven (20%) borrowers) (non-consumptive category). The deteriorating economic situation since the COVID-19 pandemic is one of the reasons that women used loans online. In addition, exposure to advertisements from online loan application services is massively spread across social media platforms (YouTube ads, Instagram, Facebook, etc.), and women encounter them especially when they are downloading and playing online games. The advertisements try to persuade and "trap" women into making loans by offering easy access, fast processes, and low interest rates. Most online loan applications use this approach to attract women with urgent needs; however, the interest rate is very high, and the tenor is very short.

Women's Experience Accessing Online Loan Services

This research shows that online loans give positive benefits to women, but at the same time, also disadvantaging them. We identified both good (positive) and bad (negative) experiences among women using online loan services. While the narratives of good experiences provide information about the benefits of online loan services, narratives of negative experiences offer a lesson that authorized and responsible parties can learn and use to overcome and prevent problems caused by online loan platforms.

The good (positive) experiences of female subjects illustrate that online loans are the right choice in urgent situations when there is a need for fast funds and no other party can provide loans. Online loans do not require collateral. Also, the borrowers do not need to come to the registration venue or become customers, as with conventional banking services.

Lembaga pendamping hukum dan Advokasi isu pemberdayaan perempuan dan kesetaraan gender serta Pakar Siber dalam mendapatkan rekomendasi kebijakan yang lebih komprehensif.

Riset dilengkapi dengan analisis data sekunder berita media, dan laporan lembaga dari website resmi (OJK, AFPI, AFTECH) yang berisi review kebijakan mengenai peraturan dalam pelaksanaan pinjaman online (*peer to peer lending*), sampai dengan prosedur pinjaman online dari pelaku bisnis/industri *Fintech P2P Lending*.

TEMUAN KUNCI

Alasan Perempuan Meminjam

Alasan utama perempuan mengakses layanan pinjaman online adalah untuk kebutuhan keluarga sebanyak 23 orang (65,7%) dan 5 orang (14,3%) untuk kebutuhan pribadi (kategori konsumtif) dan hanya 7 orang (20%) untuk membuka usaha (kategori non konsumtif). Situasi ekonomi yang memburuk semenjak berlangsungnya pandemic COVID-19 menjadi salah satu alasan bagi perempuan melakukan pinjaman online. Selain itu, terpaan iklan dari layanan aplikasi pinjaman online yang sangat massif tersebar di berbagai *platform media sosial* (iklan YouTube, Instagram, Facebook, dll), termasuk saat mendownload dan bermain aplikasi *games online* yang sifatnya membujuk dan "menjebak" perempuan melakukan pinjaman dengan cara yang mudah, proses cepat, dan bunga pinjaman yang kecil (demikian bunyi iklan pada sebagian besar aplikasi pinjol, tetapi nyatanya bunga sangat tinggi dan masa pengembalian pinjaman sangat singkat), sehingga perempuan merasa pinjol adalah jalan keluar dari kebutuhan finansial yang mendesak.

Pengalaman Memanfaatkan Pinjaman Online

Penelitian ini memperlihatkan bahwa pinjaman online memberikan kebermanfaatan secara positif bagi perempuan, namun pada saat yang bersamaan juga menimbulkan pengalaman buruk atau negatif. Sejumlah pengalaman baik (positif) dan buruk (negatif) perempuan pengguna pinjol ditemukan agar kebermanfaatan pinjaman online semakin meluas, sedangkan pengalaman negatifnya dapat diatasi dan dicegah keberulungannya oleh pihak-pihak pemangku kewajiban dan yang diberikan tanggung jawab.

Online loan services prevent women from feeling ashamed and afraid of being rejected when borrowing from family members or other people they know. In other words, online loans can provide comfort because the lenders keep the female borrowers' identities confidential.

The bad (negative) experience is the entanglement of endless problems (“dig a hole, close a hole”) related to high-interest rates and short tenors. In addition to verbal, psychological, sexual, and economic violence, violations of ethics and privacy also occur. Access to the ID card used as an initial requirement for a loan application and photos of female borrowers are disseminated without the borrowers' consent. Issues of non-consent in the form of taking personal data from women's handphones and then disseminating personal data (“doxing”)¹, and setting interest rates and tenors that are not in accordance with the agreement are some of the negative experiences of women who use online loan platforms.

Online Gender-Based Violence

Online gender-based violence is the typical form of violence online loan platforms perpetrate on female borrowers. They become targets of violence because of their status and role as women. The chart below shows the online gender-based violence associated with legal and illegal online loan applications:

***Pengalaman baik (positif)** yang diceritakan oleh subjek perempuan pada umumnya adalah bagaimana dalam situasi mendesak dan membutuhkan dana cepat, pinjaman online menjadi pilihan yang tepat, ketika tidak ada lagi pihak lain yang dapat memberikan pinjaman. Pinjaman online tidak memerlukan proses memberikan jaminan, serta tidak perlu datang ke tempat pendaftaran dan menjadi nasabah seperti layanan perbankan konvensional. Selain itu, pinjaman online menghindarkan perempuan dari perasaan malu dan takut ditolak, yang muncul jika meminjam pada orang yang dikenal atau keluarga. Dengan kata lain, pinjaman online memberikan perasaan nyaman, karena identitas perempuan peminjam terjaga kerahasiaannya dari orang-orang yang dikenalnya.*

***Pengalaman buruk (negatif)** dari layanan pinjaman online adalah jeratan masalah yang tak berkesudahan ('gali lubang tutup lubang') akibat bunga pinjaman yang tinggi dan tenggat pembayaran yang sangat singkat. Selain kekerasan verbal, psikis, seksual dan ekonomi, pelanggaran etika dan privasi juga terjadi. Akses KTP yang digunakan sebagai persyaratan awal peminjaman dan foto perempuan peminjam disebarluaskan tanpa sepengetahuan, apalagi persetujuan peminjam (borrower). Isu non-consent berupa pengambilan data pribadi dari mobile phone perempuan dan kemudian menyebarluaskan data pribadi (praktik ini dikenal dengan istilah doxing)¹, penetapan bunga dan jangka waktu atau tenggat pembayaran yang tidak sesuai kesepakatan, merupakan sebagian pengalaman negatif perempuan pengguna pinjol.*

Kekerasan Berbasis Gender Online (KBGO)

Kekerasan berbasis gender online (KBGO) merupakan kekerasan yang khas pada pinjaman online yang dirasakan oleh subjek perempuan. Mereka menjadi sasaran kekerasan karena status dan perannya sebagai perempuan. KBGO dilakukan oleh aplikasi pinjaman online legal dan illegal sebagai berikut:

¹Doxing is publishing targeted individual information (without consent) on the internet for public consumption, to cause embarrassment, humiliation, and damage in a way that threatens the privacy of the victim and possibly those around the victim, such as friends and family members (Andriani, 2022).

FORMS OF VIOLENCE	LEGAL ONLINE LOAN	ILLEGAL ONLINE LOAN
VERBAL	The debt collection process is via official e-mail, WhatsApp messages, doxing, harassing, multiple calls, and calls with terror to (primary) female borrowers.	The debt collection process is via WhatsApp messages, doxing, harassing, multiple calls, and WhatsApp messages and calls to all mobile numbers on the borrowers' contact list.
PHYSICAL	<i>not applicable</i>	Take the victim's personal belongings.
SEXUAL	<i>not applicable</i>	<ul style="list-style-type: none"> Debt collectors use phone calls and sexual harassment. For example: "OPEN BO," "Bitch", etc. Debt collectors visit female borrowers and harass them on the spot (report of FGD of the Online Loan Victim Assistants).
ECONOMIC	<ul style="list-style-type: none"> The loans have high interest rates because they are calculated daily. The tenor is short (for example, a 1-month tenor with a late fee of 10% every five days). 	<ul style="list-style-type: none"> The interest is not in accordance with OJK regulations (can be more than 100%) with no fixed agreement. The tenor is within 7 -14 days. Debt collectors force consumers to pay off debts by applying for loans from other applications (non-consent).

Source: research findings, April – September 2022

Thus, the various forms of violence impact individual conditions and social relations (family, environment, and work). The female borrowers tend to experience stress and blame themselves; the most extreme situation is a desire to commit suicide. Meanwhile, effects occur in family relations, including domestic violence and divorce; in social and environmental relations, such as being shunned by friends, neighbors, and friends; and work relations, including being laid off, difficulty in getting a new job, and disrupted business relations.

Women's Experience in Accessing Assistance

Only a small proportion of the women, (11 interviewees; 31.4%) reported the violence they experienced from loan collectors to the police or the Legal Aid Institute (LBH). The women considered LBH responsive and the service providing the most positive support for female victims of online loan platforms when reporting and requesting legal assistance. Meanwhile, 24 other women (68.6%) remained silent

Dengan demikian berbagai bentuk kekerasan yang dialami berdampak pada kondisi individu maupun relasi sosial (keluarga, lingkungan, dan pekerjaan). Para perempuan korban memiliki kecenderungan mengalami stress, menyalahkan diri sendiri, hingga yang paling ekstrim adalah keinginan untuk bunuh diri. Sementara itu, dalam relasi sosial terjadi KDRT, diceraiakan (hubungan keluarga); dijauhi oleh teman, tetangga, dan sahabat (relasi sosial lingkungan); diberhentikan dari pekerjaan, sulit mendapat pekerjaan baru, serta relasi bisnis terganggu (relasi pekerjaan).

Pengalaman Mencari Bantuan

Hanya sebagian kecil perempuan sebanyak 11 orang (31,4%) yang memilih untuk melaporkan kekerasan yang dialaminya dari penagih pinjol kepada polisi atau Lembaga Bantuan Hukum (LBH). LBH merupakan lembaga yang dinilai tanggap dan memberikan dukungan yang paling positif bagi perempuan korban pinjol ketika melapor dan meminta pen-

or told only their family or close friends. In addition to reporting to the police or Legal Aid Institute, seven subjects (20%) also reported to OJK. However, six (85%) of these women cases stated that the complaint service provided by OJK was not responsive in handling and providing direct solutions to the reported complaints.

Women who were unable or unwilling to report the violence they experienced noted the obstacles to doing so are the costs and the administrative process of reporting, which takes time and thought. Women also don't report because of fear of becoming victims of fraud or criminalization by online loan companies. This fear reflects not having sufficient knowledge about accurate information sources or about victim assistance centers that can help. The study also found that some individuals or institutions further victimized women who were fearful and had limited information by committing fraud under the guise of assisting them.

Limited access to good quality assistance services (easily accessible and responsive) and accurate information thus adds to the bad situations experienced by women who use online loan platforms. Consequently, some women see no choices to help them survive and fight against the violence they experience.

Inappropriate Policies and Regulations

Protection practices and policies made by government stakeholders and fintech industry players (fintech associations) are reflected in the following rules:

- Establish a task force: Investment Alert Task Force (SWI) consists of 13 ministries and agencies² to impose law enforcement on illegal peer-to-peer lending and investment offered by unlicensed companies through increased cyber patrols.
- Issue the OJK Regulation Number 6/POJK.07/2022 on Consumer and Public Protection within the Financial Services Sector. Some of the highlights of this rule are:
 1. Add the principle of "adequate education" to encourage Financial Service Business. Actors

dampingan hukum. Sementara itu, 24 perempuan lainnya (68,6%) memilih untuk diam dan hanya bercerita kepada keluarga ataupun teman dekat. Selain melapor ke lembaga Kepolisian, dan LBH terdapat 7 orang (20%) subjek utama perempuan juga melapor ke OJK. Namun, 6 orang (85%) dari yang melapor, menyatakan layanan pengaduan yang disediakan oleh OJK belum cepat tanggap dalam menangani dan memberikan solusi langsung dari aduan yang dilaporkan.

Beberapa hambatan yang masih dirasakan oleh perempuan yang tidak dapat atau tidak bersedia melaporkan kekerasan yang mereka alami, di antaranya karena ketakutan akan biaya yang harus ditanggung, selain proses administrasi pelaporan yang menyita waktu dan pikiran. Perempuan juga memiliki ketakutan menjadi korban penipuan dan kriminalisasi oleh perusahaan pinjol. Ketakutan ini dikarenakan perempuan tidak cukup memiliki pengetahuan yang memadai tentang sumber informasi yang akurat, serta informasi tentang lembaga penerima pelaporan yang dapat membantu. Dalam situasi keterbatasan informasi dan ketakutan, studi ini juga menemukan pengalaman perempuan yang justru menjadi korban dari individu atau lembaga yang melakukan penipuan dengan kedok memberikan bantuan pendampingan.

Keterbatasan akses layanan bantuan yang berkualitas (mudah dijangkau dan responsif) dan akses informasi yang akurat, menjadi tambahan situasi buruk yang dialami perempuan pengguna pinjol, yang kemudian berdampak pada ketiadaan pilihan perempuan untuk bertahan apalagi melawan kekerasan yang dialaminya.

Kebijakan dan Regulasi yang Belum Melindungi

Praktik perlindungan dan kebijakan yang dibuat oleh stakeholder pemerintah dan pelaku industri *Fintech* (*Asosiasi Fintech*) dapat tercermin dalam aturan sebagai berikut:

- Membentuk Satuan Tugas: Satgas Waspada Investasi (SWI) yang beranggotakan 13 kementerian dan lembaga² sebagai upaya meningkatkan penindakan *peer to peer lending* ilegal serta pena-

²OJK, Bank Indonesia, the Ministry of Trade, the Ministry of Communication and Information Technology, The Ministry of Home Affairs, the Ministry of Religious Affairs, the Ministry of Education and Culture, the Ministry of Research, Technology and Higher Education, the Ministry of Cooperatives and SMEs, the Office of the Attorney General, the National Police, Indonesian Investment Coordinating Board, the Indonesian Financial Transaction Reports and Analysis Center.

- (PUJK);
 - 2. Play an active role in educating or improving financial literacy;
 - 3. Establish a consumer and public protection unit or function;
 - 4. Strengthen the implementation of the principle of information disclosure and transparency by setting forms, procedures, and exceptions for submitting a summary of the information of the product and/or service;
 - 5. Impose administrative sanctions, fines for financial service actors, dismissal of license revocation and lawsuits, and criminal penalties for financial service actors who violate the rules.
- Issue the OJK Regulation Number 10/POJK.05/2022 on Technology-Based Collective Financing Services (amending the OJK Regulation Number 77/POJK.01/2016) to develop the financial industry to provide access to funding for the public and business actors and encourage the development of information technology-based financing services. The most crucial part concerns business licensing obligations, periodic reports as an audit of business licenses, and imposition of sanctions such as administrative fines and revocation of business licenses.
 - Establish AFPI as an organizational forum for fintech business actors, especially for purveyors of online loans for the conventional system and AFSI for the sharia system. AFPI's roles are to establish a Fintech Professional Certification Institute (LSP) (including for collection agencies); make a standard SOP on the Code of Ethics for all AFPI members (special members of P2P Lending-regular) and supporting members (debt collectors); coordinate with BKF (Fiscal Policy Agency), OJK, and Bank Indonesia (BI); have market of work conduct guidelines, related to information disclosure, maximum interest provisions, and humane practices according to the OJK regulations; and open a formal complaint service for consumers who feel aggrieved by AFPI members.

Existing policies and regulations in practice act as "ideal" normative rules to prevent harmful practices, but they do not provide much direct benefit to consumers who become victims. Disseminating information about rules as well as monitoring and evaluating the implementation of existing policies must be continuously improved. Non-face-to-face ser-

waran investasi dari entitas yang tidak berizin melalui peningkatan patroli siber (*cyber patrol*).

- Menerbitkan Peraturan Otoritas Jasa Keuangan Nomor 6/POJK.07/2022 Perlindungan Konsumen dan Masyarakat di Sektor Jasa Keuangan. Beberapa *highlight* dalam peraturan ini adalah:
 1. Penambahan prinsip "edukasi yang memadai" dalam rangka mendorong PUJK;
 2. Wajib berperan aktif melakukan edukasi atau meningkatkan literasi keuangan;
 3. Kewajiban pembentukan unit atau fungsi perlindungan konsumen dan masyarakat;
 4. Penguatan penerapan prinsip keterbukaan dan transparansi informasi melalui pengaturan bentuk, tata cara dan pengecualian penyampaian ringkasan informasi produk dan/atau layanan
 5. Memberlakukan sanksi administratif, denda bagi pelaku jasa keuangan, sampai dengan pemberhentian pencabutan izin dan gugatan dan pidana bagi para pelaku jasa keuangan yang menyalahi aturan.
- Menerbitkan POJK Nomor 10/POJK.05/2022 tentang Layanan Pendanaan Bersama Berbasis Teknologi Informasi menggantikan POJK nomor 77/POJK.01/2016 untuk mengembangkan industri keuangan agar dapat menyediakan akses pendanaan bagi masyarakat dan pelaku usaha serta mendorong pengembangan penyelenggaraan layanan pendanaan berbasis teknologi informasi. Salah satu bagian yang terpenting adalah tentang kewajiban perizinan usaha, laporan berkala sebagai audit atas izin usaha, penjatuhan sanksi mulai dari administratif, denda sampai dengan pencabutan izin usaha.
- Pembentukkan Lembaga AFPI sebagai wadah organisasi pelaku usaha fintech khususnya Pinjaman Online (*P2P Lending*) sistem konvensional dan AFSI untuk sistem syariah. Berbagai peran AFPI, yaitu berupaya mendirikan lembaga sertifikasi profesi (LSP) *Fintech* (termasuk untuk agen penagihan); Membuat SOP baku tentang Kode ETIK bagi seluruh anggota AFPI (anggota khusus *P2P Lending-regular*) dan anggota pendukung (*debt collector*); Melakukan koordinasi dengan BKF (Badan Kebijakan Fiskal), OJK, dan Bank Indonesia (BI); Memiliki pedoman kerja *market of conduct*, terkait keterbukaan informasi, ketentuan maksimum bunga, dan praktik yang

vices for receiving complaints (website, e-mail, call center) present difficulties of access and may cause discomfort for female consumers because sometimes they are not "humane." Moreover, even though SWI offers a face-to-face service ("Warung Waspada Pinjol") at a coffee shop in the Central Jakarta area, certain groups find it impossible to access, such as those with a low level of education, those in the middle to lower socioeconomic strata, or those who live far from the place of service. Government agencies that receive complaints about violence against women have not made created a service for female online loan borrowers to report gender-based violence online.

The experiences of by female victims of online loans show how the public and institutions engaged in P2P lending, as well as service centers for victims of crime, do not see these women as direct victims and may even deny their existence as victims. Female victims of online loans are **the rejected victims** (Strobl, 2010), as they are blamed for neglecting their obligations as women and as mothers responsible for playing a role in maintaining financial adequacy and supplying household needs. Women are also judged as careless, stupid, wasteful, and looking for trouble because they make loans from illegal loan companies. Responses that blame the female victim (**blaming the victim**) come from family, office colleagues, the surrounding environment, state institutions that provide service centers for victims, and law enforcement. The complexity of violence experienced by female online loan users reflects a deeper grassroots problem. The structure and culture of Indonesian society, with a patriarchal ideology, posit women as the party responsible for managing the household, and caring for and guaranteeing the health and welfare of every family member. Using a socio-ecological models approach (Bronfenbrenner, 1989), this study concludes that to address women's issues, it is not enough to intervene in the form of women's empowerment. Still, efforts are needed to create social norms that protect women in various aspects of life.

Recommendations

Some more inclusive recommendations to prevent risks or impacts for women who use online loan platforms and to improve policies and monitoring of the fintech industry (P2P Lending) are:

humanis sesuai aturan POJK; dan Membuka layanan pengaduan resmi untuk konsumen yang merasa dirugikan oleh anggota AFPI.

Kebijakan dan regulasi yang ada dalam praktiknya bersifat sebagai aturan normatif 'ideal' yang mencegah terjadinya praktik-praktik buruk, namun tidak banyak memberikan manfaat langsung bagi konsumen ketika mereka menjadi korban. Sosialisasi aturan serta monitoring dan evaluasi penerapan kebijakan yang sudah ada perlu terus ditingkatkan. Adanya proses penerimaan pengaduan yang tersedia dalam bentuk layanan non tatap muka (Website, E-mail, *Call Center*) masih memberikan kesulitan akses dan ketidaknyamanan bagi konsumen perempuan, karena terkadang tidak bersifat 'humanis'. Kendatipun ada layanan tatap muka yang disebut 'Warung Waspada Pinjol' yang dibuat oleh SWI di sebuah *Coffe Shop*, di wilayah Jakarta Pusat, namun layanan semacam ini juga bias kelas tertentu yang tidak mungkin diakses oleh pengguna pinjol yang memiliki keterbatasan pendidikan, sosial ekonomi menengah kebawah, dan tinggal di wilayah yang berjauhan dengan tempat layanan tersebut. Pada sisi lain, lembaga pemerintah yang menerima pengaduan tentang kekerasan terhadap perempuan belum melakukan antisipasi terhadap layanan KGBO bagi pengguna pinjol (*borrower*).

Apa yang dialami perempuan korban pinjol memperlihatkan bagaimana masyarakat, dan lembaga yang bergerak pada bisnis *P2P lending*, serta lembaga penerima pengaduan tidak melihat perempuan korban pinjol sebagai korban langsung, bahkan ditolak keberadaannya sebagai korban. Perempuan korban pinjol merupakan **the rejected victim** (Strobl, 2010), dimana perempuan dipersalahkan karena melalaikan kewajiban sebagai perempuan, juga sebagai ibu yang berperan menjaga kecukupan keuangan dan kebutuhan rumah tangga. Perempuan juga dihakimi tidak cermat, kurang berhati-hati, bodoh, dianggap konsumtif dan mencari masalah karena meminjam ke pinjol ilegal. Tanggapan yang menyalahkan korban perempuan (**blaming the victim**) datang baik dari lingkungan keluarga, rekan kantor, lingkungan sekitar, juga lembaga negara penerima pengaduan dan penegak hukum. Kompleksitas kekerasan yang dialami perempuan konsumen pinjaman online, pada dasarnya mencerminkan persoalan yang lebih dalam di tingkat akar rumput. Struktur dan kultur masyarakat Indonesia

dengan ideologi patriarki menempatkan perempuan sebagai pihak yang bertanggungjawab penuh dalam pengelolaan rumah tangga, perawatan dan penjamin kesehatan dan kesejahteraan setiap anggota keluarga. Menggunakan pendekatan socio-ecological models (Bronfenbrenner, 1989), studi ini menyimpulkan bahwa untuk mengatasi persoalan perempuan, maka tidak cukup hanya melakukan intervensi berupa pemberdayaan perempuan semata, namun perlu usaha untuk menciptakan norma sosial yang melindungi perempuan dalam berbagai aspek kehidupan.

Rekomendasi

Beberapa rekomendasi yang dapat digunakan dalam mencegah terjadinya risiko atau dampak bagi perempuan pengguna pinjaman online dan perbaikan kebijakan dan pengawasan industri fintech (P2P lending) yang lebih inklusif sebagai berikut:

1. Female Borrowers

<p>Mass Education on Digital Literacy, Financial Literacy, and Consumer Protection</p>	<ul style="list-style-type: none"> • Women must be prepared and supported to enter the era of digital technology, through mass education on digital literacy. • More selective about using online loan applications. Not easy to believe in advertisements or SMS links for online loans. Pay attention to the OJK logo and look at the list of legal loans on the OJK website. • Women need to understand the risks of online loans and seek help and assistance if they experience payment difficulties and report threats of violence.
<p>Strengthening Woman's Economic Independence</p>	<ul style="list-style-type: none"> • Building awareness of access to online loans as part of women's economic independence. • Women need to be wiser in using online loans for business development purposes (productive) and only for urgent purposes.

2. Online Loan Industry (P2P Lending) and Fintech Lending Associations

<p>Consumer Protection Principles</p>	<ul style="list-style-type: none"> • The principles of protecting consumers and preventing crime is part of the main responsibility and should be done through education. • Providing consumers with options and a guideline for secure service that they can access during the loan application process and in the event of problems. • Complaint services can come in a variety of forms, including but not limited to call centers staffed by actual people (as opposed to answering machines), online complaint forms, instant messaging platforms like WhatsApp, and in-store representatives. A website that some women may find difficult to use should not be the sole source of complaint services.
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2. Online Loan Industry (P2P Lending) and Fintech Lending Associations

<h3>Ethical Principles in Advertising</h3>	<ul style="list-style-type: none"> • Advertising procedures must have a gender and inclusion perspective; • Continue to use conventional advertising strategies in addition to digital media technology; • All information (including policy) should be conveyed in language that ordinary people can understand, rather than legal jargon that is difficult to understand.
<h3>Principles Responsibility for Losses</h3>	<ul style="list-style-type: none"> • The online loan company is accountable for and in charge of collection service activities (debt collector). • The use of threats and violence, as well as other violations that are not in accordance with POJK rules, is prohibited.
<h3>Gender-Responsive Credit Scoring</h3>	<ul style="list-style-type: none"> • New clients (borrowers) should be evaluated using credit scoring rules that take gender into account. • Using a gendered perspective in credit scoring benefits all women by providing fair and accurate information about their creditworthiness regardless of their marital status (single parents), number of children, employment status, or physical health issues (women with disabilities). <p>Gender-responsive credit scoring function:</p> <ul style="list-style-type: none"> • Used to determine the likelihood of repayment default and the amount of loans available to prospective borrowers, particularly for the purpose of assisting women from diverse socio-economic backgrounds. • Replace traditional credit scoring, which will greatly benefit women in Asian countries with a strong patriarchal ideology, where ownership of private assets such as land and property is typically held by a husband or a male family member.
<h3>Digital Financial Literacy and Convenience Principles for Female Borrowers</h3>	<ul style="list-style-type: none"> • The P2P lending industry must tailor its services to female consumers with limited digital technology literacy, low-quality devices, limited quota ownership, and poor internet network access. Online loan applications must be designed in a simple application form, not many features, making it easier for women to open and download applications quickly. • Women must be able to open and download online loan applications quickly, necessitating the use of a straightforward and simple application form.

3. Financial Supervisory Working Area: Role of the Financial Services Authority (OJK) and the Investment Alert Task Force (SWI)

<p>Mass Education on Digital Literacy, Financial Literacy, and Consumer Protection</p>	<ul style="list-style-type: none"> • Increase the number of educational online loan advertisements on television, radio, WhatsApp broadcasts, SMS reminders, and mainstream social media (YouTube, Instagram, Facebook, Twitter advertisements, and others). • Online loan advertisements must attach a system of economic empowerment of women. For example, recommending online loans to build businesses in collaboration with women's economic improvement programs for multi-stakeholders (government, private institutions, and fintech industry); • Meeting times and approaches should be tailored to women's needs, allowing more women to actively participate.
<p>Change the Licensing Stages</p>	<ul style="list-style-type: none"> • With cooperation between OJK and SWI with platforms such as Google Play Store and other applications requiring OJK permits before promoting their products.
<p>Anticipatory Regulation</p>	<ul style="list-style-type: none"> • Provide periodic analysis of complaints about online loans and formulate policies and legal procedures appropriate to the nature of the online loan business. • Rules must be developed within a framework of action that anticipates current and future negative consequences. • Ensuring and guaranteeing protection for consumers, including the creation of a website application or platform to assess the benefits and risks of all online loan applications, both registered and unregistered (for instance, platforms such as tripadvisor and zomato). The existence of reviews, testimonials, or ratings from users can be used by the OJK in collaboration with the Fintech Association as monitoring and evaluation material. • Putting in place guidelines for the roles and functions, authorities, and duties of various state institutions. For instance, KOMINFO and other SWI members must be more proactive and conduct risk analysis.
<p>Strengthen the Role of Fintech Associations (AFPI dan AFSI)</p>	<ul style="list-style-type: none"> • Strengthen the role of fintech associations (AFPI and AFSI) related to their supervisory function over members in implementing behavioral guidelines to avoid violent practices against consumers, by both internal and external debt collectors. • Existing regulations must be binding on the Association, which is tasked with accommodating fintech business actors (P2P lending).



4. Law Enforcement Working Area

Civil Settlement	<ul style="list-style-type: none"> • Highlight civil settlement, wherein law enforcers must convey to consumers that P2P lending is a civil agreement. • Borrowers who default on payment may not be treated as criminals but must be guaranteed the right to receive treatment that does not violate their basic rights as human beings in any formal juridical process. • In the event of violence and criminal acts committed by debt collectors and loan systems that create debt traps through illegal loans, law enforcement officials must protect female victims.
Updated Technology	<ul style="list-style-type: none"> • Police and state institutions, as well as service providers, must constantly update their use of digital technology relevant to service delivery and data processing. For example, determining how data on complaints and public sentiment toward online lending can be analyzed for service improvement and prevention efforts.
Supervise Debt Collector and Provide Professional Development	<ul style="list-style-type: none"> • The police must take a role in supervising and coaching such service providers (debt collectors) in collaboration with the Fintech Association.
Vulnerabilities of the Online Lending Business and Transnational	<ul style="list-style-type: none"> • Anticipate the vulnerabilities of the online lending business related to transnational organized crime. For example, the loan businesses can receive funding from criminal organizations and as a cover for interstate money laundering activities.

5. Government Officials (the Ministry of Women Empowerment and Child Protection (KPPPA), the Coordinating Ministry for Economic Affairs (Kemenko Perekonomian), and the Ministry of Cooperatives and SMEs (Kemenkop UKM)

Coordinated Efforts Across Ministries to Increase Access to Inclusive and Gender-Responsive Loan Services

- The Ministry of Cooperatives and SMEs can provide financial education and literacy programs that teach female consumers how to best put loan money to work in growing their businesses (productive purposes), by involving social gathering groups, Family Welfare Empowerment (*PKK*), and recitation groups, and others.
- The Ministry of Women Empowerment and Child Protection (KPPPA), The Coordinating Ministry for Economic Affairs (Kemenko Perekonomian), and The Ministry of Cooperatives and SMEs (Kemenkop UKM) cooperate in implementing Women's National Strategy for Financial Inclusion (SNKI-P). For example, by providing assistance services for women to access support for Micro, Small and Medium Enterprises (MSMEs), get empowerment programs, and provide assistance services and solutions for women when bad credit occurs or fail to pay off.

Collaboration with Banking Institutions and Fintech Associations (AFPI)

- KPPPA and other Ministries can collaborate to develop gender-responsive credit scoring guidelines for banking institutions, as well as the AFPI and AFSI associations.
- The Women's SNKI (SNKI-P) policy vision calls for a concerted effort by financial institutions and fintech associations to educate borrowers about interest calculations as well as their rights and responsibilities as consumers.
- Strengthening women's protection by issuing guidelines on a gender-sensitive complaint mechanism for the fintech industry (P2P lending) that accounts for the particular challenges women face in accessing digital customer services.

Bring together Fintech Service Providers and MSME Players as Potential

- Bring together Fintech Service Providers and MSME Players as Potential Customers.
- Programs must consider the diversity of potential consumers and provide service assistance, particularly for women, young people, and the elderly who have limited technological knowledge and proficiency.



6. Advocacy and Support Group Working Area

Posit Women as Victims	<ul style="list-style-type: none">• When women are looking for assistance, they should not be positioned as perpetrators (victim blaming).• Volunteer assistants, legal aid and social workers, must have a gender perspective and social inclusion point of view.• Include consumers' rights in the psychological recovery process.
Victim Rights Guarantee	<ul style="list-style-type: none">• It is essential for advocacy groups to provide assistance to women victims who are disadvantaged by illegal online loan parties who commit violations.



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**DEBT IS
THE
WORST
POVERTY**

Thomas Fuller
GRACIOUSQUOTES.COM

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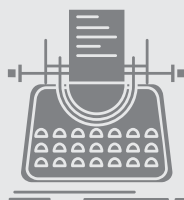
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GLOSSARY

AFPI	Asosiasi Fintech Pendanaan Bersama Indonesia <i>(Indonesian Joint Funding Fintech Association)</i>
AFTECH	Asosiasi Fintech Indonesia <i>(Indonesian Fintech Association)</i>
AFSI	Asosiasi Fintech Syariah Indonesia <i>(Indonesian Sharia Fintech Association)</i>
BNSP	Badan Nasional Sertifikasi Profesi <i>(The National Professional Certification)</i>
DOXING	Informasi pribadi seseorang dibagikan di Internet tanpa persetujuan <i>(Someone's personal information is shared on the Internet without permission)</i>
Fintech	<i>Financial Technology</i>
GENDER BASED SLURS	Terminologi yang merendahkan dan menghina gender (perempuan) <i>(Terminology that demean and insult gender, particularly women)</i>
HWDI	Himpunan Wanita Disabilitas Indonesia <i>(Indonesian Women with Disabilities Association)</i>
IKD	Inovasi Keuangan Digital <i>(Digital Financial Innovation)</i>
KAKG	Kolektif Advokat untuk Keadilan Gender <i>(Advocates Collective for Gender Justice)</i>
KBGO	Kekerasan Berbasis Gender Online <i>(Online Gender-Based Violence)</i>
KDRT	Kekerasan Dalam Rumah Tangga <i>(Domestic Violence)</i>
Kemenkop UKM	Kementerian Koperasi dan Usaha Kecil Menengah <i>(Ministry of Cooperatives and SMEs)</i>
Kemenko Perekonomian	Kementerian Koordinator Bidang Perekonomian <i>(the Coordinating Ministry for Economic Affairs)</i>
KOMINFO	Kementerian Komunikasi dan Informatika <i>(Ministry of Communication and Informatics)</i>
KPPPA	Kementerian Pemberdayaan Perempuan dan Perlindungan Anak <i>(Ministry of Women's Empowerment and Child Protection)</i>
KPSB	Kelompok Penggerak Semangat Baru <i>(New Spirit Movement Group)</i>
KTP	Kartu Tanda Penduduk
KUHAP	Kitab Undang-Undang Hukum Acara Pidana Criminal Code Procedure
LBH	Lembaga Bantuan Hukum <i>(Legal Aid Institute)</i>
LPMUBTI	Layanan Pinjam Meminjam Uang Berbasis Teknologi Informasi <i>(Information Technology Based Lending Services)</i>
LPSK	Lembaga Perlindungan Saksi dan Korban <i>(Witness and Victim Protection Agency)</i>
LSM	Lembaga Swadaya Masyarakat <i>(Non-Governmental Organization)</i>
LSP Fintech	Lembaga Sertifikasi Profesi Teknologi Keuangan <i>(Financial Technology Professional Certification)</i>

OJK	Otoritas Jasa Keuangan <i>(Financial Services Authority)</i>
PEKKA	Yayasan Pemberdayaan Perempuan Kepala Keluarga <i>(Women-Headed Family Empowerment Foundation)</i>
Pinjol	Pinjaman online <i>(Online loans/ online lending platforms)</i>
PKK	Pemberdayaan Kesejahteraan Keluarga <i>(Family Welfare Empowerment)</i>
POJK	Peraturan OJK <i>(OJK Regulation)</i>
POLRES	Kepolisian Resor <i>(Resort Police)</i>
POLDA	Kepolisian Negara Republik Indonesia Daerah <i>(Regional Police of the Republic of Indonesia)</i>
PTIJK	Pertemuan Tahunan Industri Jasa Keuangan <i>(Financial Services Industry Annual Meeting)</i>
PUSDAFIL	Pusat Data Fintech Lending <i>(Fintech Lending Data Center)</i>
P2P Lending	<i>Peer-to-Peer Lending</i>
P2TP2A	Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak <i>(Integrated Service Center for Empowerment of Women and Children)</i>
RPOJK	Rancangan Peraturan OJK <i>(OJK Draft Regulation)</i>
SATGAS	Satuan Tugas <i>(Task Force)</i>
S-KOPI	Solusi dan Konsultasi Pembiayaan Indonesia <i>(Indonesian Financing Solutions and Consultation)</i>
SNKI-P	Strategi Nasional Keuangan Inklusif Perempuan <i>(Women's National Strategy for Financial Inclusion)</i>
SOP	<i>Standard Operating Procedure</i>
SRO	<i>Self-Regulatory Organization</i>
SMS	<i>Short Message Service</i>
SWI	Satgas Waspada Investasi <i>(Investment Alert Task Force)</i>
UMKM/MSME	Usaha Mikro, Kecil dan Menengah <i>(Micro, Small and Medium Enterprises)</i>
UPTD PPA	Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak <i>(Regional Technical Implementation Unit for the Protection of Women and Children)</i>
WFH	<i>Work From Home</i>



RESEARCH TEAM

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01 INTRODUCTION

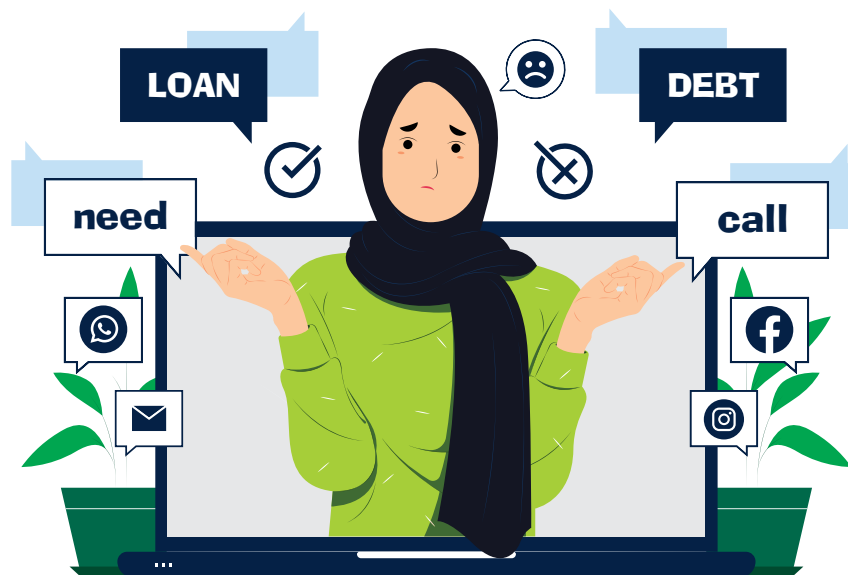


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1.1. Background

The Indonesian financial technology industry, particularly online lending, began to develop in 2016 and grew rapidly by 2020. The financial technology industry includes at least 362 companies, with activities ranging from digital payments and online loans to financial planning and project financing (<https://keuangan.kontan.co.id>, 2020). The companies in this industry are regulated by Indonesia's Financial Services Authority (OJK).

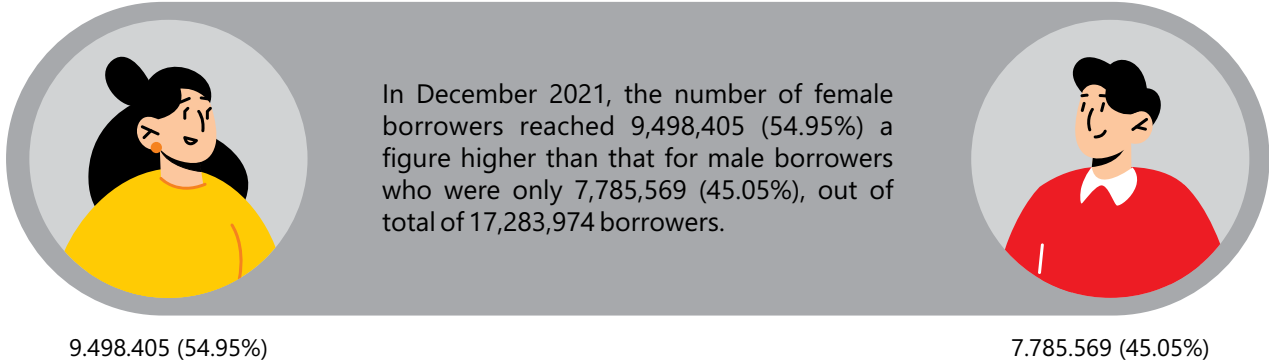
According to OJK's data, Indonesia's digital economy grew significantly from 2020 to May 2022. The amount of fintech lending climbed from just Rp10,917.5 billion in 2020 (approx. \$694,552,640.40) to Rp89,951.83 billion in May 2022 (approx. \$5,723,231,980) (Edukasi Konsumen OJK, 2022). Interestingly, the statistics issued by OJK on fintech lending also reveal loans accessed based on gender. In December 2021, the number of female borrowers reached 9,498,405 (54.95%) a figure higher than that for male borrowers who were only 7,785,569 (45.05%), out of total of 17,283,974 borrowers. Furthermore, the total amount of loans received by women reached Rp13,382.96 billion (approx. \$851,498,728) or 54.89% of the total amount of loans distributed, which was Rp24,833.52 billion (approx. \$1,580,073,183). However, in August 2022, a slight

1.1. Latar Belakang

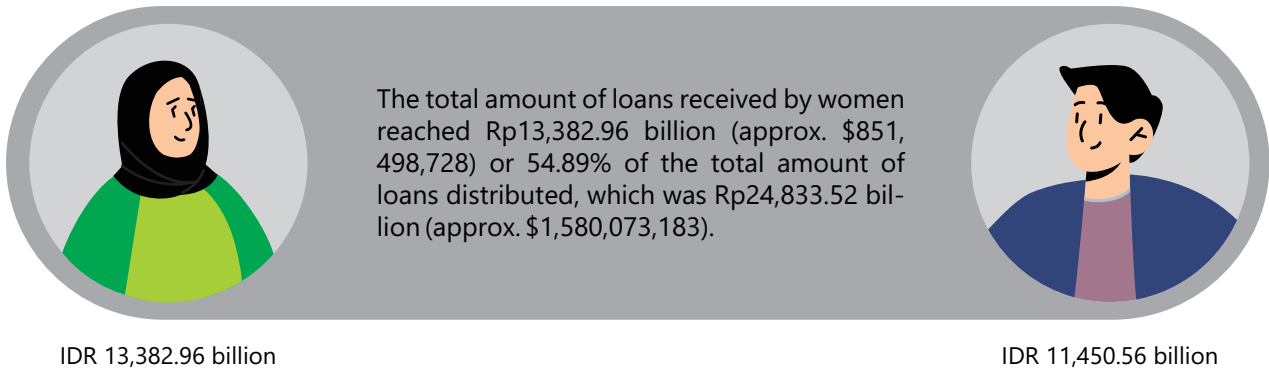
Industri teknologi finansial di Indonesia, khususnya pinjaman online mulai berkembang pada tahun 2016 dan meningkat pesat pada tahun 2020. Tercatat setidaknya 362 perusahaan yang terkategori sebagai industri teknologi finansial, dengan bentuk kegiatan, antara lain pembayaran digital; pinjaman online; perencanaan keuangan; hingga *project financing* (<https://keuangan.kontan.co.id>, 2020). Industri teknologi finansial dilakukan pada praktiknya berada di bawah pengawasan Otoritas Jasa Keuangan (OJK).

Data OJK tentang pertumbuhan ekonomi digital Indonesia dari tahun 2020 hingga Mei 2022 meningkat signifikan. Jumlah penyaluran pinjaman *fintech lending* meningkat pada tahun 2020 sebesar Rp 10.9175 milyar, hingga pada Mei 2022 mencapai Rp 89.951, 83 milyar (Edukasi Konsumen OJK, 2022). Data statistik *fintech lending* dari OJK juga memperlihatkan pinjaman berdasarkan jenis kelamin. Pada Desember 2021, jumlah perempuan yang mendapatkan pinjaman online mencapai 9.498.405 (54, 95%), lebih tinggi dari total peminjam laki-laki yang hanya 7.785.569 (45,05%) dari total 17.283.974 peminjam (*borrower*). Selain itu, total dana pinjaman perempuan senilai Rp 13.382,96 miliar (54,89 %), dari keseluruhan total pinjaman yang disalurkan sebesar

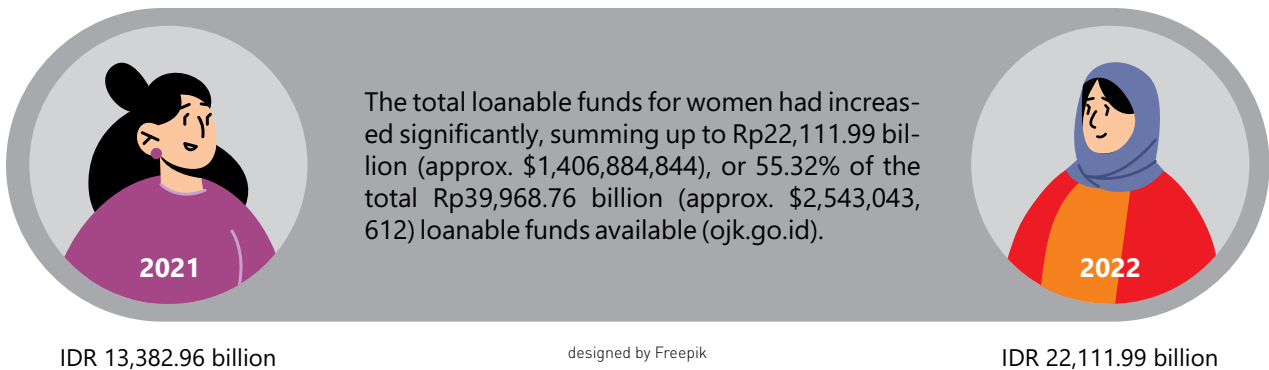
TOTAL BORROWERS BY GENDER IN 2021



TOTAL LOANS BY GENDER 2021



INCREASED AMOUNT OF LOANS ON WOMEN



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deviation from the current trend was observed, with roughly the same number of male and female borrowers identified, totaling approximately 8 million people. Nevertheless, the total loanable funds for women had increased significantly, summing up to Rp22,111.99 billion (approx. \$1,406,884,844), or 55.32% of the total Rp39,968.76 billion (approx. \$2,543,043,612) loanable funds available (ojk.go.id). The amount is greater than the total loanable funds for men, which were only Rp17,856.77 billion (approx. \$1,136,158,767), or 44.68% of the funds available. OJK also noted an increase in the use of online loan funds for businesses and domestic needs from 2021 to mid-2022 (ojk.go.id, 2022).¹

The growing number of female borrowers on various online lending sites indirectly shows that online lending provides opportunities for women who previously had difficulty obtaining banking services. Thus, the opportunities open the door to financial inclusion. Furthermore, data published by Price Waterhouse Coopers (PWC) Indonesia (2019) confirm that 70% of users of online loan services are classified as "credit invisible." These people, who generally are of middle to lower income, do not have access to credit from official institutions (<https://www.pwc.com/id/en.html>). Thus, the data indicate how online peer-to-peer (P2P) lending platforms effectively assist people with middle to lower incomes who do not have access to or otherwise cannot utilize cannot access official banking services (Suryono et al., 2021).



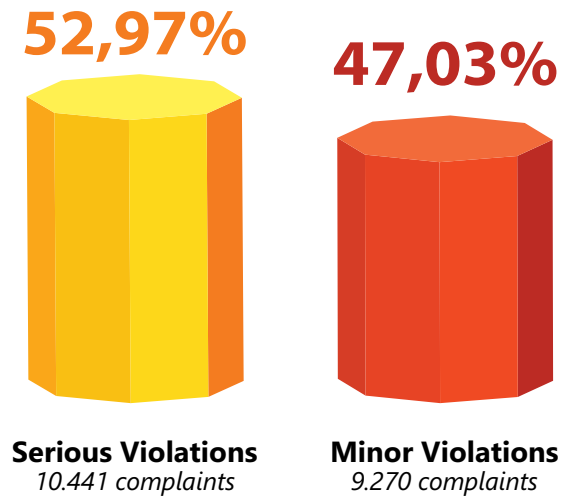
illustration by Vecteezy.com

Rp 24.833,52 miliar. Agustus 2022 menunjukkan sedikit perbedaan, bahwa jumlah peminjam laki-laki dan perempuan kurang lebih sama, yakni 8 juta orang. Namun, total dana pinjaman signifikan meningkat untuk perempuan sebesar, yaitu Rp 22.111,99 miliar (55,32%) dibandingkan laki-laki sebesar Rp 17.856,77 (44,68%) dengan keseluruhan total dana pinjaman sebesar Rp 39.968,76 miliar (ojk.go.id). Pada periode tahun 2021 hingga pertengahan 2022, OJK memberikan gambaran bahwa pemanfaatan uang pinjaman online tersebut meningkat, selain untuk kepentingan bisnis, ternyata juga dipergunakan untuk memenuhi kebutuhan rumah tangga (ojk.go.id, 2022).¹

Tingginya angka peminjam perempuan di berbagai situs peminjaman online, secara tidak langsung memperlihatkan bahwa pinjaman online memberikan kesempatan bagi perempuan yang sebelumnya sulit mendapatkan layanan perbankan, menjadi memiliki peluang dan kemudahan menerima layanan. Kemudahan ini memberikan harapan bagi terwujudnya inklusi keuangan. Terlebih lagi data yang diterbitkan *Price Waterhouse Coopers* (PWC) Indonesia (2019) menegaskan bahwa, 70% pengguna layanan pinjaman online adalah mereka yang dikategorikan sebagai '*credit invisible*'. Yaitu individu yang sebelumnya tidak mendapatkan akses kredit dari lembaga resmi, serta individu yang berasal dari masyarakat dengan penghasilan menengah ke bawah (<https://www.pwc.com/id/en.html>). Kondisi ini sekaligus menjelaskan keberhasilan bagaimana pinjaman online *peer-to-peer* (P2P) Lending, sebagai sebuah inovasi yang diperuntukkan untuk membantu masyarakat ekonomi bawah yang tidak memiliki atau tidak dapat mengakses layanan resmi perbankan, menjadi tepat sasaran (Suryono dkk, 2021).

Sayangnya, kemudahan layanan peminjaman oleh perusahaan *P2P Lending* lewat aplikasi pinjaman online, pada kenyataannya belum diikuti dengan aturan yang memberikan jaminan perlindungan kerahasiaan data pribadi para konsumen, sehingga memunculkan penagihan pembayaran cicilan yang menggunakan ancaman dan kekerasan.

¹Online loans are used mostly in the trade sectors. These sectors provide funding for the food and beverage, transportation, warehousing, and communication industries and for household needs (OJK.go.id,2021).

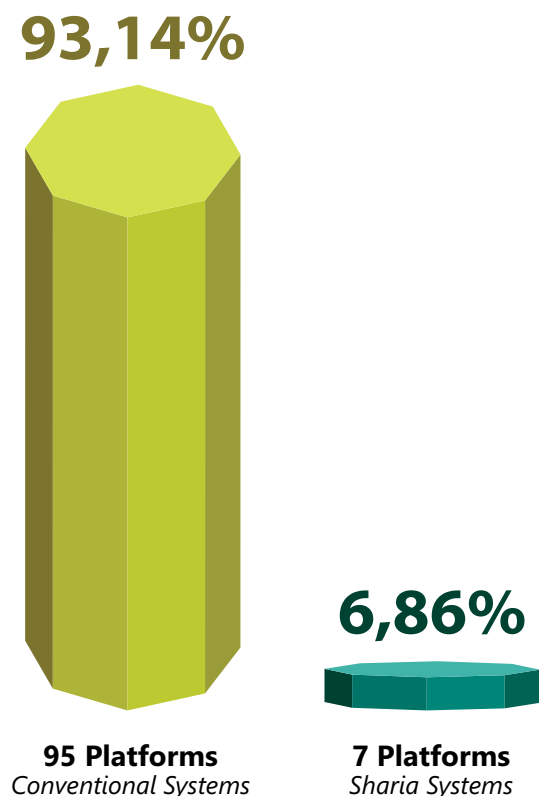


COMPLAINTS AGAINST ILLEGAL ONLINE LOANS

OJK reported increased complaints against illegal loan platforms from 2019 to 2021, totaling 19,711 complaints during these three years. Of these complaints, 52.97%, or 10,441, suggested minor to moderate violations, while 47.03%, or 9,270, reported serious violations (OJK, 2021). Nonetheless, the Chief of Indonesia's Consumers Association (YLKI) stated that there was no difference between legal and illegal online loan platforms. Both use threats, violence, and the dissemination of borrowers' personal information as persecution (Kompas.com, 2021).

102 ONLINE LOAN PROVIDERS

As of August 2022, there were at least 95 conventional online loan platforms with a total asset value of Rp4,795.45 billion (approx. \$305,083,793), and seven sharia-based platforms with a total asset value of Rp120.14 billion (approx. \$7,635,048) are officially registered and licensed (<https://www.ojk.go.id>, 2022).



Unfortunately, the ease of lending services provided by P2P lending platforms has not been accompanied by standards that ensure the confidentiality of consumers' data, leading to the emergence of debt collection methods based on intimidation and violence. OJK reported increased complaints against illegal loan platforms from 2019 to 2021, totaling 19,711 complaints during these three years. Of these complaints, 52.97%, or 10,441, suggested minor to moderate violations, while 47.03%, or 9,270, reported serious violations² (OJK, 2021). Nonetheless, the Chief of Indonesia's Consumers Association (YLKI) stated that there was no difference between legal and illegal online loan platforms. Both use threats, violence, and the dissemination of borrowers' personal information as persecution (Kompas.com, 2021).³

The government has taken several initiatives to protect consumers of online loans (P2P Lending). One example is OJK's moratorium on registering new online loan platforms. In reality, however many illegal online loan platforms continue to emerge. As of August 2022, there were at least 95 conventional online loan platforms with a total asset value of Rp 4,795.45 billion (approx. \$305,083,793), and seven sharia-based platforms with a total asset value of Rp120.14 billion (approx. \$7,635,048) are officially registered and licensed (<https://www.ojk.go.id>, 2022).

Although online loans benefit the general public, the growing number of legal and illegal loan providers puts consumers, particularly women, at risk of becoming victims of identity theft and other forms of violence (Rahmi, 2020; Panjaitan & Indrawati, 2021). According to online media sources, online loan consumers have voiced concerns about high interest rates and the use of violence as a debt collection method (<https://www.bbc.com/indonesia>, 2021). There have even been cases of deaths due to online loans. For example, in November 2021, a mother with the initials JB (44 years old) in Cinere, Depok City, allegedly committed suicide owing to stress caused

Laporan dari tahun 2019–2021, secara khusus memperlihatkan tingginya angka pengaduan terhadap pinjaman online ilegal, sebanyak 19.711 pengaduan. Sebesar 52,97% atau 10.441 merupakan pengaduan pelanggaran ringan/sedang, dan terdapat 47,03% atau 9.270 merupakan pengaduan pelanggaran berat² (OJK, 2021). Kendatipun demikian, Ketua Yayasan Lembaga Konsumen Indonesia (YLKI) menyebut bahwa perilaku pinjaman online (pinjol) legal maupun ilegal hampir tidak ada bedanya. Cara penagihan pinjol legal dan ilegal sama-sama menggunakan ancaman, kekerasan, hingga penyebaran data pribadi peminjam (Kompas.com, 2021).³

Pemerintah telah melakukan sejumlah langkah untuk melindungi konsumen pinjaman online (*P2P Lending*). Sejak tahun 2020, melalui OJK pemerintah telah melakukan moratorium pendaftaran pinjaman online. Namun demikian, dalam praktiknya masih ditemukan berbagai bentuk pinjaman online yang tidak terdaftar (pinjol ilegal). Per Agustus 2022, hanya terdapat 95 platform sistem konvensional dengan total asset Rp4.795,45 miliar dan 7 platform sistem syariah dengan total asset Rp120,14 miliar untuk keseluruhan penyelenggara pinjaman online-*P2P Lending* yang terdaftar resmi dan berizin OJK (<https://www.ojk.go.id>, 2022).

Lebih lanjut, tidak dapat dipungkiri bahwa pinjaman online memberikan kebermanfaatannya bagi anggota masyarakat. Akan tetapi, meningkatnya jumlah penyelenggara pinjol baik yang legal dan ilegal, menempatkan konsumen khususnya perempuan pada situasi kerentanan menjadi korban pencurian data pribadi dan mengalami berbagai bentuk kekerasan (Rahmi, 2020; Panjaitan dan Indrawati, 2021). Dari sumber media online, dapat ditelusuri pengalaman pengguna pinjol, mengenai beban bunga yang tinggi, hingga penggunaan ancaman sebagai cara penagihan pembayaran (<https://www.bbc.com/indonesia>, 2021). Beberapa kasus pinjaman online, bahkan sampai memakan korban jiwa hingga meninggal dunia. Misalnya, salah satu kasus terjadi di bulan November 2021, di mana

²Complaints that are considered serious violations include loan disbursements without the victim's consent, threats to share personal data, debt collecting by calling all cellphone contacts with terror/intimidation, and debt collecting with harsh or obscene words (OJK, 2021).

³From the complaints gathered, 70% are related to online loans. Of the complaints about online loans, 57% are related to the debt-collecting method. Most of the complaints reported debt collection using psychological terror and harassment. Meanwhile, ten complaints were more about ethical matters, including difficulty in rescheduling and restructuring, and the use of high-interest rates. (Kompas.com, 2021).

by bills from an illegal online loan platform (<https://www.cnnindonesia.com/nasional,2021>).

The COVID-19 pandemic, which began in early 2020, badly affected people with medium to lower incomes. For instance, poverty rates in Indonesia increased by 3.93% in March 2021 (BPS, 2021). The COVID-19 pandemic has also increased layoffs, affecting up to 2.56 million individuals (kemnaker.go.id) and creating a new class of poverty (BPS, 2021). Because online loans are easier and faster to get than conventional financial services, their use is expected to increase during the COVID-19 epidemic.

Based on the background outlined, we submit that there is a critical need for research to illustrate how online loans affect women's life. How do women who use online loan services benefit. Furthermore, through interviews with women, we intend to learn about online loans' the restrictions, restraints, and negative consequences of online loans, such as identity theft and harassment in debt collecting processes. We believe it is critical to hold focus group discussions with women's support organizations, such as those that provide legal assistance and advocacy for female victims of online loans. To provide a complete picture of this research, stakeholders such as policymakers in financial technology, the Indonesian national police, and representatives from the association of P2P lending businesses will participate as informants in in-depth interviews and focus group discussions. By employing an exploratory approach, we expect this study to provide recommendations to encourage a more gender-responsive and socially inclusive approach in regulating online loan platforms, especially for vulnerable groups such as women and people with lower incomes.

1.2. Research Objectives

Specifically, this study aims to:

- Elaborate on women's experiences with online loans (P2P Lending) and digital financial services, as well as determine the sources of information regarding online loans for women and the likelihood of their using the service in the future;
- Identify gaps and risk factors that prevent women (and other vulnerable groups) from using equal, inclusive, and safe online lending services;

seorang Ibu berinisial JB (44 tahun) di Cinere, Kota Depok melakukan bunuh diri diduga stres akibat tagihan pinjaman online (pinjol) ilegal (<https://www.cnnindonesia.com/nasional,2021>).

Situasi pandemi COVID-19 yang berlangsung sejak awal tahun 2020, menimbulkan kesulitan hidup bagi sejumlah masyarakat kelas ekonomi menengah kebawah. Pada Maret 2021, angka garis kemiskinan Indonesia meningkat 3,93% (BPS, 2021). Pandemi COVID-19 juga meningkatkan angka pemutusan hubungan kerja, yakni sebanyak 2,56 juta orang (kemnaker.go.id), sehingga memunculkan kelompok miskin baru (BPS, 2021). Sifat pinjaman online bersifat mudah dan cepat diakses daripada layanan perbankan lain, sehingga diasumsikan akan terjadi peningkatan pemanfaatannya selama pandemi COVID-19.

Berdasarkan latar belakang masalah yang telah dijelaskan, menjadi penting bagi penelitian ini untuk mendeskripsikan bagaimana pinjaman online memberikan dampak bagi kehidupan perempuan. Bagaimana perempuan yang mendapatkan layanan pinjaman online menerima manfaat dari pinjaman online. Selain itu, melalui wawancara pada perempuan juga ingin diketahui keterbatasan, kendala dan dampak negatif yang mungkin muncul dari pinjaman online, seperti pencurian data pribadi dan kekerasan dalam praktik penagihan. Penelitian ini, memandang penting untuk melakukan diskusi kelompok terfokus kepada pihak-pihak yang memberi dukungan bagi perempuan, seperti lembaga bantuan hukum dan advokasi yang mendampingi para perempuan pengguna pinjaman online (korban). Guna memberikan gambaran yang menyeluruh pada penelitian ini, para stakeholder pembuat kebijakan mengenai teknologi finansial, kepolisian, serta perwakilan asosiasi industri dan bisnis pinjaman online (*P2P Lending*), akan dihadirkan sebagai narasumber melalui kegiatan fokus group diskusi dan wawancara mendalam. Dengan menggunakan pendekatan eksploratif, studi ini pada akhirnya diharapkan dapat memberikan rekomendasi dalam mendorong regulasi kebijakan pinjaman online yang lebih responsif gender dan setara (inklusif secara sosial) bagi kelompok rentan, seperti perempuan, dan masyarakat kelas ekonomi ke bawah.



- Analyze the many levels of susceptibility and risks of harassment against female consumers of online loan platforms;
- Support efforts to create comprehensive support and assistance services for women consumers of online loan platforms;
- Provide inputs and recommendations to principal stakeholders (regulators and key industry/business actors) to promote service usage while improving consumer protection and compensation/complaint handling mechanisms;
- Contribute to enforcing gender-responsive and socially inclusive financial programs, as well as establishing consumer protection and complaint processes to accommodate the needs of women consumers of online loan platforms through digital financial literacy programs.

1.2. Tujuan Penelitian

Secara khusus penelitian ini bertujuan untuk:

- Memahami pengalaman perempuan pengguna pinjaman online (P2P Lending) dalam menggunakan layanan keuangan digital. Menemukan sumber informasi pinjaman online bagi perempuan dan intensitas penggunaan layanan tersebut di masa depan;
- Menemukan faktor kesenjangan dan risiko yang menghambat penggunaan platform pinjaman online yang setara, inklusif dan aman bagi perempuan (dan kelompok rentan lainnya);
- Melakukan analisis berbagai lapisan kerentanan dan risiko kekerasan terhadap perempuan pengguna pinjaman online;
- Mendukung upaya pengembangan layanan dukungan dan pendampingan yang komprehensif bagi perempuan pengguna pinjaman online;
- Memberikan masukan dan rekomendasi kepada pemangku kepentingan terkait (regulator dan pelaku industri/bisnis) untuk meningkatkan penggunaan layanan, sekaligus memperkuat perlindungan konsumen dan mekanisme ganti rugi/penanganan pengaduan;
- Memberikan kontribusi bagi penguatan program keuangan yang responsif gender dan inklusif secara sosial, serta pembentukan mekanisme perlindungan dan pengaduan konsumen untuk menjawab kebutuhan perempuan pengguna layanan pinjaman online melalui program literasi keuangan digital.



The COVID-19 pandemic has also increased layoffs, affecting up to 2.56 million individuals (kemnaker. go.id) and creating a new class of poverty (BPS, 2021). Because online loans are easier and faster to get than conventional financial services, their use is expected to increase during the COVID-19 epidemic.

02 LITERATURE REVIEW

This section provides a literature review of previous studies related to the issue of online loans to support the goals of our research.

Although a study by the Asian Development Bank Institute (ADBI, 2019) documented an increase in women's private bank account ownership, the level of Indonesian women's bank account ownership has barely reached 50%. This figure is much lower than that for Malaysian women, which reached 90% in 2017. The limited number of Indonesian women with conventional banking accounts has several causes, including insufficient funds, religious factors, distrust of conventional banking, lack of supporting documents, expensive bank administration fees, and geographical conditions (living too far from banking services) (Sioson and Kim, 2019). Thus, expanding the banking market⁴ through increasing number of online loan platforms in Indonesia, which can be seen since 2016, provides opportunities for women without prior access to banking to receive the benefits of services such as loans. Female users (consumers) of online loans therefore may have come to believe that online loan is the right step toward realizing financial inclusivity for women (Sioson & Kim, 2019) and impoverished families (Swamy, 2014).

Most women use loan funds to address the financial needs of their families (ADBI, 2019). However, several studies have demonstrated that women who take out loans become victims and are at risk for multiple forms of abuse. One of several studies conducted by Shofa (2018), *'Petak Umpet' Istri: Studi tentang Relasi Kuasa di Manukan, Kecamatan Tandes, Kota Surabaya* (Wife's Hide and Seek: A Study of Power Relations in Manukan, Tandes District, Surabaya City) narrates the lives of wives who must incur debt to meet their family's needs due to their husbands' incapability of earning a living. This problem compels the housewives to employ various solutions, such as borrowing money from neighbors and

Bagian ini menjelaskan mengenai kajian literatur studi terdahulu terkait dengan isu pinjaman online untuk mendukung tujuan penelitian.

Kendatipun kajian The Asian Development Bank Institute (ADBI, 2019), menjelaskan adanya peningkatan pertumbuhan kepemilikan akun perbankan pribadi perempuan, namun pertumbuhan kepemilikan akun perbankan pada perempuan Indonesia hanya menyentuh angka 50%. Angka ini jauh lebih rendah dibandingkan dengan perempuan Malaysia yang telah mencapai angka 90% pada 2017. Terbatasnya perempuan Indonesia yang memiliki akun perbankan konvensional disebabkan oleh sejumlah faktor, antara lain dana yang tidak mencukupi, alasan religiusitas, tidak percaya dengan perbankan konvensional, ketiadaan dokumen penunjang, biaya administrasi perbankan yang dianggap mahal, dan kondisi geografis yang terlalu jauh dari layanan perbankan (Sioson dan Kim, 2019). Dengan demikian, adanya perluasan market perbankan⁴ melalui meningkatnya jumlah platform pinjaman online di Indonesia, setidaknya dapat dilihat sejak tahun 2016, memberikan kesempatan dan peluang bagi perempuan yang selama ini belum mendapatkan akses perbankan menjadi dapat menerima manfaat layanan, khususnya pinjaman. Kondisi ini, memberikan kesempatan dan peluang bagi perempuan pengguna (konsumen) pinjaman online diyakini merupakan langkah tepat untuk mewujudkan inklusivitas keuangan bagi perempuan (Sioson dan Kim, 2019), khususnya keluarga miskin (Swamy, 2014).

Penggunaan dana pinjaman bagi kebanyakan perempuan adalah untuk memenuhi kebutuhan finansial rumah tangga mereka (ADBI, 2019). Sejumlah penelitian memperlihatkan bagaimana perempuan yang melakukan pinjaman, akhirnya menjadi korban dan mengalami risiko kekerasan berlapis. Salah satu penelitian yang dilakukan oleh Shofa (2018) dengan judul " 'Petak Umpet' Istri: Studi tentang Relasi Kuasa di Manukan, Kecamatan Tandes, Kota Surabaya",

⁴The expansion of the banking market is related to the issuance of Bank Indonesia Circular Letter No. 18/22/DKSP regarding the Implementation of Digital Financial Services and Bank Indonesia Regulation No. 18/17/PBI/2016 concerning Electronic Money.

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*bank keliling*⁵ (rent-seeking mobile banks). The latter is one form of using a social network strategy to implement a coping mechanism. Rent-seeking mobile banks are the preferred option due to the simplicity of the application process, the no necessity for collateral, and no requirement of a husband's signature to disburse loan funds (Shofa, 2018). Although this research did not directly link to online loans, it provides evidence that unbanked loans are one of the most accessible solutions for women experiencing financial challenges.

Women's access to online loans has consistently expanded, particularly during the COVID-19 epidemic in 2020-2022 (OJK, 2022). Nonetheless, several studies have recognized the negative effects of online loans (P2P Lending) for women and the lack of consumer protections that results in their repeated victimization. For example, the study *Perlindungan Konsumen dalam Penggunaan Layanan Pinjam Meminjam Berbasis Teknologi Peer to Peer Lending* (Consumer Protection in the Use of Peer-to-Peer Lending Technology-Based Lending Services), by Rahmi (2020), narrates online gender-based violence related to faulty loans or payment defaults of online loans. In one case, Raya, a 51 years old woman from

memperlihatkan potret kehidupan para istri yang harus berhutang untuk dapat memenuhi kebutuhan rumah tangga mereka, karena para suami tidak mau tahu tentang pengeluaran sehari-hari seperti kebutuhan uang belanja. Kesulitan ini menyebabkan para ibu rumah tangga melakukan berbagai cara untuk mengatasinya. Antara lain meminjam uang kepada tetangga maupun *bank keliling*.⁵ Cara ini merupakan salah satu bentuk dari pemanfaatan strategi jaringan sosial yang merupakan implementasi *coping mechanism*. Bank keliling menjadi pilihan utama, karena kemudahan akses berupa proses yang sederhana, tanpa perlu jaminan serta tidak memerlukan tanda tangan suami dalam proses pencairan dana pinjaman (Shofa, 2018). Kendatipun penelitian ini tidak secara langsung menghubungkan dengan pinjaman online, namun penelitian ini menggambarkan bahwa bentuk pinjaman *unbanked* menjadi salah satu pilihan yang dianggap paling mudah ketika perempuan menghadapi kesulitan keuangan.

Meningkatnya kesempatan perempuan dalam memanfaatkan dana pinjaman online terlihat secara konsisten, terutama saat pandemic COVID-19 dalam rentang waktu tahun 2020-2022 (OJK, 2022). Namun demikian, sejumlah penelitian berhasil menemu-

⁵Rent-seeking mobile bank: (unofficial) bankers visit prospective customers' homes and offer loans with interest rates that tend to be higher than conventional banks in general but with much lighter requirements. In addition, because debtors do not need to go to a bank, pawnshop, leasing agency, or the like, they do not incur gas costs as transactions can be done on the terrace of a customer's house. Easy requirements also mean that urgent needs are met instantly (Riroma, 2020).

Solo, had to pay interest on a loan of Rp1,054,000,- (approx. \$67,50)—with a primary loan amounting to Rp680,000,- (approx. \$43,55)—within ten days. She endured abuse in the form of a photograph published without permission as an advertisement conveying the message that the victim was offering to prostitute herself (open BO) for Rp1,054,000 to pay off her loan. Lending services also violate personal data security and consumer privacy protection by obtaining all data from a borrower's smartphone and then phoning random contact numbers, making threats toward the borrower and also billing the borrower (Rahmi, 2020). Furthermore, illegal fintechs use intimidation and coercion against women by posting female borrowers' self-portraits, Identity Cards (KTP), and telephone numbers on various social media platforms. In these ways, the fintechs involve third parties or collectors (Panjaitan and Indrawati, 2021).

Cases involving debt collectors and violence in collecting debts demonstrate that legal protection for consumers of online loans has not been enforced appropriately (Rahmi, 2020; Panjaitan & Indrawati, 2021). Even though consumer rights are regulated by Law Number 8 of 1999 concerning Consumer Protection (article 4) and the Indonesian Financial Services Authority (OJK) Regulation Number 6/POJK.07/2022 concerning Consumer and Community Protection in the Financial Services Sector, the role of OJK in providing consumer protection is limited. In this regard, cross-sector engagement with key stakeholders, such as the Investment Alert Task Force (SWI)⁶, is essential. This Task Force's primary responsibility is to monitor online loans, particularly illegal ones; to block websites and applications for illegal online loans; to follow up on various types of evidence from public reports made to law enforcement officials regarding terror, threats, intimidation, or other criminal behavior; and to coordinate banking on accounts suspected of being used for illegal online lending activities (OJK.go.id). Ironically, these illicit online loans are subject to tight oversight by the OJK, as they typically consist of short loan terms, impose high-interest rates, and access users' mobile

kenali dampak pinjaman online pada perempuan dan lemahnya perlindungan konsumen, sehingga perempuan mengalami viktimisasi berulang. Rahmi (2020), dalam risetnya "Perlindungan Konsumen dalam Penggunaan Layanan Pinjam Meminjam Berbasis Teknologi *Peer to Peer Lending*", menemukan bahwa pada kasus pinjaman macet atau kegagalan pembayaran dari pinjaman online yang dilakukan, perempuan mengalami kekerasan berbasis gender online (KBGO). Salah satu kasus terjadi pada Raya, seorang perempuan berusia 51 tahun asal Solo yang harus membayar bunga pinjaman sebesar Rp1.054.000,- dalam waktu 10 hari, dari dana pinjaman awal senilai Rp680.000,-. Pada kasus Raya, korban mengalami kekerasan berupa foto diri yang disebarluaskan tanpa izin, dan direkayasa dalam bentuk iklan yang berisi pesan korban menawarkan diri (*open BO*) seharga Rp1.054.000,- untuk melunasi pinjamannya. Selain itu, pelanggaran terhadap keamanan data pribadi dan perlindungan privasi konsumen dilakukan dengan cara mengambil data semua yang berada di ponsel milik peminjam, menghubungi secara acak nomor kontak, serta melakukan pengancaman dan penagihan (Rahmi, 2020). Lebih jauh lagi, penggunaan intimidasi dan paksaan terhadap perempuan, dilakukan oleh *fintech ilegal* dengan cara menyebarkan foto korban, Kartu Tanda Penduduk (KTP), serta nomor telepon peminjam perempuan ke berbagai media sosial. Dalam proses ini perusahaan biasanya akan melibatkan pihak ketiga, yaitu *debt collector* (Panjaitan dan Indrawati, 2021).

Kasus-kasus pinjaman online yang melibatkan *debt collector*, serta cara penagihan yang menggunakan kekerasan, memperlihatkan belum terlaksananya perlindungan hukum bagi konsumen pinjaman online (*P2P Lending*) (Rahmi, 2020; Panjaitan & Indrawati, 2021). Kendatipun sesungguhnya hak konsumen tersebut diatur dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen (pasal 4), serta Peraturan Otoritas Jasa Keuangan (OJK) RI Nomor 6/POJK.07/2022 tentang Perlindungan Konsumen dan Masyarakat di Sektor Jasa Keuangan, namun peran dan keberadaan OJK dalam memberikan perlindungan dirasa masih

⁶OJK, Bank Indonesia, the Ministry of Trade, the Ministry of Communication and Information, the Ministry of Home Affairs, the Ministry of Cooperatives and SMEs, the Ministry of Religion, the Ministry of Education, the Ministry of Investment/BKPM, the Center for Financial Transaction Reports and Analysis, the Attorney General's Office of the Republic of Indonesia, and the State Police of the Republic of Indonesia are all members of the Investment Alert Task Force (SWI).



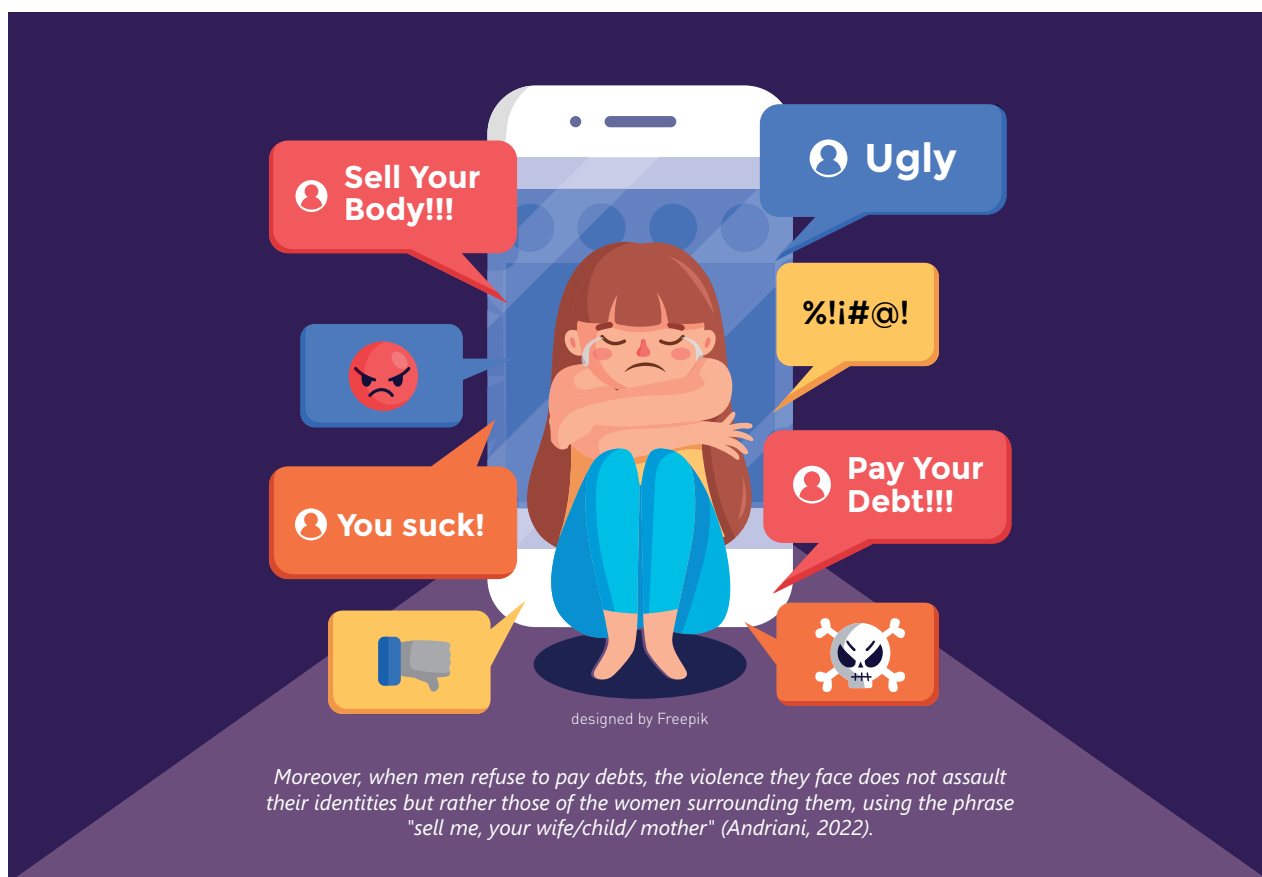
data (Suryono et al., 2021). Yet consumers' still lack knowledge about reporting intimidation, criminal threats, and their resulting fear. Many community members, particularly women (and other vulnerable groups), lack digital information literacy regarding legal and illegal online loans, leading them to accept the multiple negative impacts of the risks associated with online loans (P2P Lending) (Aziz and Nur'aisha, 2021).

In particular, a recent study on online loans (P2P Lending) reveals that debt collectors from illegal online loan platforms handle male and female borrowers differently. Doxing Open BO (Booking Out in terms of prostitution) is a type of violence and threat explicitly directed at women and a manifestation of sexual violence in cyberspace. 'Open BO includes three types of violence: doxing,⁷ gendered slurs,⁸ and pornography. This violence is interconnected, which enhances the portrayal of a female victim as a prostitute, as detailed in the doxing Open BO. Because prostitutes are labeled "not nice women," depicting women as prostitutes is used to humiliate them. Women whose (online) loans are in arrears are deemed to be violating gender roles and societal norms and thus should be harshly punished. Doxing

bersifat terbatas. Dalam hal ini, perlu adanya kerjasama lintas sektoral para pemangku kepentingan kunci, seperti yang saat ini sudah terbentuk, yakni Satgas Waspada Investasi (SWI). Tugas utama Satgas ini adalah mengawasi pinjaman online khususnya yang ilegal, melakukan blokir website dan aplikasi dari pinjaman online ilegal; menindak lanjuti berbagai bukti laporan dari masyarakat yang mendapat teror, ancaman, intimidasi atau perilaku lain yang mengandung unsur /pidana kepada aparat penegak hukum; serta melakukan koordinasi perbankan terhadap rekening yang diduga digunakan dalam kegiatan pinjaman online ilegal (OJK.go.id). Dapat dipahami mengapa pinjaman online ilegal ini mendapat pengawasan ketat dari OJK, karena pinjaman online ilegal cenderung memberlakukan bunga yang sangat tinggi, waktu pinjaman singkat, serta mengambil akses seluruh data dari *handphone* pengguna (Suryono dkk., 2021). Pada sisi lain, sosialisasi kepada konsumen tentang informasi dan bagaimana melaporkan teror, intimidasi dan ancaman pidana yang dialami konsumen juga masih terbatas. Dengan demikian, tidak heran bila banyak anggota masyarakat, khususnya perempuan (dan kelompok rentan lainnya) tidak memiliki literasi informasi digital tentang pinjaman online baik legal

⁷Doxing is sharing someone's personal information on the Internet without the owner's permission. Doxing is also considered an attack in which the victim's personal information is made public online (Snyder (2017) in Adriani, 2022).

⁸Gendered slurs use words or terminology that demean and insult a gender, particularly women (Ashwell (2016) in Adriani, 2022). This word reflects gender bias, and abusers who use it humiliate women by labeling them contrary to society's normative expectations. For example, the term "prostitute" is used to refer to women who are not true, women who like to change partners, and sexual behavior that is deviant or not normative (Flemlee et al. (2019) in Adriani, 2022).



Open BO is a powerful method of shaping women's shame. Online lending platforms commit violence against women by disseminating women's data and fabricated images of pornography to all contacts on their cell phones, including friends and family (Andriani, 2022). Moreover, when men refuse to pay debts, the violence they face does not assault their identities but rather those of the women surrounding them, using the phrase "sell me, your wife/child/ mother" (Andriani, 2022).

Based on the study literature review above, while the financial technology industry benefits women's and vulnerable groups' participation in financial services, as well as the realization of their social inclusion, legal protection for consumers remains an important issue that all parties involved in this industry must address. The challenge is to develop a service system that is inclusive at the macro and micro levels, with services that benefit both providers and recipients (particularly women and vulnerable groups). Such a system should provide equal financial service guarantees and a sense of community security. In addition, borrowers should be guided through the loan application and repayment

maupun ilegal, sehingga membuat mereka justru menerima pinjaman online tersebut (Aziz dan Nur'aisyah, 2021).

Secara khusus, studi terbaru tentang pinjaman online, memperlihatkan bahwa terdapat perbedaan perlakuan oleh penagih (*debt collector*) dari perusahaan pinjaman online ilegal kepada konsumen laki-laki dan perempuan. *Doxing 'Open BO'* merupakan bentuk kekerasan dan ancaman yang khusus ditargetkan pada perempuan, dan merupakan perwujudan dari kekerasan seksual di ruang siber. *'Open BO'* juga mengandung tiga bentuk kekerasan, yaitu *doxing*, *gendered based slurs*, dan pornografi. Kekerasan ini saling berkaitan satu sama lain, yang bersifat memperkuat representasi korban perempuan sebagai seorang perempuan 'pelacur' sebagaimana yang digambarkan dalam *doxing 'Open BO'* tersebut. Penggambaran perempuan sebagai 'pelacur' digunakan sebagai alat untuk mempermalukan perempuan, karena perempuan pelacur dikenakan stigma sebagai 'bukan perempuan baik-baik'. Perempuan yang gagal bayar dalam pinjaman online dianggap melanggar peran gender dan norma sosial, sehingga patut 'dihukum' secara keras.

processes. In other words, the digital finance industry must surround online loans (P2P Lending) with a complete and inclusive regulatory structure, and the structure must be stressed in general policies, SOPs, and implementation.

Doxing 'Open BO' diyakini sebagai bentuk penghukuman yang efektif untuk membentuk rasa malu perempuan. Kekerasan terhadap perempuan dilakukan oleh perusahaan pinjaman online dengan cara menyebarkan data milik perempuan kepada seluruh kontak di handphone, baik teman dan keluarga, termasuk foto pornografi yang direkayasa, (Andriani, 2022). Pada laki-laki yang gagal bayar, kekerasan yang dialami tidak menyerang identitas laki-laki tersebut, tetapi menyerang identitas perempuan di sekelilingnya melalui pernyataan 'jual saya, istri/ anak/ibumu' (Andriani, 2022).

Berdasarkan review kajian literatur di atas, maka kendatipun industri teknologi finansial memberi kebermanfaatan bagi partisipasi perempuan dan kelompok rentan pada layanan finansial, serta mewujudkan inklusi sosial, akan tetapi aspek perlindungan hukum terhadap konsumen merupakan hal penting yang harus menjadi perhatian dari pihak-pihak yang terlibat dalam industri ini. Tantangan menciptakan sistem layanan yang bersifat inklusi baik di tingkat makro dan mikro, layanan yang tidak hanya memberi manfaat bagi penyedia layanan dan juga penerima layanan (khususnya bagi perempuan, dan kelompok rentan), tetapi juga memberikan jaminan layanan keuangan yang setara dan memberikan rasa aman bagi para peminjam sejak proses awal pengajuan hingga proses pelunasan pinjamannya. Dengan kata lain, pinjaman online, juga harus menjadi target industri keuangan digital dengan sistem pengaturan yang lebih komprehensif, serta sifat inklusi yang harus ditegaskan dalam kebijakan umum, SOP dan implementasinya.



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“THE ASPECT OF LEGAL PROTECTION FOR CONSUMERS IS AN IMPORTANT ISSUE THAT MUST BE ADDRESSED BY ALL PARTIES INVOLVED IN FINANCIAL TECHNOLOGY INDUSTRY”

03 RESEARCH METHODS

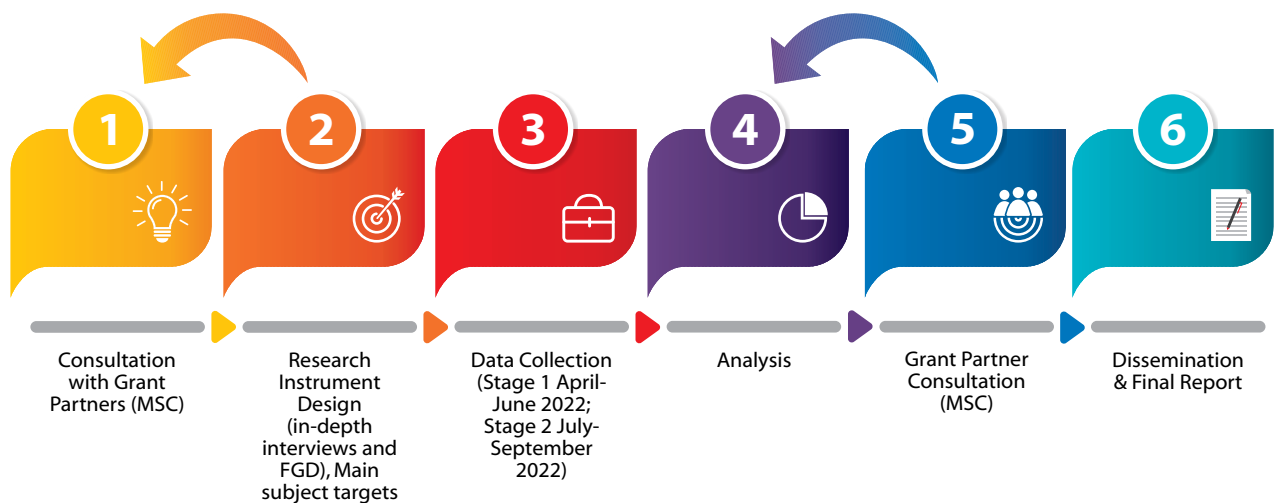
3.1. Research Approach

This research was conducted through a collaborative approach between the research team of the Department of Criminology, FISIP-UI and MicroSave Consulting as a partner (MSC). Each stage of the research, from the formulation of the problem to the selection of research methods, instrument development, data collection process, data analysis, and preparation of the final report, was incorporated discussions among us. The following figure shows the research steps.

3.1. Pendekatan Penelitian

Penelitian ini dibangun melalui pendekatan kolaborasi antara tim peneliti Departemen Kriminologi FISIP-UI dengan MicroSave Consulting sebagai mitra (MSC). Setiap tahapan penelitian sejak perumusan permasalahan, hingga pemilihan metode penelitian, pengembangan instrumen, proses pengumpulan data, analisis data, serta penyusunan laporan final, dilaksanakan melalui tahapan diskusi bersama MSC. Gambar berikut menunjukkan langkah-langkah penelitian.

Image 1. Research Approach Chart



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This research uses a qualitative method and collects primary data through in-depth interviews and focus group discussions (FGD). Meanwhile, secondary data is derived from previous research literature studies, media news, and institutional reports from official websites (OJK, AFPI, AFTECH) that contain policy reviews regarding regulations in the implementation of online loans (peer-to-peer lending) and online loan procedures of the business/industry Fintech Loans.



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3.2. Data Collection and Processing

Data collection process

• Prior to data collection:

Research Instrument Test: Given that this study is particularly sensitive for women who use online loans, caution in using words or sentences in probing interview questions is a major concern. Those who are victims of violence, in particular, are vulnerable to secondary trauma. The following two research instrument tests were performed:

1. Test the in-depth interview guidelines for the key informants (female online loan users);
2. Test guidelines for FGDs consisting of supporting institutions and advocacy agencies on issues of empowering women and vulnerable groups and of cyber experts.

Penelitian ini menggunakan pendekatan kualitatif, dengan menggunakan wawancara mendalam dan diskusi kelompok terfokus (FGD) untuk data primer. Sementara itu, data sekunder menggunakan studi literatur terkait penelitian terdahulu, berita media, dan laporan lembaga dari website resmi (OJK, AFPI, AFSI) yang berisi review kebijakan mengenai peraturan dalam pelaksanaan pinjaman online (peer to peer lending), sampai dengan prosedur pinjaman online dari pelaku bisnis/ industri Fintech Loans.

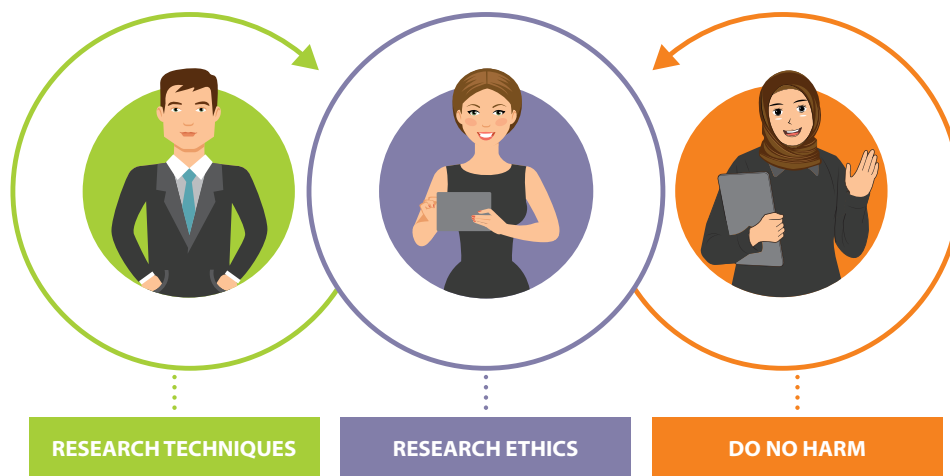
3.2. Pengumpulan dan Pengolahan Data

Proses pengumpulan data

• Sebelum pengumpulan data:

Uji Instrumen Penelitian: Keberhati-hatian dalam pemilihan kata atau kalimat dalam *probing* pertanyaan wawancara menjadi perhatian utama, mengingat penelitian ini sangat sensitif bagi para perempuan pengguna pinjaman online. Khususnya mereka yang menjadi korban dan mengalami kekerasan, sehingga dapat menimbulkan dampak trauma sekunder. Berikut dua uji instrumen penelitian yang dilakukan, yaitu:

1. Uji pedoman wawancara mendalam untuk informan utama (perempuan pengguna pinjaman online);
2. Uji pedoman FGD untuk lembaga pendamping dan lembaga advokasi isu pemberdayaan perempuan dan kelompok rentan dan *cyber expert*.



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The Ethics Commission approved this study of Atmajaya University with the approval letter number 0004N/III/PPPE.PM.10.05/04/2022. Researchers are also trained in research techniques and ethics. They are dedicated to adhering to "Do No Harm" research ethics guidelines during their collaboration with MSC, as specified in the research protocol.

Research Ethics Test

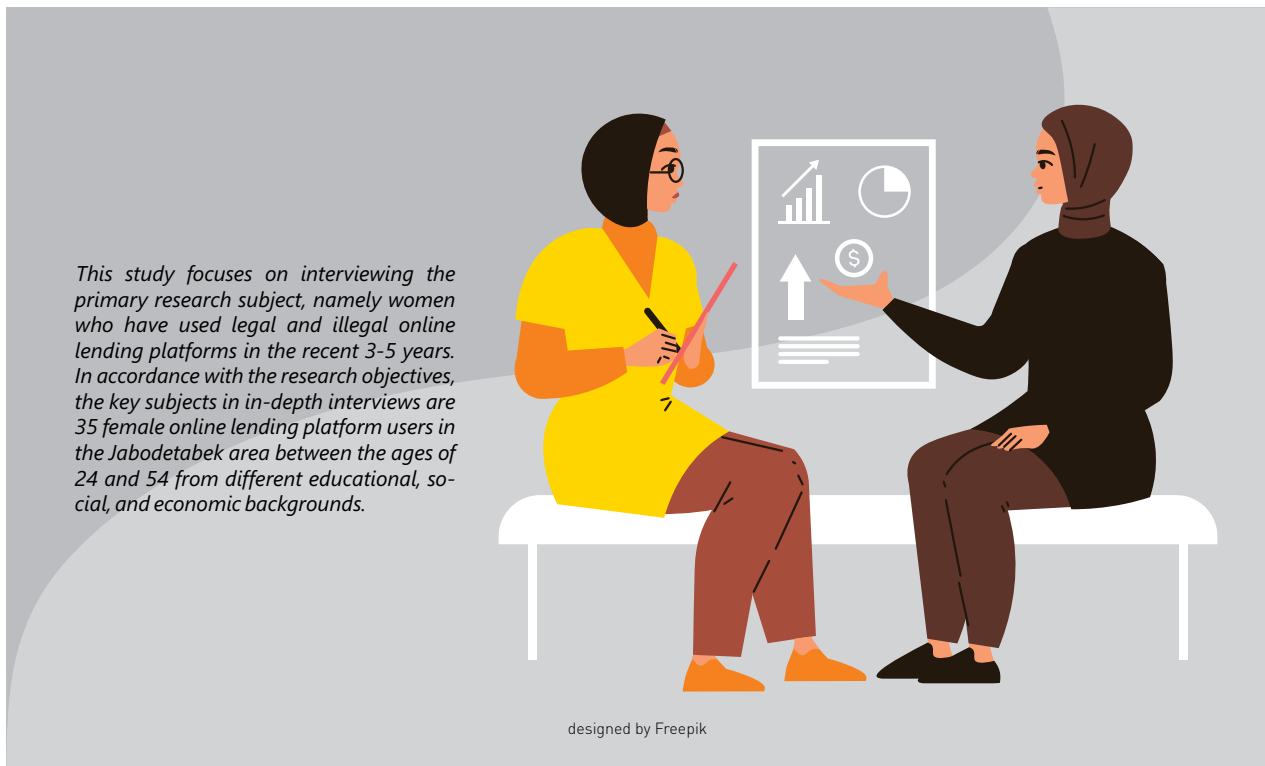
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- The right of research subjects and FGD participants to decline to take part in in-depth interviews /FGDs (signing informed consent).
- The right of research subjects and FGD participants to refuse to answer researcher questions during in-depth interviews/FGDs.
- The right of research subjects and FGD participants to withdraw from in-depth interviews/ FGDs before they are completed.
- Maintain anonymity in both in-depth interviews and FDGs. For example, all names used in the study and the report are pseudonyms.
- Data storage is ensured, and only the study team has access to it in accordance with the necessary regulations.
- Holistic ethical concepts such as the right to privacy, confidentiality, the right not to be hurt; and assurance of being treated with honesty, respect, and trustworthiness.

Uji Etika Penelitian

Penelitian ini sudah melalui uji etik yang dilakukan oleh Komisi Etik Universitas Atmajaya dengan nomor surat persetujuan 0004N/III/PPPE.PM.10.05/04/2022. Para peneliti juga mendapatkan pelatihan metodologi dan etikan penelitian, serta berkomitmen untuk mematuhi standar etika penelitian "Do No Harm" selama studi kemitraan dengan MSC sebagaimana dinyatakan oleh protokol penelitian. Berikut prinsip dan prosedur yang diikuti :

- Hak subjek penelitian dan partisipan FGD untuk menolak mengikuti wawancara mendalam/FGD (menandatangani *inform consent*).
- Hak subjek penelitian dan partisipan FGD untuk menolak menjawab pertanyaan apapun dari peneliti saat wawancara mendalam/FGD.
- Hak subjek penelitian dan partisipan FGD untuk memilih keluar/selesai dari wawancara mendalam /FGD sebelum selesai.
- Memperhatikan prinsip anonimitas baik dalam wawancara mendalam dan FGD. Dalam penelitian, semua penulisan nama subjek utama yang ditulis dalam laporan adalah nama samaran (bukan nama sebenarnya).
- Penyimpanan data terjamin dan hanya dapat diakses oleh tim peneliti sesuai prosedur yang berlaku.
- Pertimbangan etis dipandu oleh prinsip-prinsip etika holistik seperti hak atas privasi, kerahasiaan, hak untuk tidak menyakiti, kejujuran, rasa hormat, dan kepercayaan.



Primary Data Collection and Processing

This research is divided into two stages, as follows:

Stage 1:

The study focuses on interviewing the key informants, namely women who have used legal and illegal online lending platforms in the past 3-5 years. In accordance with the research objectives, the key informants in the in-depth interviews are 35 female online lending platform users in the Jabodetabek area between the ages of 25 and 50 and from different educational, social, and economic backgrounds.

In addition to the in-depth interviews, FGDs were held with legal aid institutions and advocacy organizations working on the issue of empowering women and vulnerable groups. Researchers also studied secondary data from institutional website portals related to P2P lending (including laws and regulations, guidelines for online lending regulations, and codes of ethics); online news related to cases or data regarding online loans; and a review of previous research.

Proses Pengumpulan & Pengolahan Data Utama

Penelitian ini dibagi ke dalam dua tahapan, sebagai berikut:

Tahap 1: Penelitian berfokus kepada wawancara informan utama penelitian, yaitu perempuan pengguna pinjaman online baik legal maupun ilegal pada rentang waktu 3-5 tahun terakhir. Total subjek utama dalam wawancara mendalam 35 perempuan pengguna pinjaman online di wilayah Jabodetabek pada rentang usia 24 - 54 tahun dengan berbagai latar belakang pendidikan, sosial dan ekonomi, sesuai dengan tujuan penelitian yang bersifat inklusif.

Selain wawancara mendalam, Diskusi Kelompok Terfokus (FGD) juga dilakukan kepada lembaga pendampingan hukum serta lembaga advokasi yang bergerak pada isu pemberdayaan perempuan dan kelompok rentan. Pada tahap pertama ini, peneliti juga melakukan **studi data sekunder** terkait kebijakan dari portal website institusi terkait *P2P lending* (termasuk peraturan perundang-undangan, dan pedoman aturan penyelenggaraan pinjaman online dan kode etik), berita online terkait kasus atau data mengenai pinjaman online, serta *review* penelitian terdahulu.



The in-depth interview process of the main subjects was carried out in a snowball manner:

1. The key interviewees recommend friends or relatives with similar experiences as online loan consumers (P2P Lending).
2. Legal aid organizations that engage in the FGDs give information on aided women who use online lending platforms and report problems with them.
3. Distribute (broadcast) WhatsApp messages are distributed (broadcast) to provide research information requiring and request female users of online lending platforms to participate as the primary subjects of interviews; this step is specified by the study's requirements.

The in-depth interview technique was carried out in a hybrid manner with 35 key informants who were female online loan users:

1. In-depth interviews were conducted online through the Zoom meeting platform, telephone interviews, WhatsApp video, and WhatsApp calls, totaling 12 key informants.
2. In-depth face-to-face interviews were conducted with a total of 23 key informants at venues approved by the subject (café or restaurant, working space, private house) with the goal of research subjects' comfort and safety connected to sensitive study concerns.

For online interviews, verbal informed consent (oral readout) was obtained; for face-to-face interviews, written informed consent forms were signed.

Proses wawancara mendalam subjek utama dilakukan secara snowball, yaitu dengan cara:

1. Informan utama yang sudah diwawancarai merekomendasikan teman atau keluarga yang mempunyai pengalaman yang sama sebagai pengguna pinjaman online (*P2P Lending*);
2. Lembaga pendampingan hukum yang menjadi peserta FGD, memberikan data informasi dampingan perempuan pengguna pinjaman online yang melaporkan dan bermasalah dengan pinjaman online;
3. Penyebaran (*broadcast*) pesan whatsapp yang berisi informasi penelitian yang membutuhkan perempuan pengguna pinjaman online untuk ikut serta menjadi informan utama wawancara sesuai dengan kriteria yang sudah ditentukan dalam penelitian.

Teknik wawancara mendalam dilakukan secara hybrid kepada 35 informan utama perempuan pengguna pinjaman online:

1. Metode wawancara mendalam secara online melalui platform zoom meeting, wawancara telepon, whatsapp video dan WhatsApp call, dengan total 12 informan utama.
2. Metode wawancara mendalam secara offline atau tatap muka dilakukan kepada total 23 informan utama, dilakukan pada tempat/lokasi yang disetujui oleh informan utama (cafe atau restoran, *working space*, rumah pribadi) dengan tujuan kenyamanan dan keamanan informan terkait isu penelitian yang cukup sensitif.

FGD

Focus Group Discussion



The focus group discussion (FGD) procedure was conducted in person (offline). Participants in the FGD came from eight legal aid institutions and advocacy organizations working on the issue of empowering women and vulnerable groups.

illustration by Vecteezy.com & designed by Freepik

Semua proses wawancara dilakukan dengan memberikan informed consent secara verbal (lisan dibacakan) untuk wawancara online, dan informed consent tertulis yang ditandatangani langsung oleh informan utama penelitian dengan prinsip sukarela.

The interviews lasted 45 to 120 minutes, including probing, and were recorded on tape⁹ and written in field notes. The in-depth interviews were carried out in one to two encounters, reflecting each researcher's unique experiences and main study topic. In addition, the necessity of establishing rapport (trust and comfort in relating stories) was identified during the process. The research team followed standard health practices for face-to-face interviews by wearing masks, keeping a safe distance, and doing an antigen swab on key informants who had not been treated with a booster vaccine (3 shots of the vaccine).

The FGDs were conducted in person. The participants came from eight legal aid institutions and advocacy organizations working on the issue of empowering women and vulnerable groups (see Table 1).

The FGDs took between 120 and 150 minutes and followed health protocols (using masks, maintaining distance, and conducting direct swab tests in the meeting room). Facilitators and co-facilitators supported the FGD process with the primary goal of gathering information about the experience of providing legal assistance to female online loan users, including case handling, complaints and reporting procedures, and recommendations on what types of policies should be developed to improve consumer protection and a gender-responsive and socially inclusive redress/complaint handling procedure.

Waktu wawancara kurang lebih dilakukan dalam rentang 45 - 120 menit (2 jam) termasuk probing dan direkam menggunakan tape recorder⁹ dan ditulis melalui catatan lapangan. Proses wawancara mendalam dilakukan dalam satu sampai dua kali pertemuan, dengan mempertimbangkan pengalaman yang berbeda bagi setiap peneliti dan informan utama. Hal ini mengingat perlunya membangun rapport (rasa percaya dan kenyamanan bercerita) dari informan kepada tim peneliti yang sebelumnya tidak dikenali secara dekat. Untuk wawancara tatap muka (offline), tim peneliti memenuhi standar protokol kesehatan dengan memakai masker, menjaga jarak, dan melakukan swab antigen untuk informan utama yang belum disuntik booster vaksin (3 kali vaksin).

Proses diskusi kelompok terfokus (FGD), dilakukan dengan tatap muka (offline). Partisipan FGD berasal dari 8 lembaga yang bergerak dalam pendampingan hukum serta lembaga advokasi yang bergerak pada isu pemberdayaan perempuan dan kelompok rentan (lihat pada Tabel 1).

Waktu FGD kurang lebih 120 - 150 menit (2-2,5 jam). Proses FGD dilakukan dengan memenuhi protokol kesehatan (menggunakan masker, menjaga jarak, dan melakukan swab test langsung di ruangan meeting room). Proses FGD dilakukan oleh fasilitator dan co-fasilitator dengan fokus utama mendapatkan informasi mengenai pengalaman pendampingan hukum kepada para perempuan pengguna pinjaman online, terkait prosedur pengaduan dan pelaporan, penanganan kasus, sampai dengan pemberian rekomendasi mengenai kebijakan seperti apa yang perlu dibangun dalam rangka meningkatkan perlindungan konsumen dan mekanisme ganti rugi/penanganan pengaduan yang responsif gender dan inklusif secara sosial.

⁹Only one of the 35 in-depth interviews was not recorded because key informant was unwilling. In this case, the researcher took field notes.



illustration by Vecteezy.com

Researchers conduct in-depth interviews (zoom meeting) with key stakeholders such as policymakers, law enforcement agencies, supervisory agencies, online loan consumer protection, psychologist, and industrial/business entities involved in online loan services, notably peer-to-peer lending.

Policy and Document Review, Past Studies: This study also used secondary data. The method involved reviewing previous research studies on financial inclusion and online loans, as well as reviewing policy documents that could be accessed online (official websites such as OJK and the Fintech Association (AFSI and AFPI). Other secondary data were obtained from various online news sources (limited to news from 2019 to 2022) using the search keywords "online loans," "online loan cases and benefits," and "online loan rules or policies." The goal was to see both the positive impacts and the risks of online loans and to strengthen the primary data findings from the in-depth interviews and focus groups.

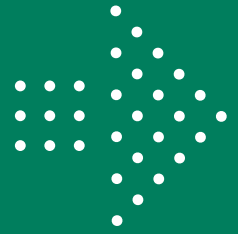
Stage 2: In addition, researchers conduct in-depth interviews with key stakeholders such as policymakers, law enforcement agencies, supervisory agencies, online loan consumer protection agencies, psychologist,¹⁰ and industrial/business entities involved in online loan services, notably P2P lending (see Table 1).

Review Kebijakan dan Dokumen, Studi Terdahulu:

Untuk tahap pengumpulan data, penelitian ini juga menggunakan data sekunder dengan melakukan review studi penelitian terdahulu tentang inklusi keuangan dan pinjaman online, serta review kebijakan pada dokumen yang dapat diakses secara online (website resmi Lembaga), seperti OJK dan Asosiasi Fintech (AFSI dan AFPI). Data sekunder lainnya didapatkan dengan mengambil informasi dari berbagai sumber berita online (dibatasi berita dari tahun 2019 - 2022), terkait kata kunci penelusuran berita media online, yaitu "pinjaman online", "kasus dan manfaat pinjaman online" dan "aturan atau kebijakan pinjaman online" untuk melihat dampak positif dan resiko pinjaman online dalam rangka memperkuat hasil temuan data primer wawancara mendalam dan FGD.

Tahap 2: Peneliti melakukan wawancara mendalam kepada para stakeholder kunci, baik dari perwakilan pembuat kebijakan, lembaga penegak hukum, lembaga pengawas dan perlindungan konsumen pinjaman online, psikolog, sampai dengan pelaku industri/bisnis yang bergerak pada jasa pinjaman online secara khusus *P2P Lending* (lihat tabel 1).

¹⁰To obtain a narrative on how women experience trauma and problems as a result of the impact of online loans, interviews with psychologist who have worked with several female online loan users are required.



Process of stakeholder interviews: interviews are conducted online through zoom meetings and last 45-60 minutes. Specifically, interviews with AFPI were performed in groups of four (4 AFPI representatives) over 90 minutes via Zoom. The goal of these interviews is to learn more about the process of developing consumer protection policies, registration procedures and legalization of online loan institutions, consumer data security systems, rights and obligations of online loan companies/institutions, monitoring systems for both legal and illegal online loans, and service procedures and complaints for consumers/online loan users related to issues of financial inclusion and gender responsibility.

A focus group discussion (FGD) was also held with the Cyber Expert Team during the second stage of data collecting to add practical advice data in accordance with the research findings. The FGD lasted roughly 90 minutes and was held via a zoom meeting (see table 1). The table below depicts the research data collection method from April to September 2022.

Proses wawancara stakeholder : wawancara dilakukan secara online melalui zoom meeting, dan berlangsung kurang lebih 45-60 menit. Khusus untuk wawancara dengan pihak AFPI dilakukan dalam wawancara group (4 perwakilan AFPI), dengan waktu wawancara kurang lebih 90 menit, melalui zoom meeting. Tujuan wawancara untuk menggali informasi mengenai proses pembuatan kebijakan perlindungan konsumen, prosedur pendaftaran dan legalisasi lembaga pinjaman online, sistem keamanan data konsumen, hak dan kewajiban perusahaan/lembaga pinjaman online, sistem pengawasan penyelenggaraan pinjaman online baik legal maupun ilegal, serta prosedur layanan dan pengaduan bagi para konsumen/pengguna pinjaman online terkait isu inklusifitas keuangan dan responsif gender.

Pada tahap kedua pengumpulan data, juga dilakukan diskusi kelompok terfokus (FGD) kepada Tim Cyber Expert untuk penambahan data rekomendasi yang bersifat praktis sesuai dengan temuan hasil penelitian. FGD dilakukan selama kurang lebih 90 menit, melalui zoom meeting (lihat tabel 1). Berikut tabel proses pengumpulan data penelitian sejak April – September 2022.

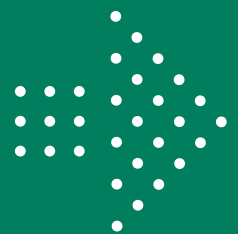


Table 1. Number of Main Subjects of the Research in In-depth Interviews and FGD

STAGE 1				
METHOD	PRIMARY DATA	PROCESS		TOTAL
In-depth Interview of Key Informants	Female Online Loan Users	12 Online	23 Face	35 Key Informants
FGDs	Legal Aid (LBH) and Advocacy on Issues of Women's Empowerment and Gender Equality	8 Institutions (face-to-face) LBH Masyarakat, LBH Jakarta, National Commission on Violence Against Women (Komnas Perempuan), Pekka (Women-Headed Family Empowerment Foundation), Indonesia's Disabled Women Association (HWDI), Yayasan Pulih, KAKG (Advocates Collective for Gender Justice), and LPSK (Witness and Victim Protection Agency)		9 Participants (HWDI - 2 People Attended)
STAGE 2				
In-depth Interview of The Stakeholders	Stakeholders OJK ¹¹ , Indonesian National Police (Cyber Unit), Ministry of Women Empowerment and Child Protection (KPPPA), Ministry of Communication and Information Technology (Kominfo), Psychologists, AFPI, and AFSI.	7 Institutions (online)		10 Participants (for AFPI: 4 participants)
FGD	Cyber Experts	Cyber Experts from The Faculty of Computer Science (Fasilkom UI), Faculty of Law (FH UI), and Department of Criminology (FISIP UI).		4 Participants

Stakeholder consultative meetings were held in the final stage of the research to obtain input for the final report, especially comprehensive recommendations.

Untuk tahap akhir, penelitian ini melakukan stakeholder consultative meeting guna mendapatkan masukan pada laporan akhir, khususnya rekomendasi yang bersifat komprehensif.

¹¹In addition to interviews with the Investment Alert Task Force, the researchers also received written answers to questions (sent by OJK on September 21 to the research team's email).

Data processing stage

All in-depth interviews were transcribed, and field notes are written. In addition, notetaking was conducted for the FGDs. A total of 35 transcripts of key informants, 7 transcripts of stakeholders, and 2 minutes of discussion were then processed using NVIVO.¹² The research team previously coded the primary data from in-depth interviews and FGDs, so that the primary data from the coding processes using NVIVO could support the analysis of the research report findings.

3.3. Research Limitations and Barriers

The research team faced various limitations while performing the study. Qualitative methods were employed in order to uncover the in-depth experiences of women who utilize online lending platforms other research findings came from focus groups for legal aid and advocacy organizations working on women's empowerment issues, stakeholder interviews, and a cyber expert focus group. Secondary data studies were used to triangulate data from the main findings. The qualitative method cannot quantify all of the findings, and the results cannot be extended to some specific circumstances. Additional research limitations include the following:

- This study is limited to the experiences of 35 female online loan users (legal and illegal) in the JABODETABEK area. Thus, it does not accurately capture the diversity of women's experiences elsewhere.
- This study does not sufficiently address the issue of disabled women who use online loan applications directly.
- Secondary data for policy assessment is currently limited to information obtained from the official website rather than direct data from linked entities (OJK, AFPI, and AFSI).

In addition, the following barriers occurred during the research process:

Tahap pengolahan data

Semua hasil wawancara mendalam ditranskrip dan dibuat catatan lapangan (fieldnotes). Untuk diskusi kelompok terfokus (FGD) dibuat dalam bentuk notulensi. Sebanyak 35 hasil transkrip informan utama, 7 transkrip stakeholder, dan 2 notulensi diskusi, kemudian diolah menggunakan software NVIVO.¹² Tim peneliti sebelumnya membuat koding data utama untuk wawancara mendalam dan FGD, sehingga data utama hasil pengkodean yang diolah menggunakan NVIVO dapat mendukung analisis temuan laporan penelitian.

3.3. Keterbatasan dan Hambatan Penelitian

Dalam melakukan penelitian, tim peneliti memiliki beberapa keterbatasan penelitian, di mana fokus utama penelitian kualitatif pada studi ini adalah mengetahui secara mendalam pengalaman para perempuan pengguna pinjaman online (*P2P Lending*) sesuai kriteria penelitian. Hasil temuan penelitian lainnya yang bersumber dari data wawancara stakeholder, FGD Lembaga pendamping hukum dan advokasi yang bergerak pada isu pemberdayaan perempuan, serta FGD *Cyber expert*, dan Studi data sekunder digunakan untuk triangulasi data hasil temuan utama. Dengan demikian, metode kualitatif yang digunakan dalam penelitian ini, tidak dapat secara langsung mengkuantifikasi semua hasil temuan dalam bentuk persentase angka dan tidak dapat digeneralisasi untuk beberapa kasus khusus. Berikut beberapa point tambahan keterbatasan penelitian:

- Penelitian ini terbatas pada pengalaman 35 perempuan pengguna pinjaman online (legal dan illegal) di wilayah JABODETABEK, sehingga tidak cukup menggambarkan keberagaman pengalaman perempuan di wilayah lainnya.
- Penelitian ini belum cukup menggambarkan isu perempuan dengan disabilitas yang menggunakan aplikasi pinjaman online secara langsung.
- Data sekunder untuk review kebijakan masih terbatas pada data yang diambil dari website resmi lembaga, bukan data langsung dari lembaga terkait (OJK, AFPI dan AFSI).

Sementara itu, untuk hambatan proses penelitian dijelaskan sebagai berikut:

¹²NVIVO is an application that processes and analyzes qualitative data, making it easier for researchers to comprehend the information. It was developed by *Qualitative Solutions and Research (QSR) international*.

Table 2. Barriers to the Interview Data Collection Process

BARRIERS		
KEY INFORMANTS		STAKEHOLDERS
ONLINE	FACE-TO-FACE	
Technical issues due to weather and network constraints led to an unstable signal.	The interview time was getting longer and longer (waiting for key informant to arrive and doing longer probing).	The Institute (see tabel 1 stage 2) assigned resource persons that did not have a strong grasp of the topic and did not provide requested information throughout the interview process.
Informant's cell phone number had changed.	The distance and time of the interview location and rainy weather conditions hampered the interview process.	Time constraints due to variances in business operations and bureaucracy between institutions, led the interview with stakeholders to run late (not matching the initial timeline).
Key informant had blocked all incoming cell phone calls out of fear of intimidation by debt collectors.	Conduciveness of the interview room (restaurant/cafe/home).	
Lack of emotional bonding between key informant and the researcher (related to no face-to-face interaction).	Key informant's emotional state was unstable (crying).	

Regarding obstacles, it was difficult for some of key informants (interviewed online or face-to-face) to remember and tell the name of the online loan application source, including whether it was legal or illegal is the reasons were a time gap (some stopped using it by the end of 2020); the various types of applications (some had completed as many as 5 applications); and continuing trauma impacting their memories of the process. Also, some had uninstalled the relevant apps or deleted chats and threats which otherwise could have provided evidence.

Terkait hambatan, beberapa informan utama yang diwawancara, sulit untuk menceritakan dan mengingat nama aplikasi pinjaman online, termasuk status aplikasi tersebut legal atau illegal. Hal ini dikarenakan waktu kejadian yang sudah cukup lama (sudah berhenti menggunakan aplikasi pinjol sejak tahun 2020), serta beragamnya jenis aplikasi yang dulu digunakan (lebih dari 4-5 aplikasi). Terakhir, masih trauma sehingga mempengaruhi ingatan mereka tentang proses tersebut. Mereka juga sudah menghapus bukti chat dan ancaman, serta uninstall aplikasi pinjaman online.

04

WOMEN'S CHARACTERISTICS, KNOWLEDGE AND EXPERIENCE IN ACCESSING ONLINE LENDING SERVICES

Chapter 4, discussion, consists of three parts. **The first part** contains the findings of general characteristics of the 35 key informants of female users of online lending service, such as age, marital status, education, occupation, and average income. **The second part** illustrates the background of women getting loans online. Finally, **in the third part**, the researchers profile the key informants, focusing on the main reasons of women accessing loans online.

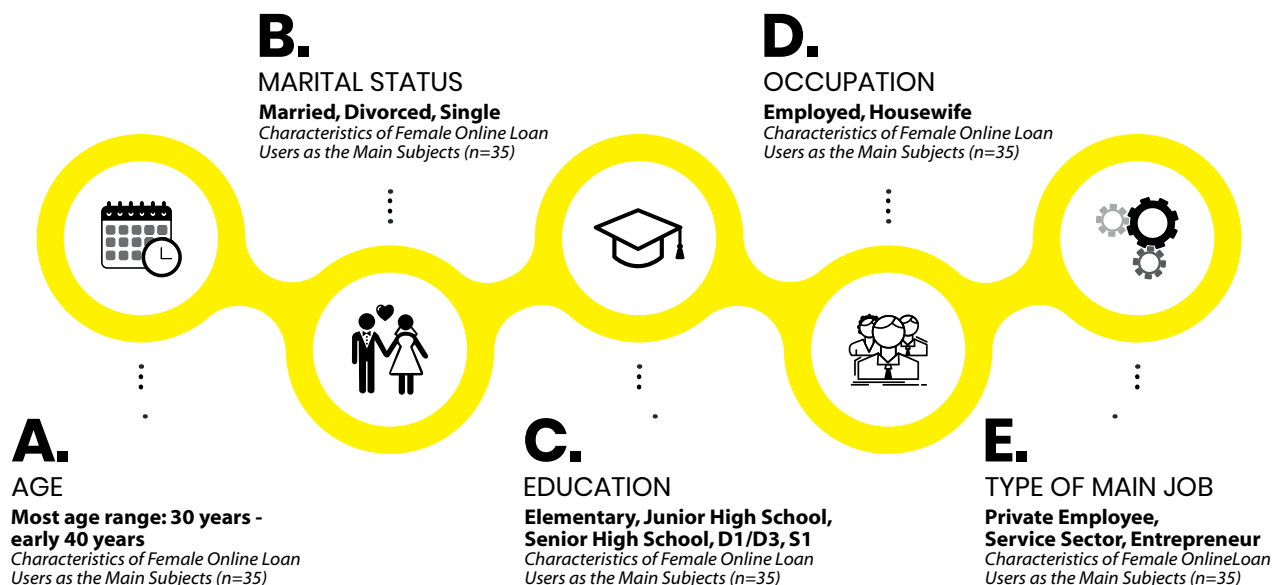
4.1. Characteristics of Main Research Subjects

In this research, the characteristics of the key informants—female users of online lending services—are categorized specifically on **age, marital status, education, and occupation that intersect with the average income.**

Pada Bab 4, pembahasan **bagian pertama**, berisi temuan data karakteristik umum dari 35 informan utama perempuan pengguna pinjaman online mulai dari usia, status perkawinan, pendidikan, pekerjaan dan pendapatan rata-rata. **Bagian kedua**, bercerita tentang latar belakang perempuan menggunakan pinjaman online secara umum. **Bagian ketiga**, peneliti membuat **profiling** informan utama, dengan titik fokus pada alasan utama dan pengalaman perempuan menggunakan pinjaman online.

4.1. Karakteristik Subjek Utama Penelitian

Dalam penelitian ini, karakteristik informan utama perempuan pengguna pinjaman online dilihat secara spesifik pada **usia, status perkawinan, status pendidikan, dan pekerjaan yang beririsan dengan pendapatan rata-rata.**



A **MOST AGE RANGE: 30 YEARS - EARLY 40 YEARS**
Characteristics of Female Online Loan Users as the Main Subjects (n=35)



designed by pikisuperstar/Freepik

B **MARITAL STATUS**
Characteristics of Female Online Loan Users as the Main Subjects (n=35)



MARRIED

31 PEOPLE (88.57%) ARE MARRIED
Characteristics of Female Online Loan Users as the Main Subjects (n=35)



DIVORCED

9 PEOPLE (29%) ARE SINGLE PARENT
Characteristics of Female Online Loan Users as the Main Subjects (n=35)



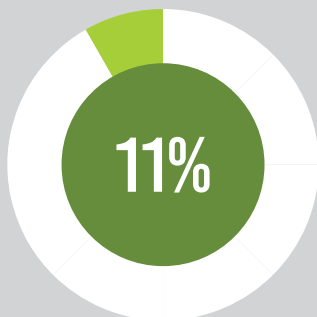
SINGLE

4 PEOPLE (11,43%) ARE SINGLE
Characteristics of Female Online Loan Users as the Main Subjects (n=35)

illustration by Vecteezy.com

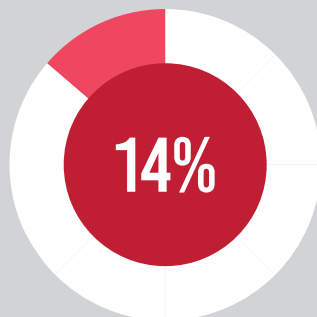


C **EDUCATION**
Characteristics of Female Online Loan Users as the Main Subjects (n=35)



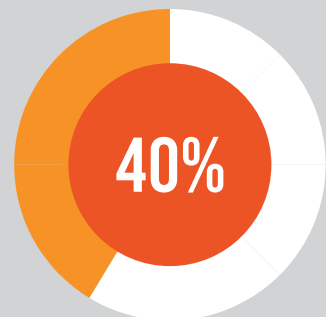
ELEMENTARY SCHOOL

4 people (11%)
Characteristics of Female Online Loan Users as the Main Subjects (n=35)



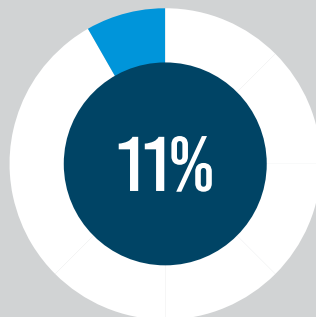
JUNIOR HIGH SCHOOL

5 people (14%)
Characteristics of Female Online Loan Users as the Main Subjects (n=35)



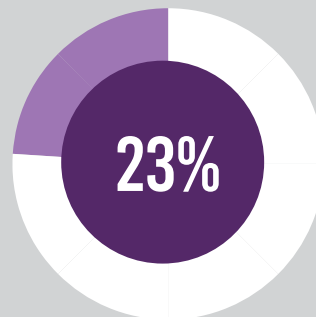
SENIOR HIGH SCHOOL

14 people (40%)
Characteristics of Female Online Loan Users as the Main Subjects (n=35)



D1/D3

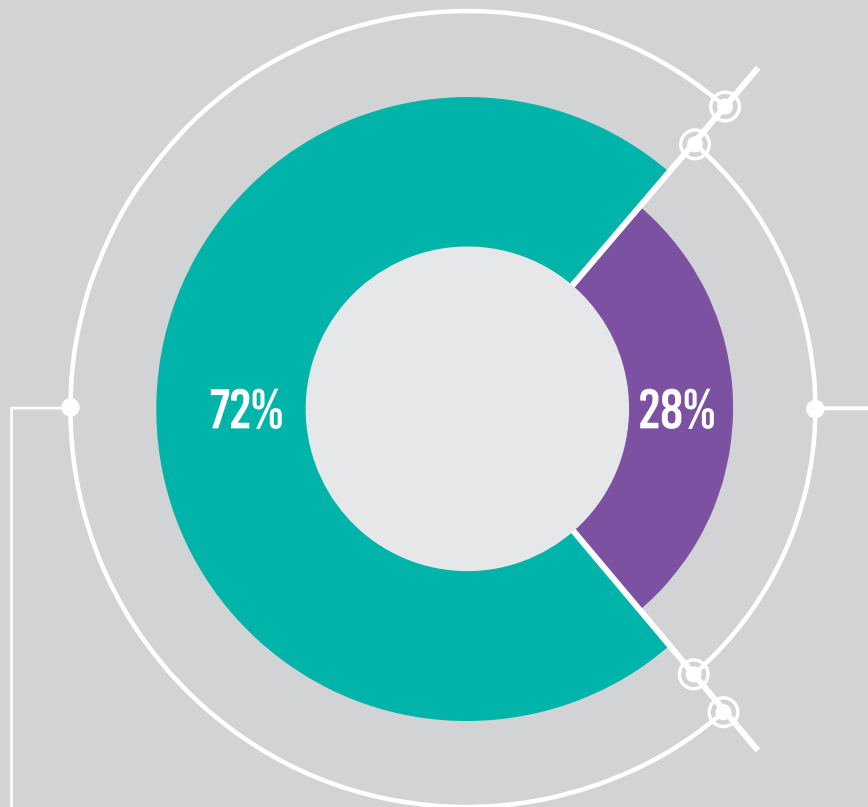
4 people (11%)
Characteristics of Female Online Loan Users as the Main Subjects (n=35)



S1

8 people (23%)
Characteristics of Female Online Loan Users as the Main Subjects (n=35)

D **OCCUPATION**
Characteristics of Female Online Loan Users as the Main Subjects (n=35)



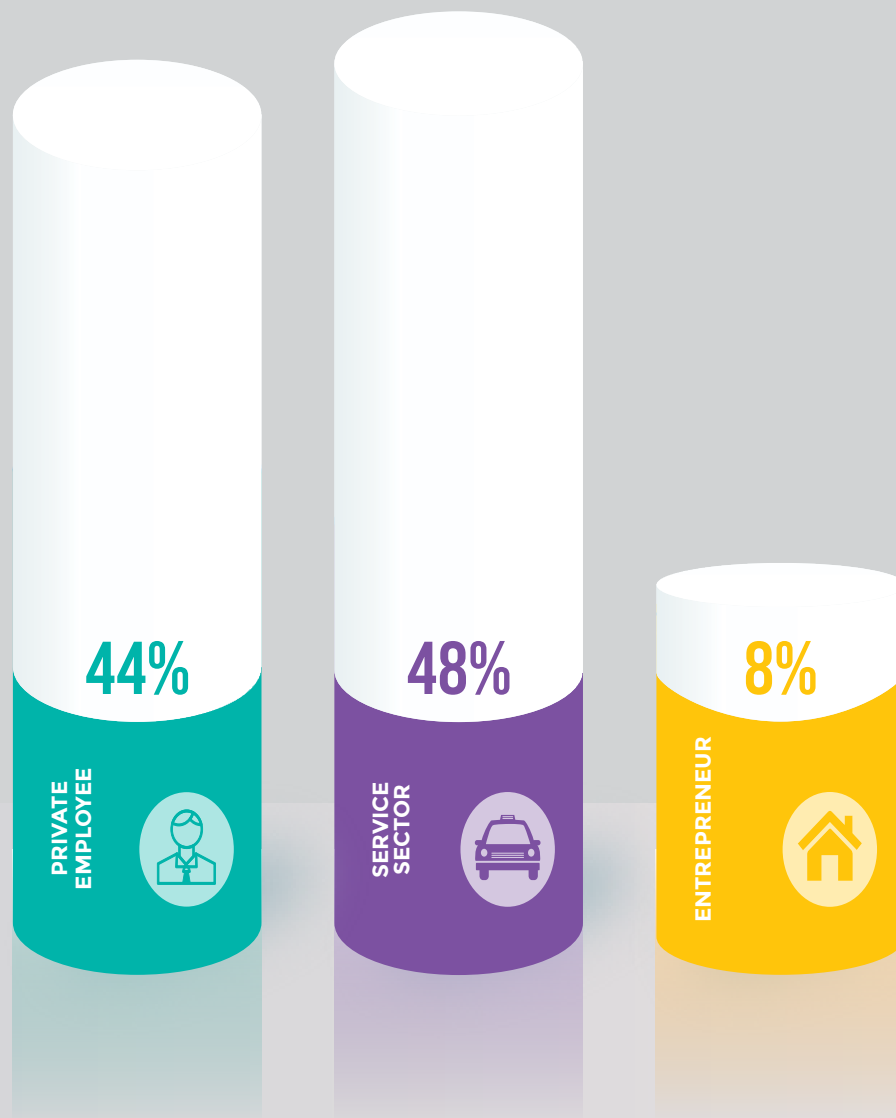
EMPLOYEED
25 PEOPLE (72%)
Characteristics of Female Online Loan Users as the Main Subjects (n=35)

HOUSEWIFE (IRT)
10 PEOPLE (28%)
Characteristics of Female Online Loan Users as the Main Subjects (n=35)





E **TYPES OF MAIN JOB**
Characteristics of Female Online Loan Users as the Main Subjects (n=35)

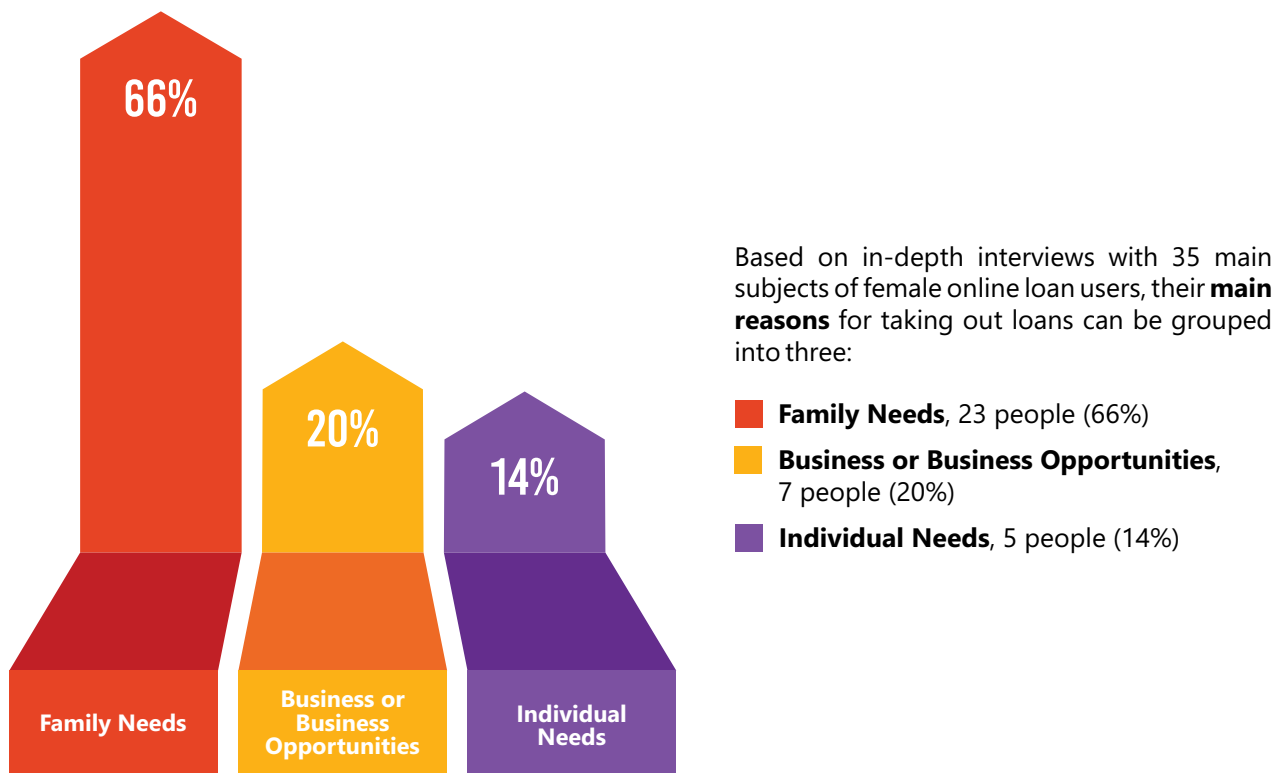


● Private Employee : 11 People (44%) ● Service Sector : 12 People (48%)
● Entrepreneur : 8 People (8%)

The findings illustrate that the age range of female users of online lending platform is 30 years-early 40 years (productive age). Furthermore, based on marital status, 31 people (88.57%) are married, but 9 (29%) of them are single parents (divorced). As for the level of education, most of the key informants are high school graduates, 14 people (40%). Finally, looking at the average job status, 25 people (72%) have various jobs. Especially for those who work in the service sector and do not have a fixed income. Of course, the variety of the key informants' occupations affects their average income. Furthermore, this research was conducted during the COVID-19 pandemic, which significantly affected the community's economy, including the key informants. Not all key informants have a fixed monthly income. Some have income that fluctuates depending on the type of work. Most research informants—working women—have an average (nett) income of Rp1,000,000 (approx. \$64.01) to Rp5,000,000 (approx. \$320.04)/ month. However, some also get additional income from their husbands and children who have jobs.¹³

*Berdasarkan hasil temuan, diketahui bahwa rentang usia terbanyak perempuan pengguna pinjaman online adalah usia 30 tahun sampai dengan awal 40 tahun (usia produktif). Jika dilihat dari status perkawinan, 31 orang (88,57%) sudah menikah, namun 9 orang (29%) diantaranya berstatus single parents (bercerai). Berdasarkan tingkat Pendidikan terbanyak adalah lulusan SMA 14 orang (40%). Dilihat dari status pekerjaan sebanyak 25 orang (72%) bekerja, dengan jenis pekerjaan yang beragam, utamanya di sektor jasa yang tidak memiliki pendapatan tetap. Beragamnya jenis pekerjaan informan utama, tentunya berimplikasi pada temuan pendapatan rata-rata mereka. Penelitian ini dilakukan ketika masa pandemi COVID-19 yang berpengaruh cukup signifikan pada perekonomian masyarakat, termasuk informan utama dalam penelitian ini. Tidak semua informan utama memiliki penghasilan tetap perbulan, beberapa memiliki pendapatan yang fluktuatif tergantung jenis pekerjaannya. Mayoritas memiliki pendapatan rata-rata (netto) Rp1.000.000,- sampai dengan Rp5.000.000,-/bulan bagi perempuan bekerja yang memiliki penghasilan sendiri. Walaupun, beberapa dari mereka juga mendapatkan tambahan income dari suami dan anak yang sudah bekerja.*¹³

4.2. Background of Women Accessing Online Lending Services



¹³Based on in-depth interviews, there are 17 research subjects whose husbands are working and 2 women with unemployed husbands. But they did not mention their husbands' occupations and salaries. Other research subjects did not discuss about their husbands/partners.

Based on in-depth interviews with 35 key informants of female users of online lending platforms, there are **three main reasons** for taking out loans online. First, for **domestic needs**, 23 people (66%); for **business or business opportunities**, seven people (20%); and the last one is for **individual needs**, five people (14%). Domestic needs include children's tuition fees, husband's/spouse's debt payment (for a vehicle), costs of house renting, and children's medical treatments. As for business, it includes initial business capital, for instance, the experiences of the key informants of having a property business and online clothing. And for personal needs, it includes buying cosmetics to support women's appearance at work.

In general, women getting loans online is also motivated by urgent reasons and economic difficulties as the impact of the pandemic. For example, the husband and/or the wife are being laid off and their salaries are on hold or deducted. For those who work as entrepreneurs and workers in the service sector, the impact of the pandemic is in the form of reduced income (for example, the lack of customers on online motorcycle taxis due to the Work from Home policy), sales turnover decreased in the property business, food and beverage stalls, online shops, and the like.

4.3. Profiling of Female Users of Online Lending Platforms

As previously mentioned, there are three reasons for women accessing online lending services based on in-depth interviews. **Of the three main reasons, this research categorizes the profiling of the informants based on two categories, namely for consumptive¹⁴ and non-consumptive needs.¹⁵**

The first profiling is a group of women who take out loans online for consumptive needs, such as family and individual needs. The second profiling is for women who get loans for non-consumptive needs, such as for starting a business. In addition, each profile of female users of online lending platforms is associated with demographic background and

Berdasarkan wawancara mendalam kepada 35 informan utama perempuan pengguna pinjaman online, terdapat **tiga alasan utama** mereka melakukan pinjaman online. Untuk **kebutuhan keluarga**, sebanyak **23 orang (66%)**; **kebutuhan atau peluang usaha** sebanyak **7 orang (20%)**; dan **kebutuhan individu** sebanyak **5 orang (14%)**. Alasan spesifik pada kebutuhan keluarga misalnya untuk membiayai sekolah anak, membantu membayar cicilan kendaraan suami/pasangan, membayar uang sewa kontrakan, membiayai pengobatan anak/orang tua. Untuk alasan usaha misalnya untuk modal usaha. Sebagai contoh pengalaman informan utama yang meminjam pinjaman online untuk membuka usaha properti dan informan lainnya untuk berjualan online (pakaian). Sementara itu, alasan kebutuhan pribadi seperti membeli *make up* dalam rangka menunjang penampilan dalam bekerja.

Secara umum perempuan melakukan pinjaman online, dilatarbelakangi juga oleh alasan mendesak dan kesulitan ekonomi pada konteks dampak pandemi. Misalnya diberhentikan dari pekerjaan (PHK), baik pada diri sendiri maupun pasangan (suami), serta pembayaran gaji yang ditunda hingga pengurangan atau pemotongan gaji. Pada mereka yang berprofesi sebagai wirausaha dan bekerja di sektor jasa, dampak pandemi terasa pada pendapatan yang berkurang (misal kurangnya pelanggan pada ojek online karena adanya kebijakan *Work From Home* (WFH), Omset penjualan menurun pada usaha properti, warung makanan minuman, termasuk berjualan online, dan lainnya.

4.3. Profiling Perempuan Pengguna Pinjaman Online

Berdasarkan penjelasan sebelumnya, diketahui bahwa terdapat tiga alasan utama perempuan yang menggunakan pinjaman online dari hasil wawancara mendalam. **Dari tiga alasan utama tersebut, penelitian ini membuat kategori profiling informan berdasarkan dua bentuk, yaitu untuk kebutuhan konsumtif¹⁴ dan kebutuhan non-konsumtif.¹⁵**

¹⁴Consumptive needs refer to daily needs or other urgent needs (medical treatment costs, school/tuition fees, electricity bills, and others).

¹⁵Non-consumptive needs refer to the needs for business purposes, so that the money can be used to increase income.

knowledge about P2P lending, such as knowledge of the legal status of the online lending platforms, ways of accessing services, borrowing and lending mechanisms, and women's experience in accessing loan online from the loan application process to the loan disbursement.

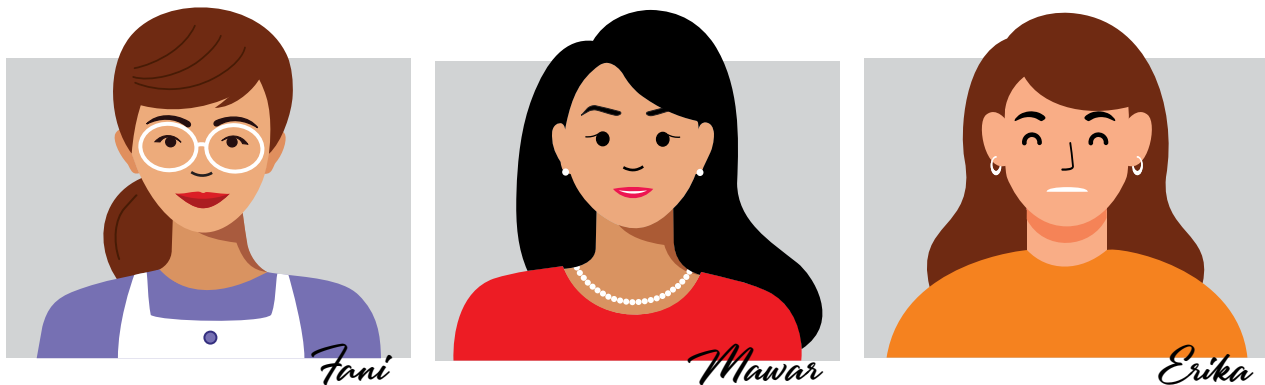
Profiling pertama, adalah perempuan yang menggunakan pinjaman online untuk kebutuhan konsumtif, seperti memenuhi kebutuhan keluarga dan kebutuhan individu. Sementara itu, Profiling kedua, adalah perempuan yang menggunakan pinjaman online yang bersifat non konsumtif, seperti membuka usaha. Masing-masing profiling perempuan pengguna pinjaman online dikaitkan dengan latar belakang demografi, pengetahuan tentang pinjaman online (P2P Lending), mulai dari status pinjaman online, cara akses layanan, mekanisme pinjaman, serta pengalaman sejak awal proses peminjaman sampai dengan akhir penyelesaian peminjaman.

Profiling 1. Stories of female users of online lending services accessing loans for domestic and individual needs

The names written in the stories are pseudonyms—referring to research ethics. In the first profiling, there are three informants named **Fani, Mawar, who access loans online for domestic needs**, and **Erika, who uses online lending platforms for individual needs** (buying cosmetics and clothes). The three stories are narrated in a narrative that starts from the beginning of the loan application process to the end of the experience of using online lending platforms based on the characteristics of each main subject.

Profiling 1. Cerita perempuan pengguna pinjaman online untuk memenuhi kebutuhan keluarga dan individu

*Nama yang ditulis dalam cerita merupakan nama samaran (sesuai etika penelitian). Pada Profiling pertama, diceritakan **dua informan perempuan bernama Fani dan Mawar yang mewakili alasan utama menggunakan pinjaman online untuk kebutuhan keluarga, serta satu informan perempuan bernama Erika yang menggunakan pinjaman online untuk kebutuhan individu** (membeli make up dan pakaian). Tiga cerita ini dibuat dalam narasi penjelasan mulai dari awal proses peminjaman, sampai dengan akhir pengalaman menggunakan pinjaman online, yang disesuaikan dengan karakteristik masing-masing informan utama.*





"I am divorced and have two children. I am an online motor-taxi driver. Sometimes I sell some drinks at the bazaar to get an additional income. But since the pandemic, sales have dropped, and so have the ride-hailing customers as everyone started working from home. So, I had no choice, and I had to borrow some money. Otherwise, my kids could not go to school and took exams. I desperately needed money at that time" (Fani, April 2022).

Fani's profile. **Age:** 38 years old. **Marital status:** divorced, has two children who study at a vocational high school and pre-school (PAUD). **Education:** senior high school. **Occupation:** online motor taxi driver and freelancer (selling food & beverages at bazaar). **Average income:** Before the Pandemic: Rp3,000,000 (approx. \$192.02) to Rp4,000,000 (approx. \$256.03) (uncertain). During the pandemic, her income is \geq Rp2,000,000 (approx. \$128.02) because online motorcycle taxi customers are declined, and there is no bazaar to sell her products.

Background of getting loans online: Fani does not like being in debt. However, the need for family life increases during a pandemic, but income decreases. Then she decided to get a loan from an online lending platform with the help of her friend, an online loan agent, in 2020. According to her, she took out a loan to pay her children's school fees.

"Aku ini sudah cerai, punya dua anak. Kerja cuma jadi driver ojol, kadang buka stand minuman di bazar sebagai tambahan penghasilan. Tapi semenjak pandemic semua sepi, pelanggan ojol juga berkurang karena WFH. Jadi terpaksa minjem online (pinjol). Daripada anakku yang SMK nggak bisa sekolah, nggak bisa ikut ujian, waktu itu lagi butuh-butuhnya." (Fani, April 2022).

Profil Fani. **Usia:** 38 tahun. **Status pernikahan:** cerai hidup, memiliki dua orang anak yang masih SMK dan PAUD. **Pendidikan:** SMA. **Pekerjaan:** Driver Ojek Online (Ojol) dan *Freelance* (Jualan Stand Bazar Minuman/Makanan). **Pendapatan rata-rata:** Sebelum Pandemic \pm Rp3.000.000,- sampai dengan Rp4.000.000,- (tidak menentu). Setelah pandemic \geq Rp2.000.000,-, karena pelanggan ojek online (ojol) berkurang dan tidak ada acara bazar untuk jualan.

Latar belakang meminjam online (Pinjol): Fani pada dasarnya tidak senang berhutang. Namun saat pandemi, kebutuhan hidup keluarga meningkat, tapi pendapatan justru berkurang. Akhirnya Fani memberanikan diri untuk meminjam pada platform pinjaman online melalui temannya yang sudah biasa melakukan pinjol (disebut 'Agen pinjol') pada tahun 2020. Berdasarkan cerita Fani, dia meminjam awalnya untuk membayar uang sekolah anak.

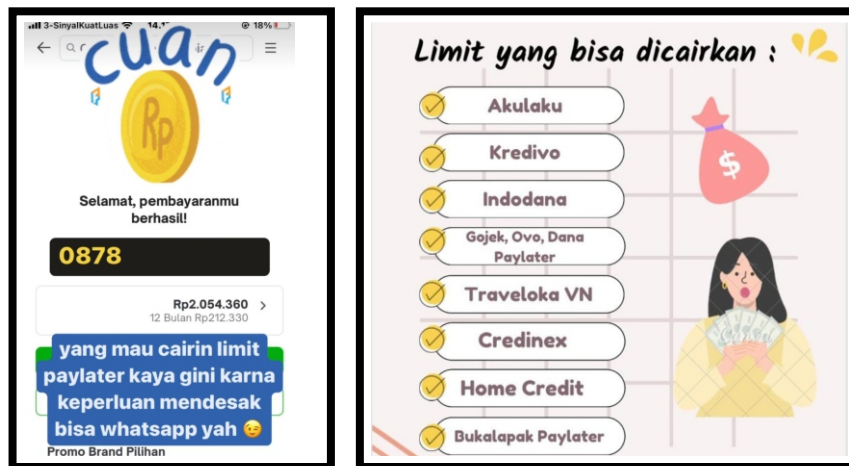


Figure 4.1. Online Loan Agent's offer from Fani's Friend Status

Knowledge of using the online lending platforms:

Based on the interview results, Fani did not know if the online lending platform was legal or illegal. For instance, in the first loan, she used her friend's application; she did not know whether it was legal or illegal. Then, in the second loan, she did it herself through an online lending application that she downloaded from the Play Store, but she also did not know if the lending platform was legal or illegal. Finally, Fani found out if it was illegal after the threats she got by phone, SMS, or WhatsApp via her mobile number after 14 days of the loan application. According to her friend, it was an illegal online lending platform, because its people threatened her with verbal harassment and phoned her 10 to 20 times by different mobile numbers in a day.

- **The first source of knowledge about online loans** was from fellow online motorcycle taxi drivers. Regarding **the way to access online lending services**, Fani learned it from a friend who is a loan agent, and then she found out how to download the online lending platform on the Play Store.
- **Terms, conditions, and lending and borrowing mechanism:** The first and second loans required an ID card photo and a self-portrait photo with an ID card. For the first loan, Fani handed over a photo of her ID card to her friend, then she put her signature on a paper and photographed it. The loan was disbursed within 30 minutes to 1 hour. As for the second loan, Fani did it herself through an online lending platform with the same process and requirements. But at that time, she was re-

Pengetahuan tentang pinjol yang digunakan:

Berdasarkan hasil wawancara, mengenai pengetahuan pinjaman online, sejak awal Fani memang tidak pernah memperhatikan aplikasi pinjaman online yang digunakan itu berstatus legal atau ilegal. Pada pinjaman pertama misalnya, karena Fani meminjam lewat temannya (agen pinjol), dia tidak paham apakah aplikasi yang digunakan oleh temannya tersebut berstatus legal atau ilegal. Untuk pinjaman kedua, walaupun Fani meminjam sendiri melalui aplikasi yang dia download dari handphonenya, tapi dia pun tidak tahu bahwa aplikasi pinjaman online itu ada yang berstatus legal dan ilegal. Fani baru mengetahui hal tersebut setelah ada teror berupa ancaman baik lewat telepon, sms, sampai WhatsApp ke nomor handphonenya setelah 14 hari peminjaman. Menurut temannya, itu aplikasi pinjol ilegal, karena mengancam melalui kata-kata kasar dan dalam satu hari bisa ditelepon 10 sampai 20 kali dengan nomor yang berbeda-beda.

- **Sumber pengetahuan tentang pinjaman online pertama kali** dari teman sesama driver ojek online. **Begitupun cara mengakses pinjaman online**, Fani ketahui dari temannya yang disebut agen pinjol, sampai akhirnya Fani belajar sendiri bagaimana mendownload aplikasi pinjol di *Play Store*.
- **Syarat, ketentuan, dan mekanisme peminjaman:** Pada pinjaman pertama dan kedua, syarat dan ketentuan meminjam hanya dengan menunjukkan Foto KTP dan Swafoto menggunakan KTP. Untuk pinjaman pertama, Fani menyerahkan foto KTP kepada temannya, lalu tanda tangan di atas

quired to submit three mobile numbers as emergency contact list. She submitted the mobile number of her sister and fellow online motorbike taxi driver. Fani did not read other terms and conditions carefully.

- **Information and complaint services:** Fani did not know where to report and who to ask for help when experiencing terror and threats. At that time, she only got help from fellow online loan users. Fani's friend suggested blocking the mobile numbers of the attackers and changing her mobile number.

Woman's experience in accessing online lending services

The following explains Fani's experience of using online lending platforms from the loan application process to the debt collection process.

The first online loan:

1. Fani took out a loan through her friend's application (a loan agent) for an urgent need—paying her children's tuition fees.
2. She took out loans of Rp4,000.00 (approx. \$256.03) from 2 different applications. But she only received Rp3,000,000 (approx. \$192.02) due to fees she had to pay to the online loan agent.
3. The tenor written on both applications was one month (30 days).
4. Fani could repay the first loan and its high-interest rate, even though she had to work hard for a year. Fani did not calculate the loan interest she had to pay on every due date in a month. Also, according to her, the interest rate was too high, making her 'suffocating'.

The second and third online loans:

1. Fani took out loans for the second and third time through the application she downloaded from the Play Store. The second loan was for her children

kertas yang kemudian difoto. Selanjutnya uang pun cair dalam waktu 30 menit - 1 jam. Untuk Pinjaman kedua, Fani mencoba sendiri melalui aplikasi pinjaman online, dengan cara yang sama. Hanya saja, Fani juga diminta memasukkan tiga nomor kontak darurat yang dapat dihubungi sebagai penjamin. Fani pun memberikan nomor kontak handphone milik adik dan teman sesama driver ojol. Syarat dan ketentuan lain, Fani tidak memperhatikan dan membacanya secara jelas.

- **Layanan informasi dan pengaduan:** Fani tidak pernah tahu harus lapor kemana dan meminta bantuan kepada siapa, ketika mengalami teror dan ancaman. Saat itu, bantuan yang ia dapatkan hanya dari temannya sesama pengguna pinjaman online. Teman Fani menyarankan untuk memblokir nomor si peneror dan mengganti nomor handphone.

Pengalaman perempuan mengakses pinjaman online

Berikut ini dijelaskan pengalaman Fani menggunakan pinjaman online sejak awal hingga proses akhir pembayaran tagihan pinjaman online.

Pinjaman online pertama:

1. Fani meminjam pinjol melalui aplikasi teman (agen pinjol) untuk kebutuhan mendesak, yaitu membayar uang sekolah anak.
2. Jumlah pinjaman awal yang dipinjam sebesar Rp4.000.00,- dari 2 aplikasi yang berbeda. Dari Rp4.000.000,- tersebut, Fani hanya mendapatkan uang Rp3.000.000,-, karena mendapat potongan administrasi dan lainnya dari 'Agen Pinjol' yang membantu.
3. Jangka waktu pembayaran pada aplikasi tertulis 1 bulan (30 hari) untuk kedua aplikasi tersebut.
4. Pinjaman pertama Fani bisa melunasi hutang pinjol bersama bunganya yang cukup tinggi, walaupun harus dengan bekerja keras selama 1 tahun. Fani tidak berhitung dengan pasti, berapa bunga pinjaman yang dibayar tiap bulannya setiap jatuh tempo, menurutnya sangat 'mencekik' karena bunga tinggi.

Pinjaman online kedua dan ketiga:

1. Fani meminjam pinjol kedua dan ketiga kalinya melalui aplikasi yang ia cari dan download dari playstore. Pinjaman kedua digunakan untuk ke-

(not explicitly stated) and for capital to sell drinks at the bazaar.

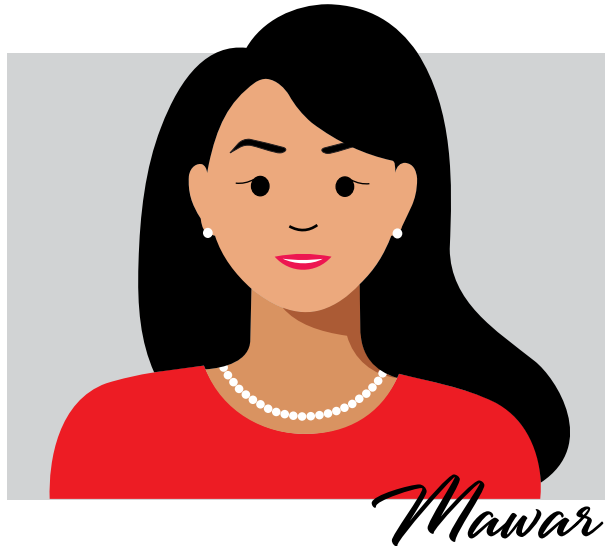
2. The second and third online loans were around Rp2,000,000 (approx. \$128.02), but she only received Rp1,700,000 (approx. \$108.81) due to a deduction for administrative fees. The loan was quickly disbursed within 15 – 30 minutes after completing the application.
 3. The tenor selected in the written agreement on the application was 30 days (1 month). However, before the due date, in the middle of the month, Fani received some terrors and threats via SMS, WhatsApp, and phone calls—up to 20 calls a day—from different mobile numbers.
 4. At that time, Fani was very frightened because almost every day, she was exposed to verbal threats (she was called a liar, prostitute, etc.). Every day Fani had to block all incoming phone numbers, and she could only be reached via WhatsApp messages.
 5. Fani did not change her mobile number, as suggested by her friends, considering that her mobile number was also registered as an online motor-taxi driver. As a result, many customers contacted her mobile number instead of using the online ride-hailing application.
 6. In addition to the verbal threats, debt collectors who claimed to be from one of the online lending platforms she used visited her house and seized the television at her house.
 7. Since then, Fani had been traumatized as she was afraid that other debt collectors would come. So finally, Fani and her family (her children) decided to move out. Even now, Fani is still traumatized and does not want to borrow again through the online lending platform, even though it is legal.
- butuhan anak (tidak spesifik menyebutkan) dan modal jualan minuman di bazar.
2. Pinjaman online kedua dan ketiga sekitar Rp 2.000.000,-, namun cair ± Rp1.700.000,- dan ada biaya administrasi sehingga angkanya tidak persis bulat. Uang pinjaman cair sangat cepat, dalam waktu 15 – 30 menit masuk ke nomor rekeningnya.
 3. Jangka waktu yang dipilih dalam aplikasi pembayaran tertulis 30 hari (1 bulan). Namun sebelum jatuh tempo pembayaran di pertengahan bulan, sudah muncul berbagai sms, WhatsApp teror, serta ancaman melalui telepon sampai dengan 20 panggilan/hari dengan nomor yang berbeda.
 4. Fani sangat ketakutan, karena hampir setiap hari terkena teror kata-kata kasar (dibilang tukang tipu, suruh menjadi pelacur dan jual diri, dan umpatan kata kasar lainnya). Setiap hari Fani sampai harus memblokir semua nomor telepon yang masuk, dan hanya bisa dihubungi melalui pesan WhatsApp.
 5. Fani tidak mengganti nomor handphonenya, seperti yang disarankan oleh teman-temannya, dengan pertimbangan karena nomor tersebut juga didaftarkan sebagai *driver* ojol dan banyak pelanggan ojol Fani yang suka menghubungi untuk antar jemput, walau tidak via aplikasi ojol.
 6. Selain ancaman dengan kata-kata kasar, Fani juga pernah punya pengalaman didatangi oleh *debt collector* yang mengaku dari salah satu aplikasi pinjaman online yang ia gunakan. Penagih pinjol (*debt collector*) mengambil televisi di rumah, sebagai ganti pembayaran hutang.
 7. Sejak saat itu, Fani sangat trauma, takut jika ada penagih lain yang datang. Akhirnya Fani dan keluarga (anak-anaknya) memutuskan untuk pindah kontrakan. Fani pun hingga saat ini masih trauma, dan tidak mau meminjam kembali melalui aplikasi online sekalipun itu berstatus legal.



Fani

"They kept on phoning me with different mobile numbers. They called me 10-20 times a day. In my second loan, I only missed a month of loan payment. Therefore, they came to my house to seize the TV because it was the only valuable thing in my house then. When I borrowed IDR 4 million (approx. \$256.03), I could pay it off. But for the other IDR 2 million (approx. \$128.02), I could not pay it off because I had no income. I had a job but was financially "insecure" due to the pandemic. I had no additional income as the bazaar was closed. Life was tough" (Fani, April 2022).

"Terus telfon-telfon terus, ganti-ganti nomor dalam sehari bisa 10 sampe 20 kali panggilan dengan nomor yang berbeda-beda. Pinjaman kedua saya benar-bener telat sebulan. Makanya mereka sampe ke rumah ambil TV, karena itu barang berharga satu-satunya saat itu di rumah saya. Waktu minjem 4 juta itu kebayar. Pas yang 2 juta ini malah tidak kebayar karena saya nggak ada penghasilan. Kalaupun kerja masih susah, waktu itu masih "oleng lah" karena pandemi, ga punya penghasilan tambahan, bazar pada tutup, sulit sekali hidup" (Fani, April 2022).



"I take out loans online because I know I have to repay them. I am not a welcher. Formerly, information about fintech lending was rare. I started googling when I had problems with the loans. And it turned out ... well, it is my fault. I used to think it was easy. But when I googled it, I read the same case on mediakonsumen.com" (Mawar, May 2022).

Mawar's Profile. **Age:** 49 years old. **Marital status:** married. **Education:** three-year Diploma. **Occupation:** private company employee. **The average monthly income:** Jakarta's wage standard is Rp4,600,000 (approx. \$294.44) (in 2022). Until 2018, Mawar worked as a private employee at a large Event Organizer (EO) company (compared to the EO company where she currently works), with a salary higher than Jakarta's wage standard of around Rp7,000,000 (approx. \$448.06) per month, plus THR (religious holiday allowance), and allowances for every activity.

Background of getting loans online: Mawar borrowed money through an online lending platform when there was an urgent need for her child's tuition fees in 2018. For Mawar, borrowing from an online lending platform was considered the best way, rather than borrowing from friends or family—as she would risk being rumoured. In making credit, Mawar had also considered her ability to pay it off after the payday. In the first loan of Rp1,000,000 (approx. \$64.01), everything went smoothly, efficiently, and quickly. With that experience, after the first loan was paid off, Mawar made another online loan. Getting loans on-

"Meminjam pinjol dengan niat membayar, saya bukan pengemplang. Karena dulu tuh informasi fintech tuh jarang banget. Saya itu baru mulai googling, begitu bermasalah. Ternyata... nah ini bodohnya saya ya, maksudnya karena merasa ini gampang, oh begitu saya googling saya baru menemukan berapa kasus yang sama tuh di mediakonsumen.com" (Mawar, Mei 2022).

Profil Mawar. **Usia:** 49 tahun. **Status pernikahan:** menikah. **Pendidikan:** D3. **Pekerjaan:** karyawan swasta. **Pendapatan rata-rata per bulan:** sesuai UMR DKI Jakarta, saat wawancara Rp4.600.000,- (tahun 2022). Sampai dengan tahun 2018, Mawar bekerja sebagai karyawan swasta pada perusahaan Event Organizer (EO) yang besar (dibandingkan perusahaan EO di mana ia bekerja saat ini), dengan gaji yang lebih tinggi dari UMR DKI yaitu sekitar Rp7.000.000/bulan, ditambah tunjangan THR, dan tunjangan setiap ada kegiatan.

Latar belakang meminjam: Mawar meminjam uang melalui aplikasi pinjaman online (pinjol) pada saat adanya kebutuhan dana mendesak membayar kebutuhan sekolah anak di tahun 2018. Bagi Mawar meminjam ke pinjol, dinilai sebagai cara yang terbaik, daripada harus meminjam ke teman atau keluarga, yang berisiko jadi bahan omongan. Dalam melakukan pinjaman, Mawar juga telah memperhitungkan kesanggupan pembayaran yang akan dilakukan setelah tanggal gajian. Pengalaman meminjam pertama senilai Rp1.000.000, semua ber-

line is an option because they are practical, fast, and accessible. As for small amounts of credit, this kind of loan service is not easily accessible at conventional banks.

Knowledge of using the online lending platforms

The legal and illegal status of the online lending platform. In 2018, according to Mawar, there was not much information about fintech lending (the term "fintech" was used before online lending). Formerly, Mawar did not seek information on whether the fintech lending was a legal or illegal. When she first borrowed, she considered convenience, speed, and practicality.

Source of knowledge about online lending services. In 2018, Mawar received information about online lending service, a fast loan service that could be accessed via an application, from a friend. So, Mawar tried to access it, and the process was easier and faster. For example, it only took an hour for disbursement.

Terms, conditions, and borrowing and lending mechanism. The advantage of the online lending platform is its simple requirements. For example, Mawar only had to send a self-portrait photo with an ID card and a photo of an employee card. In addition, with the employee card, loan disbursement is faster; in hours.

Information and complaint services (assistance). When Mawar got into trouble with an online lending platform, Mawar started looking for help. First, she contacted the online lending platform call center but got no response. They never answered her calls. Then Mawar submitted a complaint to Bank Indonesia. After that, Mawar found out that the lending platform was under the supervision of the OJK, so Mawar contacted the call center and sent an email to the OJK, but they did not respond. Mawar then took various ways, such as visiting the OJK office. Finally, Mawar visited three OJK offices in Jakarta to make a formal complaint, sent emails to 10 OJK leaders, requested a meeting with the OJK leaders, and went to the fintech lending office (which provided loans and terrorized Mawar). Mawar also reported the case to the police and was eventually assisted by LBH

jalan lancar, mudah dan cepat. Dengan pengalaman itu, setelah pinjaman pertama lunas, Mawar kemudian melakukan pinjaman online lain. Pinjaman online menjadi pilihan karena, praktis, cepat dan mudah, serta sesuai kebutuhan pinjaman dana yang jumlahnya kecil, dimana layanan pinjaman semacam ini tidak mudah diakses pada bank konvensional.

Pengetahuan tentang pinjol yang digunakan

Status legal dan ilegal pinjol yang digunakan. Pada tahun 2018, menurut Mawar belum banyak informasi tentang *fintech* (istilah *fintech* yang digunakan sebelum pinjaman online/pinjol). Mawar tidak mencari informasi apakah pinjamannya diberikan oleh Pinjol yang Legal atau Illegal. Pada saat meminjam pertama yang dipertimbangkan adalah pada kemudahan, kecepatan dan praktisnya.

Sumber pengetahuan tentang pinjol. Pada tahun 2018, Mawar menerima info tentang pinjaman online yang memberikan layanan cepat dan bisa diakses melalui aplikasi dari seorang temannya. Mawar kemudian mencoba, memang diakui prosesnya lebih mudah dan cepat. Dalam hitungan satu jam, dana sudah bisa cair di rekening.

Syarat, ketentuan, dan mekanisme peminjaman. Keunggulan Pinjol adalah pada persyaratan yang sederhana, Mawar cukup mengirim foto dengan memegang KTP, dan Kartu Karyawan. Dengan adanya kartu karyawan, peminjaman cair lebih cepat.

Layanan informasi dan pengaduan (bantuan). Ketika Mawar mendapat masalah dengan perusahaan pinjaman online, Mawar mulai mencari bantuan. Pertama dengan menghubungi *call center* perusahaan Pinjol, akan tetapi tidak mendapat tanggapan. Telpon dari Mawar tidak pernah diangkat oleh perusahaan Pinjol yang bersangkutan, sehingga Mawar kemudian menyampaikan pengaduan ke Bank Indonesia. Setelah itu Mawar baru mengetahui bahwa, pinjaman online berada dibawah pengawasan OJK, sehingga kemudian Mawar menghubungi *call center* dan menyampaikan email ke OJK, namun tidak mendapatkan tanggapan. Mawar kemudian menempuh berbagai cara seperti mendatangi kantor OJK. Mawar mendatangi tiga kantor OJK di

Jakarta to mediate with the lending company. Mawar is a customer who is persistent in fighting for her rights, so she managed to meet the leaders of the OJK.

Woman's experience in accessing online lending services

The following is Mawar's experience using online lending platforms until she finally got compensation from an online lending platform that had tarnished her good name and made her lose her job at that time.

1. Mawar first made a loan in one of the online lending platforms in 2018 for her children's tuition fees. She applied for a loan of Rp1,000,000 (approx. \$64.01) with a fast process. After paying off the first loan, Mawar used other online lending services to meet other urgent needs. The loan amount was not big, between Rp1,000,000 (approx. \$64.01) to Rp1,400,000 (approx. \$89.61), as she would repay it after she got paid. Mawar has borrowed money from four different online lending platforms. However, there was a problem with the fourth loan; the repayment due date was earlier than what was stated in the agreement.
2. At that time, Mawar began to learn about online loans by googling, and it turned out that the online lending platform that gave her a loan was in trouble. So, Mawar also looked for information from the OJK website and found that the online lending platform was on the online lending platform data licensed by the OJK (legal status). Mawar admitted that in 2018, there was less information about online loans than today.
3. Based on Mawar's experience, there is no difference between legal and illegal online lending platforms in debt collection methods. They use intimidation by phoning, attacking consumers' identities, and contacting other mobile numbers on their contact lists (customers' data theft).
4. The experience of borrowing from the fourth online lending platform (legal platform) made Mawar fired from her job and have difficulty getting a new job. The lending service company contacted the last ten mobile numbers that Mawar contacted, one of which is her boss, for debt collecting purposes. The intimidation was

Jakarta untuk membuat pengaduan resmi, mengirimkan email pengaduan kepada 10 pimpinan OJK, meminta pertemuan dengan pimpinan OJK, mendatangi langsung kantor pinjol (yang memberikan pinjaman dan meneror Mawar). Mawar juga melaporkan ke kepolisian kasus yang dialami dan akhirnya dibantu oleh LBH Jakarta untuk mediasi dengan perusahaan aplikasi pinjol tersebut. Mawar merupakan konsumen yang gigih memperjuangkan haknya, sehingga ia berhasil menemui salah satu pimpinan OJK.

Pengalaman perempuan mengakses pinjaman online

Berikut ini pengalaman Mawar dalam menggunakan pinjaman online, hingga akhirnya Mawar berhasil mendapatkan ganti rugi dari aplikasi pinjaman online yang telah mencemarkan nama baik Mawar sehingga ia kehilangan pekerjaannya saat itu.

1. Mawar melakukan pinjaman awal di salah satu aplikasi Pinjol pada tahun 2018, untuk memenuhi kebutuhan pendidikan anak. Pinjaman sebesar Rp1.000.000,-, dengan proses yang cepat. Setelah lunas dengan pinjaman pertama, Mawar menggunakan jasa pinjol untuk memenuhi kebutuhan mendesak lainnya, yang jumlahnya tidak besar antara Rp1.000.000,- sampai Rp1.400.000,- yang akan dibayarkan setelah ia gajian. Mawar pernah meminjam pada 4 aplikasi pinjol yang berbeda. Masalah dialami pada saat pinjaman ke empat, dimana jatuh tempo pembayaran tagihan lebih awal dari kesepakatan dan tengat waktu pembayaran yang dicantumkan pada formulir yang diisinya.
2. Pada saat itu, Mawar mulai mempelajari informasi Pinjol dengan *googling*, ternyata pinjol yang dipinjam bermasalah. Mawar pun mencari informasi dari website OJK, dan pinjol tersebut adalah Pinjol yang sudah masuk dalam data aplikasi pinjaman online yang berizin OJK (status legal). Diakui Mawar bahwa pada tahun 2018, informasi tentang pinjaman online masih belum banyak, berbeda dengan informasi saat ini.
3. Berdasarkan pengalaman Mawar, tidak ada perbedaan antara Pinjol legal dan illegal dalam cara-cara penagihan yang mengintimidasi dengan menelpon berulang-ulang dan menyerang identitas konsumen, serta menghubungi nama-

carried out by sending a photo of Mawar with the caption informing them that Mawar had not paid the debt and the loan amount.

5. The online lending company also did the same to Mawar's colleague. Thus, her colleague canceled the work given to Mawar. He/she said, "*What are you doing? ... You don't have to join my event anymore.*" For Mawar, fintech companies have destroyed her business relationships and her life in all aspects.

To this day, the big question for Mawar is why fintech companies (including the legal ones) resort to intimidation and violence if the goal is to repay loans. Intimidation against customers can lead to customers' intention not to pay their loans. Even though Mawar sued the (legal) online lending company and managed to get compensation, the compensation could not fix her bad reputation and social relations. For Mawar, the most important thing is that she has succeeded in proving the weaknesses of supervision in the fintech industry and proving that she is a customer who wants to repay the debt, not one who intends to evade it. Mawar still repaid her debt based on the tenor written in the initial agreement.

Mawar, with the help of LBH Jakarta, became one of the customers who got compensation from a legal lending company committed to intimidation, violence, and disseminating personal information. However, the amount of compensation is not commensurate with Mawar's demand. But Mawar, considering that she did not want to suffer more time, energy, and material losses, finally agreed to the compensation offered by the lending company. For Mawar, the experience of taking out a loan online is a nightmare. Her career and reputation were messed up due to her loan of Rp1,400,000 (approx. \$89.61) repayment being one day late from the due date. As a result, she was fired and considered a "problematic person," making it difficult for her to get a job for two years. Even though currently (as of the interview date), Mawar has got a new job, the amount of salary and benefits are not as good as her previous income.

nama kontak di HP-nya (mencuri data pribadi konsumen).

4. Pengalaman meminjam dari aplikasi pinjol yang ke empat (status pinjol legal), membuat Mawar dikeluarkan dari pekerjaannya dan kesulitan mendapatkan pekerjaan baru. Perusahaan pinjol telah menghubungi 10 kontak nomor terakhir yang Mawar hubungi, yang salah satunya adalah Boss Mawar, terkait penagihan utang pinjaman. Bentuk intimidasi dilakukan dengan mengirim foto Mawar yang diberi tulisan belum membayar hutang dengan nilai pinjamannya.
5. Selain Boss (atasan pekerjaan) Mawar, hal yang sama dilakukan oleh pinjol terhadap rekan kerja Mawar, sehingga temannya tahu bahwa Mawar berhutang dan membatalkan pekerjaan yang diberikan kepada Mawar. "*Lo apaan sih ini ini... udah ya lo nggak usah ikut event gue lagi.*" Bagi Mawar perusahaan pinjol sudah menghancurkan relasi bisnis pekerjaannya, serta kehidupannya dalam segala aspek.

Sampai hari ini yang masih menjadi pertanyaan besar bagi Mawar, mengapa perusahaan fintech (termasuk aplikasi legal) menempuh cara-cara intimidasi dan kekerasan, jika tujuannya ingin pinjaman dibayarkan. Intimidasi terhadap konsumen justru bisa menimbulkan niat konsumen untuk tidak membayar pinjamannya. Kendatipun Mawar menuntut perusahaan pinjaman online (status legal) yang memberikan pinjaman dan berhasil mendapat ganti rugi, akan tetapi ganti rugi tersebut tidak dapat memperbaiki reputasi dan hancurnya relasi sosial kehidupan Mawar. Bagi Mawar yang terpenting dirinya berhasil membuktikan adanya kelemahan dalam pengawasan negara dalam industri pinjaman online, serta membuktikan bahwa ia konsumen yang ingin membayar bukan yang memiliki niat mengemplang. Sampai dengan batas tenor pinjaman yang sesuai dengan kesepakatan awal, Mawar tetap membayarkan hutangnya kepada aplikasi pinjaman online tersebut.

Mawar dengan bantuan LBH Jakarta menjadi salah satu konsumen yang berhasil mendapat ganti rugi dan kompensasi dari perusahaan pinjol legal, yang telah melakukan intimidasi, kekerasan dan penyebaran informasi pribadinya. Kendatipun jumlah ganti rugi yang diberikan tidak sepadan dengan tuntutan yang disampaikan, namun Mawar

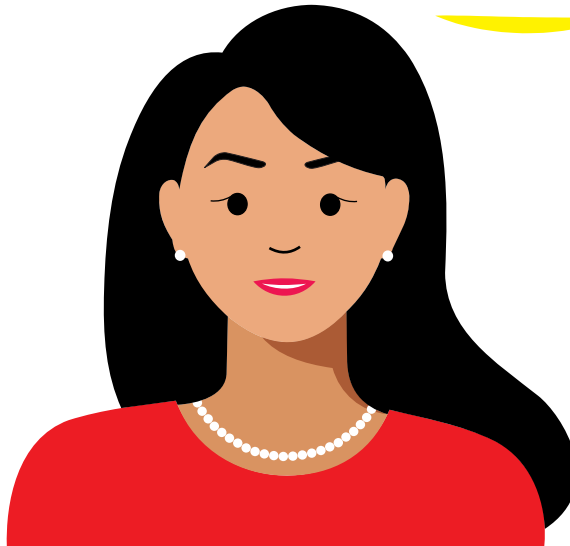
dengan pertimbangan tidak ingin mengalami kerugian waktu, tenaga, dan materiil yang lebih banyak lagi, akhirnya menyetujui ganti rugi yang ditawarkan pihak perusahaan pinjol tersebut. Bagi Mawar pengalaman menggunakan pinjaman online adalah mimpi buruk. Bagaimana tidak, dengan nilai pinjaman Rp1400.000,- dan hanya terlambat membayar 1 hari dari tanggal jatuh tempo, karir dan reputasinya hancur. Dirinya di keluarkan dari tempat kerja, dinyatakan sebagai orang yang 'bermasalah', sehingga sulit untuk mendapat pekerjaan selama 2 tahun. Kendatipun saat ini (ketika wawancara berlangsung) Mawar telah mendapatkan pekerjaan baru, akan tetapi besaran gaji dan benefit yang diterima tidak bisa sebaik penghasilan sebelumnya.

““

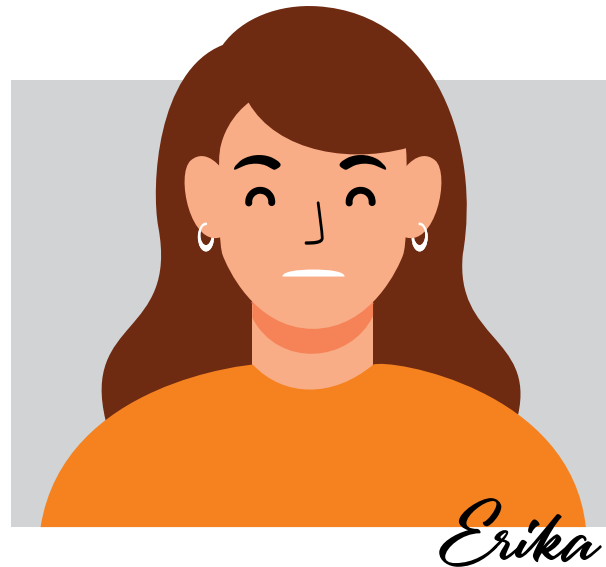
Mawar

"I felt like I was going to faint when my boss asked me about my debt by showing me a screenshot about the online loan billing. Then, a week later, I was told to resign because I disturbed the conduciveness of the office. I was told to resign in the morning and leave the office in the afternoon. The point is; the threats sent through text messages will mess with someone's source of income. There's a lot to lose; the practice hurts others and reduces their incomes"
(Mawar, May 2022).

””



"Rasanya mau pingsan, ketika Boss menanyakan dengan memperlihatkan screen shoot terkait penagihan Pinjaman Online. Seminggu kemudian saya disuruh mengundurkan diri. Alasannya mengganggu kenyamanan kantor. Pagi di kasih tahu, sore sudah harus ke luar dari kantor. Yang pasti gini loh, ancaman dengan mengirimkan pesan ke nomor kontak semua orang di handphone, kayak nutup rejeki kita jadinya. Banyak banget ruginya, udah bikin sakit hati nutup rejeki lagi" (Mawar, Mei 2022).



"Before the seventh day (repayment due date), they called me (on the fifth day). So, within six days, I was threatened. They told me they would blacklist my data and visit me. Psychologically, I was not fine. I feared they visited me, and I kept thinking about it" (Erika, May 2022).

Erika's Profile. **Age:** 30 years old. **Marital status:** single. **Occupation:** plastic factory worker. **Education:** vocational high school. Erika is an independent woman and the breadwinner. Erika lives with her parents. Her father is retired, so she has to cover her family's needs, such as electricity costs and food.

Background of getting loans online: The loan is for personal needs (to buy facial care, cosmetics, and clothes). According to Erika, maintaining appearance while working is important because women are required to look beautiful, presentable, and well-dressed. Unfortunately, this idea is considered a consumptive need, and women are the ones who are 'blamed' for borrowing money for their personal needs.

Knowledge of using the online lending platform

Legal and illegal status of the online lending platform: Erika has tried both legal and illegal online lending platforms. In general, Erika only knows that legal online lending platforms must have the OJK symbol.

"Sebelum 7 hari aja, 5 hari aja udah di telfonin. Nah dalam 6 harinya itu mulai keluar kata kasar-kasarnya, apalagi sampai 7 hari, udah diancam. Ancamannya bakal blacklist datanya, bakal didatangi rumahnya. Secara psikologis tuh paling terasa ya pastinya, takutnya beneran ke rumah gitu kepikiran terus" (Erika, Mei 2022).

Profil Erika. **Usia:** 30 tahun. **Status perkawinan:** belum menikah. **Pekerjaan:** buruh pabrik plastik. **Pendidikan:** SMK. Erika adalah perempuan yang mandiri dan menjadi tulang punggung keluarga. Ayah Erika sudah pensiun sehingga ia harus membantu kebutuhan keluarga, seperti membayar listrik dan makan sehari-hari.

Latar belakang meminjam: Erika meminjam pada pinjol untuk kebutuhan pribadi (perawatan wajah membeli *make up* dan pakaian). Menurut Erika menjaga penampilan saat bekerja adalah hal yang penting. Karena perempuan dituntut untuk tampil cantik dan rapi, termasuk dalam hal berpakaian. Hal ini sering kali diasumsikan oleh masyarakat untuk kebutuhan yang sifatnya konsumtif, di mana perempuan menjadi pihak yang 'disalahkan' karena meminjam untuk kebutuhan pribadinya.

Pengetahuan tentang pinjaman online yang digunakan

Status legal dan ilegal pinjol yang digunakan: Erika pernah mencoba aplikasi pinjaman online baik

The first source of knowledge about online loans:

Erika learned about using an online lending platform for the first time from a friend. According to her, many of her friends at the factory apply for loans on online lending platforms.

How to access an online loan for the first time:

Erika applied for a loan on an application on the Play Store (handphone).

Terms, conditions, and borrowing and lending mechanism:

According to Erika, the conditions for applying for an illegal loan are easier; it only requires an ID card and a mobile number. Meanwhile, legal loans usually require an ID card, a self-portrait photo with an ID card, and a bank account number. In addition, the loan approval and disbursement for legal and illegal lending platforms are quite fast, less than an hour. Online loans are also practical because they can be done anywhere (via handphone).

Information and complaints services (assistance):

Erika knows she can report to the police. But she did not do it because she feared it would become more complicated and did not help solve the problem.

Woman's experience in accessing online loan services

The following describes the process of the loan application and billing of Erika's experience in using legal and illegal lending platforms.

The first online loan:

1. Erika took the first loan in 2020 (the beginning of the pandemic) because she found it difficult to increase her income to buy her personal needs (the social restriction impeded her mobility to find a side job and increase her income).
2. Erika took out a loan for the first time on a legal lending platform. However, because it was the first time, she could only apply for a loan of Rp600,000 (approx. \$38.40) (and it was paid off). And then, the loan limit increased to Rp800,000 (approx. \$51.21). Thus, she was tempted to take out the next loan, and she could pay it off. Next, the loan limit increased to Rp1,000,000 (approx. \$64.01), and she could pay it off.

legal maupun illegal. Secara umum Erika hanya tahu bahwa aplikasi legal pasti memiliki lambang OJK.

Sumber pengetahuan pinjol pertama kali: Erika mengetahui penggunaan aplikasi pinjaman online pertama kali dari teman. Menurutny sudah banyak teman di pabrik yang meminjam di pinjol.

Cara mengakses pinjol pertama kali: pinjam melalui aplikasi di *Play Store* (handphone).

Syarat, ketentuan, dan mekanisme peminjaman:

Menurut Erika syarat pengajuan pinjol illegal lebih mudah, hanya KTP dan nomor handphone yang aktif saja. Sementara itu, untuk pinjol legal biasanya KTP, swafoto dengan KTP, dan memberikan nomor rekening. Untuk pencairan persetujuan pengajuan pinjaman keduanya (legal dan illegal) cukup cepat kurang dari satu jam. Pinjaman online juga dinilai sangat praktis karena bisa dilakukan dimana saja (melalui handphone).

Layanan informasi dan pengaduan (bantuan):

Erika hanya tahu bisa melapor ke polisi, tapi tidak melakukan pelaporan karena takut akan menjadi lebih rumit dan tidak menyelesaikan masalah.

Pengalaman perempuan mengakses pinjaman online

Berikut diceritakan alur peminjaman sampai pembayaran tagihan pinjaman online dari pengalaman Erika meminjam pertama kali pada aplikasi pinjol legal sampai dengan kedua kalinya menggunakan pinjaman online illegal.

Peminjaman Pinjol Pertama:

1. Pinjam pertama kali di tahun 2020 (awal pandemi) dilakukan Erika karena merasa sulit untuk menambah pemasukan, khususnya membeli kebutuhan pribadi (adanya pembatasan gerak membuat sulit mencari pekerjaan sampingan untuk menambah penghasilan).
2. Pada pinjaman pertama dilakukan pada aplikasi pinjol legal. Karena baru pertama kali, hanya bisa mengajukan pinjaman Rp600.000,- (pembayaran lancar). Limit peminjaman naik, menjadi Rp800.000,-, tertarik untuk meminjam lagi dan pembayaran lancar. Kemudian limit peminjaman naik lagi menjadi Rp1.000.000,- dengan pembayaran masih lancar.

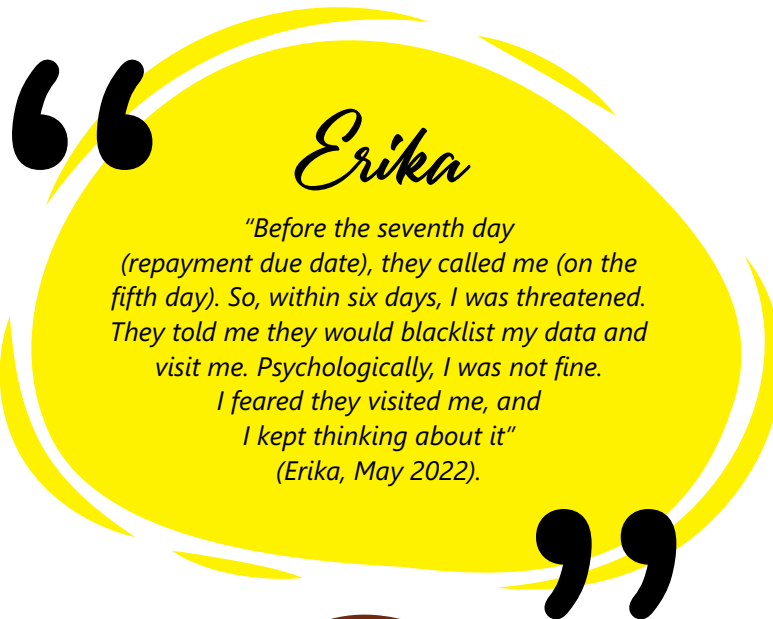
The second loan and the next ones:

1. Since the first loan, many online loan ads have popped up on Erika's social media platforms (Facebook, YouTube, SMS and WhatsApp). The ads attracted Erika to apply for loans again. Then she finally applied for a loan on an illegal lending platform.
2. The requirements for loan application were easier than the first loan; it only required an ID card. Then the platform officer will call the borrower to confirm the data and mobile number. As a result, loan application approval is also faster, less than 15 minutes.
3. For the first time, Erika applied for a loan of Rp700,000 (approx. \$44.81), but she received only Rp300,000 (approx. \$19.20) with a seven-day tenor and a fine of Rp30,000 (approx. \$1.92) to Rp40,000 (approx. \$2.56). Before the due date, on the 5th day, the debt collector called her multiple times using different mobile numbers and terrorized her with verbal harassment and threats.
4. Erika was shocked when she discovered that the online lending platform could access her contacts list on her handphone and terrorize them. The debt collectors argued that they were guarantors, so they had to pay Erika's debt. The terror lasted for two weeks.
5. In the end, Erika could only pay the principal loan, excluding the fine, which was only Rp700,000 (approx. \$44.81). After that, Erika kept receiving terror threats and verbal harassment because she was considered to have defaulted on payment. Then, Erika also decided to change her mobile number so that she would not be called again by the debt collector.

Peminjaman Pinjol Kedua dan seterusnya:

1. Sejak meminjam di pinjol pertama, di semua sosial media Erika mulai banyak iklan penawaran pinjol (Facebook, YouTube, bahkan sampai SMS dan WhatsApp). Iklan penawaran pinjol tersebut membuat Erika tertarik untuk meminjam kembali. Akhirnya meminjam di pinjol yang diketahui ternyata itu ilegal.
2. Persyaratannya lebih mudah dari pinjol pertama, hanya butuh KTP, lalu ditelpon oleh pihak pinjol untuk konfirmasi data dan nomor handphone. Persetujuan pengajuan pinjaman pun juga lebih cepat, tidak sampai 15 menit.
3. Pertama meminjam pada aplikasi tersebut sebesar Rp700.000,- tapi yang diterima hanya Rp300.000,- sekian, dengan tenor 7 hari, dengan denda telat bayar per harinya Rp30.000,- sampai Rp40.000,-. Sebelum jatuh tempo, di hari ke-5 sudah ditelpon oleh penagih pinjol. Penagih (*debt collector*) menelpon berkali-kali dengan nomor yang berbeda-beda, disertai ancaman dengan kata-kata kasar.
4. Erika juga kaget Ketika tahu bahwa pihak pinjol bisa mengakses kontak di handphonenya. Hal ini diketahui ketika *debt collector* juga melakukan teror dengan kata-kata kasar kepada beberapa orang di kontak handphone Erika. *Debt collector* menyampaikan bahwa mereka adalah penjamin sehingga harus membayar hutang Erika. Teror tersebut berlangsung selama dua minggu.
5. Akhirnya Erika hanya sanggup membayar hutang pinjaman di luar denda, yaitu Rp700.000,-. Erika tetap mendapatkan ancaman dan kata-kata kasar karena dianggap belum membayar sesuai utang yang harus dibayarkan. Erika pun memilih untuk mengganti nomor handphone supaya tidak ditelepon lagi oleh pihak penagih pinjol.





"Sebelum 7 hari aja, 5 hari aja udah di telfonin. Nah dalam 6 harinya itu mulai keluar kata kasar-kasarnya, apalagi sampai 7 hari, udah diancam. Ancamannya bakal blacklist datanya, bakal didatangi rumahnya. Secara psikologis tuh paling terasa ya pastinya, takutnya beneran ke rumah gitu kepikiran terus"
(Erika, Mei 2022).

Profiling 2. Stories of women taking out loans online for business (non-consumptive needs)

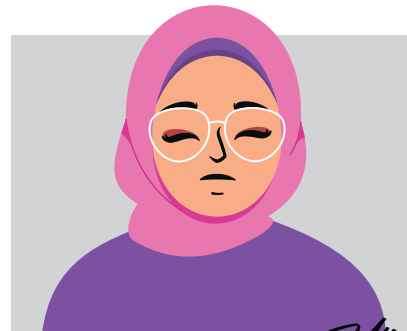
This part illustrates three stories of women named Linda (a pet-grooming business owner), Uli (a catering service owner), and Nania (an online hijab seller). The pandemic has urged them to add more capital to the business to keep it running and surviving. The three stories are narrated in a narrative, starting from the beginning of the lending process to the end of the experience of using online lending platforms based on the characteristics of each key informant.

Profiling kedua, adalah perempuan yang menggunakan pinjaman online untuk peluang usaha (non konsumtif)

Diceritakan 3 (tiga) perempuan bernama Linda (pemilik usaha grooming), Uli (pemilik usaha makanan atau catering) dan Nania (pemilik usaha bisnis hijab online). Kondisi pandemic membuat tiga informan utama harus menambahkan modal usaha agar bisnisnya tetap dapat bertahan. Sama seperti profiling pertama, narasi atau pengalaman Linda, Uli dan Nania akan dimulai dari awal proses peminjaman, sampai dengan akhir pengalaman menggunakan pinjaman online, sesuai dengan karakteristik masing-masing.



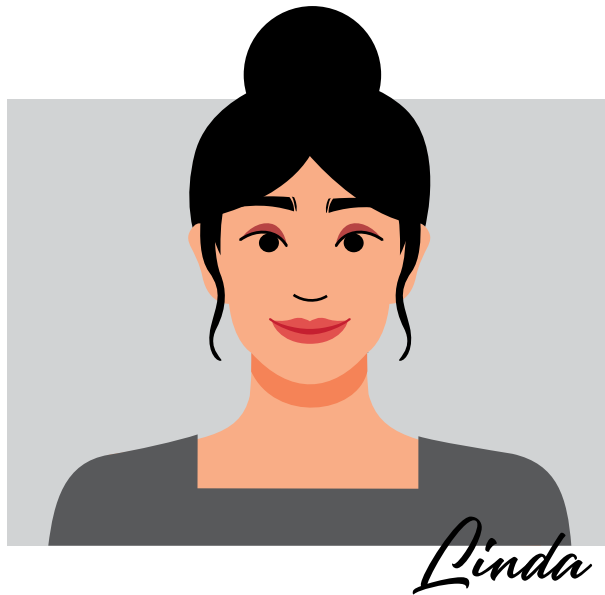
Linda



Uli



Nania



"I thought online loans had a long tenor, so we had time to earn money to pay them off. First, we chose a month-tenor, but we were rejected. So, the tenor was only seven days (a week) for the first repayment. So, I dug a hole and closed the hole. Then, if I got money, I used it to pay my debt off. For example, if I borrow Rp1,800,000 (approx. \$115.21) and have Rp500,000 (approx. \$32.00) in my pocket, I use it to pay my debt. I tool out loans for a capital to start a business. Thus, the debt was increasing. The money to run a business was allocated to pay the debt" (Linda, May 2022).

Linda's profile. Age: 41 years old. **Marital status:** married, no children. **Education:** bachelor. **Occupation:** pet grooming business (for dogs and cats). **Average income (month):** Rp5,000,000 (approx. \$320.04) Linda is a wife who is also the breadwinner of the family. The startup pet grooming business is her primary income source. Also, Linda works to help her neighbor's catering business to increase her family's income.

Background of getting loans online: The pandemic affected the pet-grooming business that had just been started by Linda and her husband, resulting in a decreased income. According to Linda, she and her husband finally decided to apply for a loan online because of the pandemic. Online loans are considered accessible, especially when friends or relatives cannot lend them money. At that time, Linda was financially insecure and needed money to keep her business running.

"Aku kira pinjaman online jangka waktunya bisa panjang, jadi berpikir bisa lah kita ngumpulin uang dulu untuk bayar pinjaman. Pertama kita pilih pengajuan pembayaran yang sebulan, namun tidak bisa. Jadi cuma 7 hari (seminggu) jatuh tempo untuk pembayaran awal. Aku sampai akhirnya 'gali lubang, tutup lubang'. Setiap ada pemasukkan, membayar pinjol. Misalnya pinjam Rp1.800.000,-, ada uang Rp500.000,- langsung cicil bayar. Pinjam awal buat modalin usaha grooming yang baru kami rintis. Akhirnya pinjaman bengkak banyak banget. Uang untuk usaha yang grooming pun masuk ke situ (membayar hutang pinjaman online)." (Linda, Mei 2022).

Profil Linda. Usia: 41 tahun. **Status perkawinan:** menikah, belum punya anak. **Pendidikan:** S1 (Sarjana). **Pekerjaan:** Bisnis Grooming untuk hewan anjing dan kucing. **Pendapatan rata-rata (bulan):** ± Rp5.000.000,-. Linda adalah seorang istri yang menjadi tulang punggung keluarga. Usaha grooming yang baru dirintis merupakan sumber pendapatan utama. Selain itu, Linda juga bekerja membantu bekerja usaha catering tetangganya, untuk menambah pemasukan keluarga.

Latar belakang meminjam: Kondisi pandemi, membuat usaha grooming yang baru saja dirintis oleh Linda dan suami terkena dampaknya (pendapatan menurun). Menurut Linda, karena pandemi jugalah, akhirnya mereka memutuskan untuk mengajukan pinjaman online. Pinjaman online dirasa cukup mudah dilakukan, di saat teman atau saudara

Knowledge of using the online lending platforms

The first source of knowledge about online loans was from social media platforms such as Instagram and YouTube advertisements. Because there were many advertisements about online loans on Instagram and YouTube, she finally downloaded the application. Since then, many online loan advertisements have been broadcasted on SMS and WhatsApp. When applying for a loan, Linda did not know the terms and conditions of the loans. Linda just thought maybe it was the same as the loan sharks. However, based on the advertisements on social media, it was stated that the interest rate was low. It was what encouraged Linda to apply for a loan without knowing that the interest on the loan was a daily interest. Also, from various advertisements on online loans, it was said that a long tenor was provided. So, Linda thought she had plenty of time to collect the money for debt repayment.

Terms, conditions, and borrowing and lending mechanisms: According to Linda, her experience in accessing various online lending platforms are almost identical. First, we must submit data such as name, residential address, place of work, monthly income, self-portrait photo with an ID card, salary slip, and Taxpayer Identification Number (NPWP). Some online lending platforms only require a self-portrait photo to process a loan application.

Information and complaints services (assistance): For information and complaints services, Linda relied on the online loan user community that she found after looking for information on social media.

Woman's experience in accessing online loan services

The following is Linda's experience using various online lending platforms for first, second, and next loans.

The first online loan:

1. At the beginning of the pandemic, Linda took out a loan for the first time in 2020 for business purposes. At that time, she was no longer getting an additional income because her neighbour's catering business stopped running due to a decline. This condition urged Linda and her husband

pun sulit meminjamkan. Kondisi keuangan Linda saat itu sangat butuh sekali uang agar usaha grooming bisa tetap berjalan.

Pengetahuan tentang Pinjol yang digunakan

Sumber pengetahuan pinjol pertama kali: diketahui Linda dari sosial media, seperti Instagram dan YouTube (iklan). Karena banyak iklan tawaran pinjaman online (pinjol), akhirnya iseng mendownload aplikasinya. Sejak saat itu, mulai banyak iklan pinjol yang masuk ke handphone, bahkan lewat SMS dan pesan WhatsApp. Linda sendiri tidak tahu bagaimana syarat dan ketentuan pinjol pada saat awal pinjaman. Linda hanya berpikir mungkin pinjol sama seperti rentenir jaman dulu. Kalau lihat dari iklan-iklan yang muncul di media sosial, disampaikan bahwa bunganya rendah hanya sekian persen. Hal ini mendorong Linda untuk meminjam, tanpa ia ketahui bahwa angka dari bunga pinjaman tersebut dihitung per hari. Selain itu, dari berbagai iklan di pinjaman online juga disampaikan tenor waktu pembayaran jangka panjang. Hal ini membuat Linda berpikir kalau ada waktu untuk mengumpulkan uang yang akan digunakan untuk melunasi utang pinjaman.

Syarat, ketentuan, dan mekanisme peminjaman: Pengalaman dalam mengakses berbagai aplikasi pinjaman online menurut Linda hampir sama. Pertama, memasukkan data seperti nama, alamat tempat tinggal, tempat kerja, pendapatan per bulan, swafoto dengan KTP, slip gaji/pendapatan, dan NPWP. Beberapa aplikasi bahkan hanya menggunakan swafoto untuk bisa melakukan pinjaman.

Layanan informasi dan pengaduan (bantuan): untuk layanan informasi dan pengaduan, Linda hanya mengandalkan komunitas pengguna pinjaman online yang dia ketahui setelah mencari-cari informasi di sosial media.

Pengalaman perempuan mengakses pinjaman online

Berikut ini pengalaman Linda dalam menggunakan berbagai aplikasi pinjaman online pada peminjaman pertama, kedua dan seterusnya.

purposes and keeping their family staying afloat.

2. Linda first applied for a loan of Rp600,000 (approx. \$38.40), but only Rp300,000 (approx. \$19.20) was approved, and the approved tenor was only a week (7 days). As Linda used to pay the debt on time, the loan limit was increased by the online lending platform. The next loan was Rp1,500,000 (approx. \$96.01), but she only got Rp800,000 (approx. \$51.21) with a week-tenor (7 days). Based on Linda's experience, the debt collectors started terrorizing her on the 5th day. The terror was in the form of continuous calls by different mobile numbers and verbal harassment. In addition, the terror made her and her husband confused, panicked, and afraid, interfering with her working performance.

The second loan and the next loans (more than 10 platforms):

1. The 7-day tenor of the loan made Linda apply for a loan to another application. Thus, Linda had to "dig a hole, close the hole"—repaying the loan by applying for another loan. It turned out that it had trapped her in legal and illegal lending platforms.
2. According to Linda's story, she had borrowed money from about 10 online lending platforms. However, the total debt she must pay on all online lending platforms was Rp85,000,000 (approx. \$5440.70) due to the increased interest rates.
3. The debt amounts stressed Linda and her husband out. They could not sleep because they had to think about paying the debts off. This condition urged Linda to apply for loans on different platforms almost every week to repay her previous debts. She did it to show her responsibility although not all debts were not paid off.
4. According to Linda's experience, the debt collectors also terrorized people whose mobile numbers were on her contact list. Several friends and relatives contacted her because of that.
5. In addition to terror, high interest rate, short tenor, and daily penalties made Linda default on payment and no longer have any savings, because she had used all her savings to pay off her endless debts.

Pinjaman pinjol pertama:

1. Pertama kali meminjam di tahun 2020 (awal pandemi) untuk menambah modal usaha *grooming* yang baru dirintis oleh Linda. Tambahan pemasukan dari membantu catering tetangga pun terpaksa berhenti, karena usaha catering yang juga sepi. Hal ini membuat Linda dan suami terpaksa menggunakan aplikasi pinjaman online untuk modal usaha dan bertahan hidup.
2. Pertama kali mengajukan pinjaman Rp600.000,-, namun yang disetujui hanya Rp300.000,- dan tenor yang disetujui hanya seminggu (7 hari). Karena pembayaran lancar maka limit pinjaman dinaikkan oleh pihak pinjol. Pinjaman selanjutnya sebanyak Rp1.500.000,- yang didapat hanya Rp800.000,- dengan tenor seminggu (7 hari). Berdasarkan pengalaman Linda, penagih (*debt collector*) dari pinjaman online, sudah mulai meneror di hari ke-5. Teror yang dialami berupa telepon yang terus menerus tanpa henti, berganti-ganti nomor, dan menagih dengan kata-kata kasar. Teror membuat Linda dan suami bingung, panik, takut, sehingga mengganggu kinerja Linda ketika sedang bekerja.

Pinjaman pinjol kedua sampai seterusnya (lebih dari 10 aplikasi):

1. Jangka waktu pinjaman (tenor) 7 hari, membuat Linda terpaksa melakukan pinjaman ke aplikasi lainnya. Hal inilah yang membuat Linda melakukan "gali lubang, tutup lubang" dengan cara membayar tagihan pinjol dengan meminjam pada pinjol lainnya. Tanpa Linda sadari, ternyata hal ini membuat dirinya terjebak pada jerat hutang pinjol baik legal maupun illegal.
2. Jika ditotalkan dari cerita Linda, ia sudah melakukan pinjaman lebih dari 10 aplikasi pinjol. Total hutang yang harus dibayarkan pada semua pinjol pun jika dihitung dapat mencapai Rp85.000.000,- karena bunga yang terus bertambah setiap jatuh tempo pembayaran.
3. Hutang pinjol yang sudah banyak, membuat Linda dan suami menjadi stress, tidak bisa tidur karena setiap hari harus berpikir untuk bayar tagihan pada aplikasi pinjol yang digunakan. Hal ini

membuat Linda hampir seminggu sekali mendaftar pinjol yang berbeda untuk bayar hutang di pinjol sebelumnya. Meskipun tidak langsung lunas, tapi setidaknya ada yang dibayarkan untuk menunjukkan niat membayar begitu pikirnya.

4. Menurut pengalaman Linda, pihak pinjol (debt collector) juga meneror daftar nomor kontak handphone. Beberapa teman dan saudara sempat menghubungi Linda karena merasa mendapatkan ancaman dari pinjol yang ia pinjam.
5. Akhir cerita, yang membuat Linda gagal bayar pada pinjaman online adalah bunga pinjol yang tinggi, denda keterlambatan membayar juga sangat besar per harinya, disertai tenor pembayaran yang pendek. Linda kemudian tidak punya tabungan lagi, karena semua uang di tabungannya sudah ia gunakan untuk membayar utang pinjaman pinjol yang tidak ada habisnya.

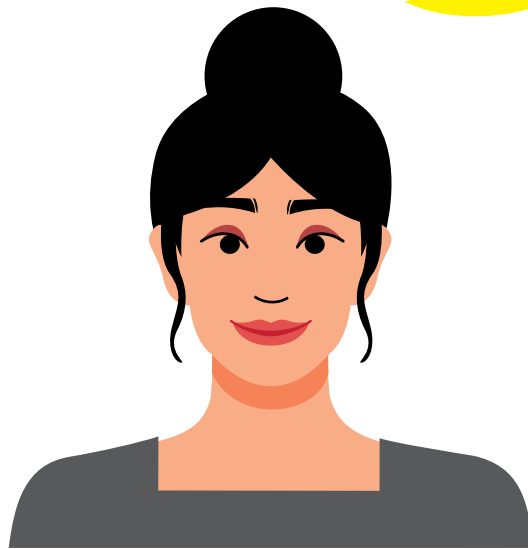


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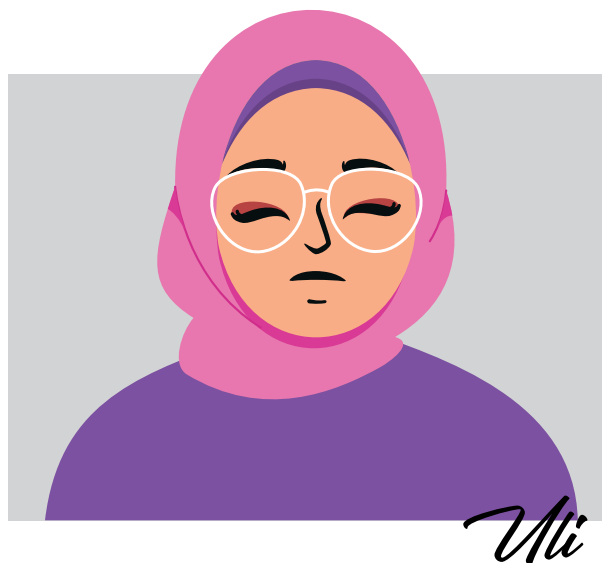
Linda

"I thought online loans had a long tenor, so we had time to earn money to pay them off. First, we chose a month-tenor, but we were rejected. So, the tenor was only seven days (a week) for the first repayment. So, I dug a hole and closed the hole. Then, if I got money, I used it to pay my debt off. For example, if I borrow Rp1,800,000 (approx. \$115.21) and have Rp500,000 (approx. \$32.00) in my pocket, I use it to pay my debt. I took out loans for a capital to start a business. Thus, the debt was increasing. The money to run a business was allocated to pay the debt"
(Linda, May 2022).

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"Aku kira pinjaman online jangka waktunya bisa panjang, jadi berpikir bisa lah kita ngumpulin uang dulu untuk bayar pinjaman. Pertama kita pilih pengajuan pembayaran yang sebulan, namun tidak bisa. Jadi cuma 7 hari (seminggu) jatuh tempo untuk pembayaran awal. Aku sampai akhirnya 'gali lubang, tutup lubang'. Setiap ada pemasukan, membayar pinjol. Misalnya pinjam Rp1.800.000,-, ada uang Rp500.000,- langsung cicil bayar. Pinjam awal buat modalin usaha grooming yang baru kami rintis. Akhirnya pinjaman bengkak banyak banget. Uang untuk usaha yang grooming pun masuk ke situ (membayar hutang pinjaman online)"
(Linda, Mei 2022).



"When I borrowed money from an online lending platform, I thought, "I can take out a loan and repay it. I apply for another loan again, and I can pay it off." But, the third and the fourth time I took out loans, I struggled to pay them off because my business was in decline due to the pandemic. I was so confused, "What should I do?" And I had the will to commit suicide..." (Uli, May 2022).

Uli's Profile. Age: 43 years old. **Marital status:** married, has a husband and children (more than one). **Education:** Junior High School (SMP). **Occupation:** food business (selling food in the school canteen and opening orders for food). **Average income (per month):** Rp1,500,000 (approx. \$96.01), by selling food in the canteen. Uli did not mention her husband's income.

Background of getting loans online: Uli borrowed money from an online loan to increase capital to re-open her food business. But during the pandemic, her husband's income was insufficient to support their domestic needs. According to Uli, the food business has been able to support the family's economy and pay their children's tuition fees.

Knowledge of using the online lending platform: Regarding the legal status of the lending platforms, Uli can differentiate which one is legal and which one is illegal after using several online lending platforms even though previously, she had no understanding about it.

"Pikiran awal saya pinjam ke Pinjol, 'enak nih minjem satu, bisa terlunasi, minjem kedua, bisa terlunasi'. Pinjaman yang ketiga, keempat itu yang langsung ancur-ancuran usaha. Apalagi pandemi, usaha yang tadinya rame, ngedrop langsung turun, saya bingung, ini gimana nih, saya harus bagaimana, sampai ada rasa ingin bunuh diri..." (Uli, Mei 2022).

Profil Uli. Usia: 43 tahun. **Status perkawinan:** menikah, memiliki suami dan anak (lebih dari satu). **Pendidikan:** Sekolah Menengah Pertama (SMP). **Pekerjaan:** berjualan makanan di kantin sekolah dan terima pemesanan makanan. **Pendapatan rata-rata (per bulan):** Rp1.500.000,- dari usaha berjualan makanan di kantin. Uli tidak menyebutkan berapa pendapatan suaminya.

Latar belakang meminjam: Uli meminjam uang di pinjaman online awalnya untuk menambah modal membuka kembali usahanya berjualan makanan. Saat kondisi pandemi, pendapatan dari pekerjaan suami saat itu tidak bisa banyak membantu keperluan keluarga. Menurut Uli, usahanya selama inilah (jualan di kantin dan melayani pesanan makanan), yang bisa membantu perekonomian keluarga dan membiayai sekolah anak-anaknya.

Pengetahuan tentang pinjol yang digunakan. Mengenai status aplikasi pinjaman legal atau illegal, pada dasarnya Uli mengetahui hal tersebut berdasarkan pengalamannya setelah mencoba beberapa aplikasi pinjaman online. Walau di awal mencoba

The first source of knowledge about online loans was her friends. And finally, Uli tried to find out about the online lending platforms through the Play Store on her handphone and how to access it.

Terms, conditions, and borrowing and lending mechanisms: Uli said she just needed to take a self-portrait with an ID card to get a loan from an online lending platform.

Information and complaint services (assistance): Although Uli is only a junior high school graduate, her curiosity about information services and assistance and the impact of online loans have made her quite excited to figure out. While searching the internet regarding the loan complaint, Uli found one of the YouTubers who became a motivator named AJ (initials of the motivator on YouTube). On his YouTube, the motivator discusses how to deal with terror from debt collectors on online lending platforms. In addition, the motivator helps the victims by registering their names and domicile of origin and then asking them to form groups according to their origin. The group is called the KPSB community (New Spirit Movement Group), which was established in 2019. KPSB is a support group. It provides a link to the WA group on its YouTube account so that the people can join according to their domicile.

Woman's experience in accessing online lending services (more than 10 applications)

The following is Uli's experience from the beginning of using various online lending platforms for the first and the next loans.

1. Uli used an online lending platform for the first time at the end of 2018. Uli found out about online loans through the Play Store and finally downloaded the Duit***, Uang***, and Pinjam*** applications (which, at that time, the legal status was unknown). However, Uli found out that the applications were illegal because the amount of the loan and the disbursement she got were far different. On average, the lending platforms provided a loan of Rp1,000,000 (approx. \$64.01), but the Uli only received Rp650,000 (approx. \$41.61). The disbursement process was less than 5 minutes. She must pay Rp1,200,000 (approx. \$76.81) (within a week). If she could not pay it off in a week, she would be subject to a fine of Rp80,000 (approx. \$5.12) per day.

aplikasi, sempat tidak mengetahui bahwa pinjaman online ada yang legal dan illegal.

Sumber pengetahuan tentang pinjol awalnya dengar dari teman, sampai akhirnya Uli mencari tahu sendiri tentang aplikasi pinjol melalui *playstore* di handphone. Cara mengakses pinjaman online pertama kali juga belajar sendiri.

Syarat, ketentuan, dan mekanisme peminjaman: Untuk bisa mendapatkan pinjaman dari aplikasi pinjaman online, Uli mengatakan cukup dengan swafoto dengan KTP.

Layanan informasi dan pengaduan (bantuan): Walaupun hanya lulusan SMP, keingintahuan Uli akan layanan informasi dan bantuan dari dampak pinjaman online yang dialaminya membuatnya cukup bersemangat mencari tahu. Saat mencari di internet terkait pengaduan pinjol, Uli menemukan salah satu YouTuber yang menjadi seorang motivator bernama AJ (inisial nama motivator). Dalam YouTube-nya, sang motivator membahas tentang bagaimana menghadapi teror dari *debt collector* pinjaman online. Sang motivator membantu para korban pinjol dengan mendata nama dan asal daerah, yang kemudian mengajak mereka membuat kelompok sesuai dengan domisili asal. Kelompok tersebut bernama komunitas KPSB (Kelompok Penggerak Semangat Baru) yang berdiri sejak tahun 2019. KPSB menjadi kelompok dukungan, dengan cara memberikan link untuk masuk ke dalam grup WA sesuai domisili, yang disebarakan melalui akun YouTube.

Pengalaman Perempuan Mengakses Pinjaman Online (lebih dari 10 aplikasi)

Berikut ini pengalaman Uli sejak awal menggunakan berbagai aplikasi pinjaman online pada peminjaman pertama dan seterusnya.

1. Awal menggunakan pinjaman online di akhir tahun 2018. Uli mencari tahu sendiri tentang pinjaman online melalui *playstore*, dan akhirnya mengunduh aplikasi Duit***, Uang***, Pinjam*** (yang saat itu tidak diketahui statusnya). Uli baru mengetahui bahwa aplikasi tersebut adalah illegal. Hal ini diketahui dari besaran pinjaman yang diajukan dan pencairan uang yang ia dapatkan jauh berbeda. Rata-rata, aplikasi memberikan

2. Uli applied for a loan in the second online lending platform to pay the former debt and managed to pay it off.
 3. On the third and fourth loans, Uli defaulted on payment. Because the interest rates on the online lending platforms were getting higher and the food business at the school canteen had decreased in terms of the number of buyers, she could no longer pay them off.
 4. To survive and keep her business running, Uli made loans on ten online lending platforms. According to her, five of the ten platforms are legal, and five are illegal (referring to the OJK symbol and the different borrowing and lending conditions of the two application statuses). The total loan that she applied on the ten applications was Rp11,000,000 (approx. \$704.09).
 5. Based on Uli's experience, one of the debt collectors from a legal online lending platform came to her house and told her to pay the loan principal only. In addition, debt collectors from illegal online lending platforms threatened and terrorized her with verbal harassment (by telling her to sell her body, house, etc.). Uli's family and friends were also affected by the terror of the debt collectors. Furthermore, Uli's parents were also billed via SMS and WhatsApp messages, thus making them experience prolonged illness.
 6. Knowing that Uli's loan amount was very big, Uli's husband decided to leave her. When he left, Uli attempted suicide by wanting to stab herself, but her eldest son/daughter saved her.
 7. To repay the debt on the legal online lending platforms, Uli sold her handphone and motorbike. However, not all debts were paid off. Also, Uli's older brother gave her Rp11,000,000 (approx. \$704.09) to help pay off her loan. However, due to the very high interest, there were four platforms—two legal platforms named Aku *** and Kredit *** and two illegal platforms—that she had to pay. From that experience, Uli finally learned how to deal with debt collectors and their threats through the internet. And then, she found AJ's YouTube account and joined the KPSB group.
- pinjaman sebesar Rp1.000.000,- namun yang dicairkan hanya sebesar Rp650.000,-. Pencairan sangat cepat kurang dari 5 menit, dengan total pengembalian yang harus dibayarkan beserta bunga juga sangat tinggi, yaitu sebesar Rp1.200.000,- (dalam tenor waktu 7 hari). Jika Uli tidak mampu membayar pinjaman selama seminggu, maka Uli akan dikenai denda sebesar Rp80.000,- per harinya.
2. Untuk menutupi pinjaman awal, Uli mencoba kembali meminjam di aplikasi kedua dan berhasil dilunasi.
 3. Pada pinjaman ketiga dan keempat, Uli mengalami gagal bayar. Bunga pinjaman dari berbagai aplikasi sudah semakin besar, sehingga tidak lagi mampu menutup tagihan hutang dan bunganya. Hal ini juga dikarenakan usaha berjualan makanannya di kantin sekolah semakin mengalami penurunan dari segi jumlah pembeli.
 4. Untuk tetap bertahan hidup dan membuat usaha makanannya tetap berjalan, Uli memberanikan diri kembali untuk melakukan pinjaman di 10 aplikasi pinjol. Menurutnya dari 10 aplikasi tersebut 5 berstatus legal dan 5 lagi berstatus ilegal (dilihat dari lambang OJK dan ketentuan peminjaman yang berbeda dari kedua status aplikasi tersebut). Total pinjaman yang ia ajukan dari 10 aplikasi tersebut sebesar Rp11.000.000,-.
 5. Berdasarkan cerita pengalaman Uli, ada salah satu penagih dari pinjaman online yang berstatus legal mendatangnya sampai ke rumah dan menyuruh Uli hanya membayar pokok pinjaman saja. Beberapa pinjaman online ilegal mengancam, menerror dengan cara kasar (disuruh jual diri, disuruh jual rumah, dan lainnya). Keluarga dan teman Uli pun terkena dampak teror dari para penagih pinjol tersebut. Orang tua Uli pun ikut ditagih melalui pesan sms dan whatsapp, sehingga membuat mereka mengalami sakit yang berkepanjangan.
 6. Suami Uli yang mengetahui pinjaman Uli sangat besar, malah memilih untuk meninggalkannya. Saat ditinggalkan, Uli melakukan percobaan bunuh diri dengan cara ingin menusuk dirinya sendiri, namun diselamatkan oleh anak sulungnya.
 7. Untuk membayar tagihan pinjaman online (yang berstatus legal), Uli akhirnya menjual HP dan motornya. Namun tidak semua hutang pada aplikasi pinjaman online tersebut dapat tertutup. Kakak kandung Uli akhirnya memberikan uang sebesar

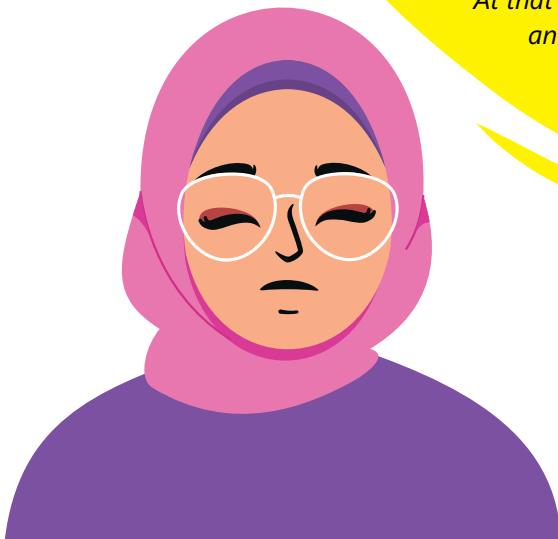
Rp11.000.000,- untuk membantu melunasi pinjamannya. Namun, karena bunga pinjaman yang sangat tinggi pada aplikasi pinjol maka masih tersisa dua tagihan di pinjol ilegal dan dua tagihan di pinjol legal, yaitu Aku*** dan Kredit***. Dari pengalaman itulah akhirnya Uli mencari tahu melalui internet mengenai cara menghadapi debt collector dan ancaman pinjol. Hingga akhirnya ketemu dengan akun YouTube milik motivator AJ dan tergabung dalam kelompok KPSB.

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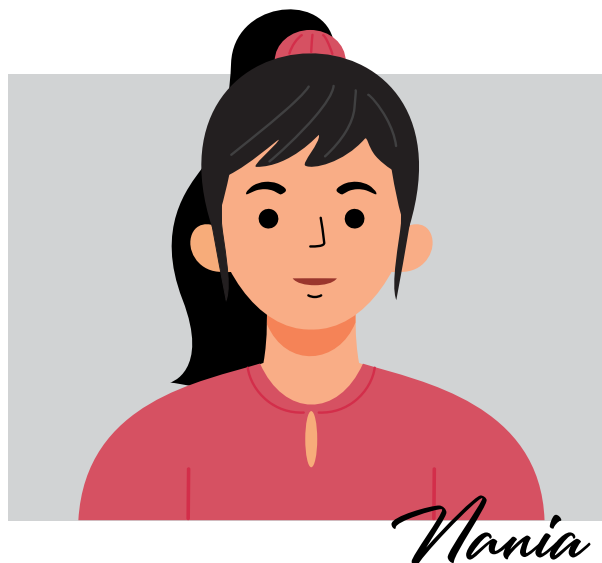
Uli

"My father, who lives in Java, was threatened. My cousins in Jakarta and outside Jakarta were all threatened. And they worried about me. They asked me, "Dek, are you okay?" I was so confused and down. Then I stopped running my business because I felt ashamed of my failure, and I could not pay my debt off. So, I tried to find a solution, "What should I do?" I had to pay all my debts off, and I did not want to be continuously intimidated. Then I sold everything I had. My brother lent me some money to help me. At that time, they terrorized me to sell my body and my precious belongings at home"
(Uli, May 2022).

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"Bapak saya yang di Jawa kena ancaman, sepupu saya yang di Jakarta dan luar Jakarta, semua kena ancaman. Sampai pada khawatir 'Dek kamu kenapa?'. Dari situ saya bingung, saya drop, saya ga usaha lagi karena malu dan malah ga bisa bayar hutang. Saya nyari solusi, gimana nih, uangnya harus tertutupi, saya ga mau diancam-ancam. Akhirnya jual ini-itu, kakak saya juga pinjamin uangnya buat bayar. Saat itu ancaman ke saya itu sampai disuruh jual diri, jual barang-barang yang berharga di rumah"
(Uli, Mei 2022).



"Previously, I sold hijab (women's scarves) as my (offline) business, but I stopped when the pandemic hit—I closed the store. Then, my income started to decrease. Later, I saw an online lending services and decided to apply for a loan. And then, I applied for a loan for the second time. So, I applied for two loans at that time. And it continued to happen" (Nania, May 2022).

Nania's Profile. Age: 24 years. **Marital status:** single (unmarried). **Education:** senior high school. **Occupation:** entrepreneur. **Average income (monthly):** not mentioned.

Background of getting loans online: Nania applied for a loan online for the first time at the end of 2020 for her business—a hijab store.

Knowledge of using the online lending platform
Legal and illegal status of the online lending platforms: When applying for a loan, Nania did not check the legal status of the lending platform. However, as she recalled, the two lending platforms were legal. The platforms are "Dana*** and Rupiah*** (both applications are legal)". For the first loan application, Nania knew the amount of interest, the tenor, and the terms. However, she defaulted on payment for her last loan as she had just known that it was an illegal lending platform.

Source of knowledge about online loans: Nania tried to find out information about online lending

"Sebelumnya aku dulu tuh ada bisnis hijab gitu offline. Terus selama pandemi itu udah ga berjalan lagi (store offline tutup). Terus aku ngerasa pemasukan aku kurang, setelah itu aku ngeliat oh ada pinjaman online nih, ya udah akhirnya aku pinjem di satu pinjaman online, terus di berikutnya aku juga minjem lagi jadi dua pinjaman online kayak gitu seterusnya" (Nania, Mei 2022).

Profil Nania. Usia: 24 tahun. **Status perkawinan:** lajang (belum menikah). **Pendidikan:** Sekolah Menengah Atas (SMA). **Pekerjaan:** wirausaha. **Pendapatan rata-rata (perbulan):** Tidak menyebutkan.

Latar belakang meminjam : Pertama kali meminjam akhir tahun 2020, awalnya untuk menambah modal bisnis hijab karena buka secara offline (ada toko).

Pengetahuan tentang pinjaman online yang digunakan

Status legal dan ilegal pinjol yang digunakan: Pada saat meminjam Nania tidak mengecek status hukum perusahaan pinjol. Namun seingatnya, kedua perusahaan pinjol yang pernah memberikan pinjaman statusnya legal. Nama perusahaan tersebut "Dana*** dan Rupiah*** (kedua aplikasi berstatus legal)". Pada saat peminjaman yang pertama, Nania tahu besaran bunga, waktu tempo pembayaran dan persyaratannya. Namun ia mengalami gagal bayar pada peminjaman yang terakhir, di mana ia baru tahu aplikasi pinjol tersebut ilegal, setelah mencari tahu.

platforms, including applying for a loan independently.

Terms, conditions, and borrowing and lending mechanisms: The requirements for applying for a loan are a photo of ID card and a self-portrait photo. But some applications ask for access to a contact number on our contact list. The loan application will not be approved if we do not allow them to access the contact number.

Information and complaints services: For information and complaint services, Nania more or less already knows. She found information about online loans on YouTube, Instagram, and online news articles. Nania had reported to OJK via email and WhatsApp (hotline), but there was no response. So Nania also contacted P2TP2A¹⁶ Bogor City and finally asked for legal assistance and assistance from LBH APIK, who helped her make a report to the police.

Woman's experience in accessing online lending services

Based on Nania's experience, one of the problems with online loans is a mismatch between the information provided by the online lending company and its practice. For example, information related to the amount of interest and the tenor was mismatched. The following is the story of the first loans and the next ones:

1. At the early stage of the loan application process, Nania said the loan was to add to capital for her online business. Nania got the application from the Play Store. After that, Nania applied for loans on two applications. On the first application, she took out a loan of Rp2,000,000 (approx. \$128.02), but she only received Rp1,800,000 (approx. \$115.21). Meanwhile, she had to repay Rp2,600,000 (approx. \$166.42). The tenor was 30 days. There was no problem with the first loan. But, for the third and fourth loans, there were problems due to the early debt collecting process—the debt collectors urged her to pay the debt on the fourth day of the 30-day tenor.
2. Formerly, Nania kept the loan from her parents a secret because she thought she was able to pay.

Sumber pengetahuan tentang pinjol: Nania mencari tahu sendiri aplikasi pinjol yang digunakan, hingga proses apply pada aplikasi.

Syarat, ketentuan, dan mekanisme peminjaman: Syarat apply pinjol adalah foto KTP, foto selfie, dan ada juga aplikasi yang meminta akses nomor kontak di handphone. Jika tidak diizinkan mengakses nomor kontak, permintaan pinjaman tidak disetujui.

Layanan informasi dan pengaduan: Untuk layanan informasi dan pengaduan, Nania sedikit banyak sudah tahu. Ia mencari dari youtube, instagram dan artikel berita online mengenai pinjaman online. Nania pernah melapor ke OJK via email dan Whats App (hotline) tapi tidak ada respon. Nania juga menghubungi P2TP2A¹⁶ Kota Bogor dan akhirnya meminta bantuan hukum dan pendampingan pada LBH APIK yang membantunya membuat laporan ke pihak kepolisian.

Pengalaman perempuan mengakses pinjaman online:

Berdasarkan pengalaman dari Nania, yang menjadi salah satu masalah dari pinjaman online adalah adanya ketidaksesuaian antara informasi yang diberikan aplikasi pinjol dengan praktik. Sebagai contoh informasi terkait besaran bunga dan waktu tempo pembayaran pada peminjaman yang berbeda. Berikut ini cerita pengalaman peminjaman pertama dan seterusnya:

1. Pada awal meminjam diceritakan untuk menambah modal usaha online. Nania mencari aplikasi pinjol dari playstore. Nania meminjam pada 2 aplikasi, satu aplikasi pinjam Rp2.000.000,-, uang yang diterima Rp1.800.000,-. Uang yang harus dibayarkan Rp2.600.000 dengan tenor atau waktu pengembalian 30 hari. Awal peminjaman tidak bermasalah, pada pinjaman ketiga dan keempat bermasalah karena waktu pinjaman ternyata tidak sampai 30 hari sudah ada penagihan (hari ke-4 sudah ada penagihan).
2. Untuk pinjaman online ini awalnya Nania merahasiakan pinjaman dari orang tua karena merasa mampu untuk membayar. Namun setelah meng-

¹⁶Integrated Service Centre for the Empowerment of Women and Children (P2TP2A) is an integrated service to provide protection and empowerment of women victims of violence established by the Indonesian government.

However, after experiencing terror from the debt collectors, Nania decided to tell her parents about the problem.

3. After that bad experience, Nania no longer considers applying for a loan. She is traumatized by the experience of violence from the online lending platforms. Forms of violence experienced by Nania were having her ID card broadcasted to her relatives, friends, and boss' mobile numbers. Also, the debt collectors terrorized her by threatening that she would get her photo modified to depict her in an obscene, indecent, or sexually explicit manner and broadcasted to all contact numbers on her handphone. Nania was also accused of stealing company money (being criminalized). In addition, debt collectors use WhatsApp to send messages and broadcast Nania's identity.
 4. Because she feared threats and terror, Nania applied for an extension of the repayment period and paid Rp5,000,000 (approx. \$320.04) and she was given an additional seven-day tenor.
 5. Nania had applied for an online loan and got a loan of Rp14,000,000 (approx. \$896.11) from various lending platforms, but she did not do it directly.
 6. When experiencing pressure from the online lending platform, Nania sought help from various parties. She actively sought help, one of which responded, namely P2TP2A of Bogor City and LBH APIK Jakarta, who then assisted her in reporting to the police (Bogor Police).
 7. Some suggestions from the police officers were that if it was an illegal loan, there was no need to pay the loan and to extend the tenor. Then Nania was also suggested that she must change her phone number so she wouldn't get terrorized anymore.
- alami teror dari aplikasi pinjol, terpaksa Nania menceritakan masalahnya kepada orang tua.
3. Setelah pengalaman buruk ini, Nania tidak lagi berpikir untuk apply pinjol. Ia trauma dengan pengalaman kekerasan dari pinjol. Beberapa bentuk kekerasan yang dialami oleh Nania yaitu foto KTP yang disebarluaskan mulai dari saudara, teman, sampai ke atasan (boss di tempat ia bekerja). Para penagih juga meneror Nania, akan menyebarkan foto-foto porno (editan) ke seluruh nomor kontak di handphonenya. Nania juga disebut telah mencuri uang perusahaan (kriminalisasi). Para *debt collector* menggunakan WhatsApp mengirimkan pesan dan menyebar identitas diri Nania.
 4. Karena takut dengan ancaman dan teror, Nania pernah mengajukan perpanjangan waktu pelunasan dan membayar uang sebesar Rp 5.000.000,- dan diberikan tambahan tenor 7 hari.
 5. Nania pernah apply pinjaman online dan keluar pinjaman sebesar Rp14.000.000,- dari berbagai aplikasi yang tidak dia apply secara langsung.
 6. Saat mengalami tekanan dari aplikasi pinjol, Nania berupaya mencari bantuan dari berbagai pihak, terutama secara online. Ia aktif mencari bantuan, salah satu yang merespon yaitu P2TP2A Kota Bogor dan LBH APIK Jakarta yang kemudian mendampingi lapor ke pihak kepolisian (Polresta Bogor).
 7. Beberapa saran dari pihak kepolisian adalah jika itu pinjol illegal tidak perlu membayar pinjaman apalagi perpanjangan tenor. Nania juga diminta mengganti nomor telepon agar tidak lagi mendapatkan teror.

“

Nania

"On the Play Store, there was an advertisement for an online lending platform that provided a tenor of up to 3 months with a lower interest rate, which was quite different from the previous platform that gave me a loan. So, then I applied for a loan on that application, but it turned out that within four days, the debt collectors terrorized me and urged me to pay the debt off. The amount of the total loan, including the interest, was almost half of the loan amount that I applied. I applied for a loan on an application, but the application had some sister companies, so a lot of money was disbursed without us applying"
(Nania, May 2022).

”



"... Aku liat di playstore itu ada yang iklan aplikasi pinjaman onlie sampe 3 bulan, lalu bunganya tuh kecil, beda dari yang sebelumnya aku pinjam. Akhirnya di situ aku minjem lah tapi ternyata dalam kurun waktu 4 hari itu aku udah diteror suruh bayar. Suruh bayar dan total pinjaman yang total bunganya saja hampir setengah dari nominal uang yang aku pinjam. Apply pinjaman sebenarnya pada 1 aplikasi tapi aplikasi tersebut ada anak-anaknya, sehingga keluar banyak uangnya tanpa kita apply"
(Nania, Mei 2022).



designed by pikisuperstar/Freepik

General Conclusion of the Experience of Three Profiling of Female User of Online Lending Platforms

The source of knowledge and how to access the loan services. Based on the background of the key informants, it can be concluded that of the sources of knowledge and how to access services are from their **close acquaintances** (family—brothers/sisters, colleagues at work, and friends in their neighborhood). The key informants acknowledge their acquaintances as trustworthy due to their experience in using online lending platforms. The following is the story of Sasa's experience in getting information about online loans:

Initially, I knew about the online lending platform from a friend. He/she said that it was accessible. And at that time, I needed money for an urgent need" (Sasa, April 2022).

Testimonials from the experiences of close friends or relatives were the main source of knowledge and justification when the key informants tried to make a loan online for the first time. Other sources

Kesimpulan Umum dari Pengalaman Profiling Perempuan Pengguna Pinjaman Online

Sumber pengetahuan umum dan cara mengakses layanan. Jika melihat dari latar belakang dan pengalaman masing-masing informan utama, dapat disimpulkan bahwa sumber pengetahuan dan cara mengakses layanan paling banyak didapatkan dari informasi **kenalan dekat** (keluarga-kakak/adik, teman di lingkungan kerja, sahabat, dan tetangga sekitar lingkungan rumah). Hal ini diakui informan utama karena menganggap mereka bisa dipercaya dan pernah juga menggunakan pinjaman online. Berikut cerita pengalaman dari Sasa dalam mendapatkan informasi mengenai pinjaman online dari temannya.

"Pinjol itu awalnya dari teman, katanya gampang pinjemannya dan kebetulan banget waktu itu memang lagi kepepet banget butuh dana" (Sasa, April 2022).

Testimoni-testimoni dari pengalaman teman dan keluarga, menjadi justifikasi ketika informan utama mencoba pertama kali untuk melakukan

of knowledge are **offers via short text messages (SMS)**, texts broadcasted on WhatsApp groups, advertisements on social media and online games, such as pop-ads when watching videos on YouTube, Facebook, and Instagram or when downloading games.

One of the stories of women accessing loan online is Endang's experience. She narrates how she got an online loan offer via SMS. Unfortunately, Endang assumed her mobile number was shared in public domain, making it easy to receive offers via SMS from various illegal online loans. When she got the SMS, she admitted, *"...Formerly, I trusted the platform. I mean, who will not be attracted to it? Unfortunately, I finished my job contract in 2019 when the COVID-19 pandemic first hit. So, in 2020, it was in March or April, I am not sure, I needed money, so I finally had to get a loan online"* (Endang, 40 years old, May 2022). Endang was finally interested in the offer (from SMS) because she needed money and thought applying for a loan online was the right solution.

The legal status or legality of the online lending platforms. Regarding the legal status or legality of the online lending platforms, some informants are well-informed and some are not. Based on the results of in-depth interviews with the key informants, those **who know the legality of online loans are 19 people (54%), and the other 16 people do not know/do not find out the legality of online loans (46%)**. Furthermore, women's knowledge of the legality of the online lending platform is based on the information and news they get on the internet (either through the OJK website, etc.) and their justification based on OJK logo on the applications. Most of the main subjects refer to the OJK logo in the application to validate the legality of online lending platforms. On the other hand, those who are uninformed stated that they did not know, did not find out and did not get any information about the online lending platforms they were using at that time. The key informants who are uninformed are 30-50 years old, according to the age demographic of the key informants in this study.

For those who do not know the legal status or legality of the online lending platforms, it is usually due to a lack of information about the online lending

pinjaman online. Sumber pengetahuan pinjaman online lainnya juga didapatkan dari **penawaran melalui teks pesan singkat (SMS)**, *WhatsApp blast* pada group, berbagai iklan di sosial media (seperti popads ketika menonton dari YouTube, Facebook, dan Instagram) dan iklan pada saat mendownload game online.

Salah satu cerita pengalaman dari Endang, menceritakan bagaimana dirinya mendapatkan tawaran Pinjol melalui SMS. Endang merasa nomor telepon selulernya bocor sehingga SMS penawaran dari berbagai pinjaman online ilegal sangat mudah diterima. Ketika mendapatkan SMS itu, Endang mengaku, *"... awalnya percaya, siapa sih yang nggak tertarik kan. Saya kelar kontrak kerja akhir tahun 2019 kan pas COVID ya. Nah tahun 2020 itu sekitar Maret atau April saya lupa ya, karena butuh banget uang akhirnya terpaksa kita pinjol"* (Endang, 40 tahun, Mei 2022). Endang akhirnya tertarik pada tawaran SMS itu karena sangat membutuhkan dana cepat dan solusi tepat yang dirasa saat itu adalah pinjaman online.

Status hukum atau legalitas dari aplikasi pinjaman online (pinjol). Legalitas dari suatu aplikasi pinjaman online, ada yang diketahui oleh informan utama, dan ada juga yang tidak diketahui secara jelas. Berdasarkan hasil wawancara mendalam dengan informan utama, diketahui bahwa total yang **mengetahui legalitas pinjaman online adalah 19 orang (54%), dan 16 orang lainnya tidak mengetahui/tidak mencari tahu legalitas pinjol (46%)**. Lebih lanjut dikatakan bawah pengetahuan mereka terhadap legalitas dari aplikasi pinjaman online tersebut didasarkan pada pencarian informasi berita di internet, mencari tahu secara mandiri (baik melalui situs OJK, dan lainnya), serta penilaian pribadi kepada aplikasi pinjaman online yang memiliki logo OJK. Kebanyakan informan utama mengacu pada logo OJK yang ada di aplikasi untuk menilai legalitas pinjaman online. Untuk yang tidak mengetahui, mereka menyebutkan dengan jelas bahwa mereka sama sekali tidak mengetahui, tidak mencari tahu, dan tidak mendapatkan informasi apapun terhadap aplikasi pinjaman online yang mereka gunakan saat itu. Kebanyakan dari informan utama yang tidak mengetahui, berusia variatif antara 30-50 tahun, sesuai dengan demografi usia dalam penelitian ini.

platforms. Especially the explanation of the application that the users (prospective customers) want to download. Currently, there are several online lending platforms on Google Play Store that use the OJK logo. Still, when we find out more about the status of the official application data released by the Investment Alert Task Force (SWI), it turns out that the platform's name is listed in the Illegal Online Lending Platform List.

In addition, offers and terms and conditions that are easy, practical, and fast become the key informant's tendency to 'ignore' the legal status or legality of the online lending platforms whose services are being used, especially when the need is very urgent, for example, for tuition fees or medical treatment, etc. However, for several other key informants, they are very concerned about the legal status or legality of the lending platforms. According to Sasa, the difference between legal and illegal online lending platforms can be seen from their legal status, whether they are registered with the OJK or not. However, Sasa admits that, currently, there are many illegal online lending platforms whose application names are similar to the names of legal applications registered on the OJK website. Furthermore, women's knowledge of legal status or legality is gained from a community that shares it on the WhatsApp Group. Another research informant named Cinta explains that she knows the application from the information in the WhatsApp group (WAG):

So, I got information about illegal and legal online lending platforms from the WhatsApp group, Mam. So, I was introduced to and given a link on how to access information to the OJK to find out whether it is illegal or legal. And then I was shocked, "Oh! So, this one is illegal." I was surprised that not all lending platforms are legal, not all lending platforms are under the OJK" (Cinta, February 2022).

The key informant's knowledge of legal status or legality of the online lending platforms is also influenced by considerations of the ease of terms, conditions, mechanisms, and security of personal data.

Bagi mereka yang tidak mengetahui status hukum atau legalitas, biasanya dikarenakan kurangnya informasi awal tentang aplikasi pinjaman online tersebut. Terutama penjelasan aplikasi yang ingin di download oleh pengguna (calon konsumen). Saat ini beberapa aplikasi yang berada di *Play Store* untuk pinjaman online beberapa ada yang menggunakan logo OJK, namun saat dicari tahu lebih lanjut dalam status data aplikasi resmi yang di keluarkan oleh Satgas Waspada Investasi (SWI) ternyata nama aplikasi tersebut masuk dalam daftar pinjaman online ilegal.

Selain itu, tawaran dan syarat yang mudah, praktis, dan cepat menjadi kecenderungan informan utama untuk 'tidak menghiraukan' status hukum atau legalitas pinjol yang digunakan, khususnya ketika kebutuhan sangat mendesak (bayar sekolah anak dan membiayai keluarga yang sakit). Namun, beberapa informan utama, justru sangat memperhatikan status hukum atau legalitas pinjol. Menurut Sasa misalnya, perbedaan pinjol legal vs ilegal bisa dilihat dari status hukumnya, apakah terdaftar di OJK atau tidak. Walaupun diakui oleh Sasa bahwa saat ini banyak sekali pinjol ilegal yang nama aplikasinya menyerupai nama pada aplikasi legal yang terdaftar di website OJK. Pengetahuan akan status hukum atau legalitas juga didapatkan dari komunitas melalui WhatsApp Group, seperti pengalaman Cinta, salah seorang informan, berikut kutipannya :

"... Jadi saya kenal pinjol ilegal sama legal itu adalah dari grup WhatsApp itu bu. Saya dikenalin dan saya dikasih tau link cara akses informasi ke OJK, mana nih pinjol yang ilegal mana yang legal. Di situ saya kaget, oh jadi ini ilegal. Saya kaget ternyata tidak semuanya legal, tidak semuanya dibawah OJK" (Cinta, Februari 2022).

Pengetahuan informan utama akan status hukum atau legalitas juga dipengaruhi oleh pertimbangan untuk mendapatkan kemudahan syarat dan mekanisme pinjaman, serta keamanan data diri.

The key informants (the borrowers) must know **the terms, conditions, and borrowing and lending mechanisms**, whether they are sought out or notified/informed by other people who have applied for loans online. Generally, a legal lending platform illustrates the terms and conditions of the user's account creation processes, such as mandatory administrative requirements: ID card and self-portrait photo with ID card. In addition, online lending platforms also require a taxpayer card (NPWP), salary slip, and family card (KK). Furthermore, there is an account verification with the user stating their agreement to the terms and conditions. However, it is usually easier to apply for a loan on illegal lending platform as it requires a photo of the user's ID card and bank account. However, the lending platform does not detail the terms and conditions during the loan application process. As a result, it misinforms many users that there will be differences in payment due, interest, loan disbursement, and applications for payment relief.

Knowledge of information services, complaints, and assistance for online lending platform users if they default on payment and its implications.

Information and complaint services are important issues discussed as findings in this study. The unfulfilled expectation during the loan application process makes the main subjects experience 'problems' or unexpected impacts when using online lending platforms. For example, in Anggraini's story, she feared that her case would go viral when she wanted to report her problem. Knowledge of other risks is that when past due, several key informants also know that the debt collecting practice takes various forms, from formal and professional ways by reminding them via email, telephone, and SMS with polite sentences to committing terror, threats, and constant violence. This part will be explained in more detail in the sub-chapter of the report, chapter 5 (five)—women's experiences using online lending platforms, especially on the issue of gender-based violence experienced by women.

Furthermore, some of the key informants interviewed knew about information and complaints services when they had problems with online lending platforms. For instance, Cika and Nania know that OJK and the police have a complaint service.

Syarat, ketentuan, dan mekanisme peminjaman

tentunya menjadi pengetahuan utama yang harus diketahui oleh informan utama, baik yang dicari tahu sendiri atau diberitahukan oleh orang lain yang sudah pernah melakukan pinjaman online. Umumnya, aplikasi pinjol yang legal akan menjabarkan syarat dan ketentuan berlaku ketika proses pembuatan akun dilakukan oleh pengguna, seperti kelengkapan administrasi wajib: KTP dan swafoto dengan KTP. Ada juga pinjol yang mengharuskan adanya kartu wajib pajak (NPWP), slip gaji, dan Kartu Keluarga (KK). Selanjutnya ada verifikasi akun, di mana pengguna menyatakan persetujuannya terhadap syarat dan ketentuan tersebut. Namun, untuk aplikasi pinjol ilegal, biasanya lebih mudah dengan cukup mencantumkan foto KTP dan nomor rekening. Dalam hal ini, tidak ada detail syarat dan ketentuan ketika melakukan peminjaman untuk pinjol ilegal. Hal ini membuat banyak pengguna memiliki keterbatasan informasi jika ke depan ada perubahan atau perbedaan tenor waktu pembayaran, bunga, dana pinjaman yang didapatkan, termasuk untuk mekanisme pengajuan keringanan pembayaran.

Pengetahuan akan layanan informasi, pengaduan dan bantuan bagi pengguna pinjol jika mengalami resiko gagal bayar dan implikasinya.

Layanan informasi dan pengaduan menjadi isu yang penting dibahas sebagai temuan dalam penelitian ini. Tidak sesuai ekspektasi awal ketika proses pengajuan pinjaman online menjadikan informan utama mengalami 'masalah' atau dampak yang tidak diharapkan ketika menggunakan pinjaman online. Salah satunya cerita Anggraini yang khawatir kasusnya menjadi viral dan diketahui banyak orang, ketika ia berkeinginan melaporkan masalahnya. Pengetahuan akan resiko lainnya adalah ketika telat membayar, di mana cara penagihan dari pinjol beragam bentuknya, dari yang formal dan profesional dengan kalimat yang baik dan sopan melalui e-mail, telepon dan sms, hingga melakukan teror, ancaman dan kekerasan. Hal ini secara lebih lengkap akan diceritakan dalam sub bab laporan bab 5 (lima) pengalaman perempuan menggunakan pinjaman online, khususnya pada bentuk kekerasan berbasis gender yang khas dialami perempuan.

However, the experience of Cika and Nania represent a small proportion of female users of online lending platforms who know that there is a complaint information service to report cases or problems if there is a threat, violence, and the dissemination of personal data. Most of the key informants admitted that they did not know about the official complaint service from the OJK and how to access the service and report the case. Blocking the numbers of unknown people and changing mobile numbers, according to most key informants, is the best and fastest way (solution) to avoid threats and forms of violence when accessing loans online.

Lebih lanjut, beberapa informan utama yang diwawancarai memiliki pengetahuan akan layanan informasi dan pengaduan ketika terjerat masalah pinjol. Seperti Cika dan Nania, yang mengetahui bahwa OJK memiliki layanan pengaduan, termasuk juga pihak kepolisian. Namun demikian, pengalaman Cika dan Nania bisa dikatakan hanya mewakili sebagian kecil dari para perempuan pengguna pinjaman online yang mengetahui adanya layanan informasi pengaduan untuk melaporkan kasus atau masalahnya, jika terjadi ancaman sampai bentuk kekerasan dan penyebaran data pribadi. Sebagian besar informan utama mengaku tidak mengetahui adanya layanan pengaduan resmi dari OJK, dan bagaimana cara mengakses layanan hingga pelaporannya. Memblokir nomor orang yang tidak dikenal, hingga mengganti nomor handphone, menurut sebagian besar informan utama adalah cara (solusi) terbaik dan tercepat dalam menghindari ancaman dan bentuk kekerasan yang dialami saat terlibat dalam pinjaman online.





Debt is like any other trap, easy enough to get into,
but hard enough to get out of.

Josh Billings

05

POSITIVE AND NEGATIVE EXPERIENCES OF WOMEN USING ONLINE LOANS: HOW TO SURVIVE AND FIGHT AGAINST GENDER-BASED VIOLENCE

5.1. Positive and Negative Experiences Using Online Loan Platforms

According to key informants, a **positive experience using online loan services** is an experience that meets their expectations from the beginning of the application process to disbursement. In addition, nearly 90% of key informants explicitly reported that the online loan system was beneficial at the beginning of using online loan services. Furthermore, they stated that in an urgent situation—needing money for various purposes when economic conditions were difficult—online loan platforms (P2P Lending) were a solution for overcoming financial problems. Below are reported direct benefits of online loan services:

- **An online loan platform is the right choice when there is no other option to borrow.**

Several key informants stated that online loans were beneficial for them as the last right choice when there was no one from whom they could borrow money. For instance, Cinta, one of key informants of the research, had this experience:

"If you look at the benefits, the online loan platform is very helpful because it is difficult to borrow money from others in a condition like this (pandemic). Borrowing money from relatives is even more difficult. With my current situation (in need of money), I cannot borrow money from other people or relatives. However, with the presence of online loan platforms, it helps" (Cinta, April 2022).

Some women from the middle to lower economic classes who cannot access official loans from banks see online loans as the right choice, provided that a platform's terms and conditions are not too burdensome. Linda, one of key informants, stated:

"... (The online loan platform) does help (us). [...] for small and medium-sized businesses to borrow

5.1. Pengalaman Positif dan Negatif Menggunakan Pinjaman Online

Pengalaman positif menggunakan layanan pinjol, menurut informan utama, pengalaman yang sesuai ekspektasi ketika awal proses pengajuan hingga pencairan. Hampir 90% informan utama mengakui secara langsung di awal penggunaan pinjaman online, mereka merasa terbantu dengan adanya sistem pinjaman online saat ini. Mereka menilai bahwa dalam situasi mendesak, adanya kebutuhan atas uang untuk berbagai keperluan, sementara kondisi ekonomi sedang sulit, maka pinjaman online (*P2P Lending*) dianggap sebagai solusi saat itu untuk mengatasi masalah keuangan. Beberapa manfaat yang dirasakan secara langsung, yaitu:

- **Pinjaman online adalah pilihan tepat ketika tidak ada pilihan lain untuk meminjam.**

Beberapa informan utama bercerita bahwa pinjaman online ternyata sangat membantu mereka sebagai pilihan terakhir yang tepat ketika tidak ada siapa pun yang bisa meminjamkan uang. Seperti pengalaman Cinta, salah satu subjek utama dalam menggunakan pinjaman online, sebagai berikut:

"Kalo dilihat sisi manfaat itu sebenarnya membantu sekali. Karena agak susah meminjam uang sama orang lain dalam kondisi seperti ini (pandemi). Meminjam uang sama saudara juga lebih susah lagi. Dengan kondisi keadaan saya saat itu (perlu uang mendesak), saya gak mungkin banget minjem ke orang atau ke saudara. Dengan adanya pinjol, sebenarnya itu membantu" (Cinta, April 2022).

Pinjaman online disebut menjadi pilihan yang tepat bagi sebagian perempuan kelas ekonomi menengah ke bawah, yang tidak dapat mengakses pinjaman resmi ke Bank, dengan syarat pinjaman yang tidak terlalu memberatkan, seperti ungkapan salah satu subjek utama Linda.

money from a bank, everything is difficult; the procedure is difficult. Meanwhile, applying for a loan on an online loan platform is easier, faster, and less complicated. Also, the data requirement is not complicated like in a bank" (Linda, 41 years old, May 2022).

- **Online loans offer easy access, practical use, and fast disbursement.**

Another benefit of online loans that some key informants recognized is that when someone is in a state of urgency, the process of disbursing money is very fast—within hours (approximately 1-2 hours). Some key informants noted that online loans do not need collateral as required by pawnshops or banks, even when applying for a large loan (greater than IDR 1 million (approx. \$64,18). Linda's story about using an online loan platform includes not needing to provide any collateral, unlike her experience of borrowing from a bank:

"... the loan requirements are easy with no collaterals. For example, if you go to the bank, there must be collateral; you can use a car or a vehicle as collateral. But if you apply for a loan on an online loan platform, there is no requirement for collateral" (Linda, 41 years old, May 2022).

Sonya shared that experience. That is, when she needs money urgently, online loan services provide convenience with a fast disbursement process:

"There is a positive impact (of the online loan platform) because we can get the money quickly. It can take 1-2 hours. At that time, we needed money" (Sonya, 35 years old, April 2022).

- **Online loan services are application-based; going to it is not necessary to go to an office or to be a customer/member.**

Another positive thing women who use online loan services reported is not having to go to the lender's office, which is sometimes far from home, and not having to interact with other people. As a result, the whole process is more accessible: downloading applications, creating an account, verifying the account, applying for loans, and the transfer

"... memang membantu [...] untuk usaha-usaha kecil menengah ke bawah untuk pinjam ke bank segala macam susah, prosedurnya susah. Mereka kalau pinjol lebih gampang, lebih cepet, gak rumit, terus data-datanya pun gak ribet kaya bank" (Linda, 41 tahun, Mei 2022).

- **Pinjaman online memiliki akses yang mudah, praktis, dan pencairan cepat.**

Manfaat lainnya yang diakui oleh sebagian informan utama, terhadap pinjaman online adalah ketika berada dalam kondisi terdesak, proses pencairan uang sangat cepat hitungan jam (kurang lebih 1 - 2 jam). Bahkan subjek utama mengakui bahwa pinjaman online pun tidak perlu ada jaminan khusus seperti pegadaian atau bank. Terutama ketika melakukan pengajuan pinjaman yang cukup besar (diatas 1 juta). Berikut cerita Linda saat menggunakan pinjaman online, ia tidak perlu memberikan jaminan apapun, berbeda dengan pengalamannya meminjam ke bank.

"... persyaratan pinjol itu mudah, gak perlu jaminan apapun. Kalo ke bank harus ada jaminan mobil atau apa, kendaraan, kalau pinjol gak ada jaminan apa-apa" (Linda, 41 tahun, Mei 2022).

Pengalaman yang sama diceritakan oleh Sonya, di mana saat butuh uang mendesak, maka pinjaman online memberikan kemudahan dengan proses pencairan yang cepat.

"sebenarnya sih dampak positifnya ada ya karena cepet saja gitu mencairkan uang bisa 1-2 jam, kita kan lagi butuh banget" (Sonya, 35 tahun, April 2022).

- **Berbasis aplikasi sehingga tidak perlu datang ke tempat peminjaman, dan tidak ada kesepakatan harus menjadi 'nasabah/anggota' ketika melakukan Pinjaman Online.**

Hal positif lainnya, dirasakan oleh para perempuan pengguna pinjaman online berkaitan dengan tidak perlunya datang langsung ke lokasi peminjaman yang terkadang jauh dari lokasi rumah, serta tidak perlunya berinteraksi dengan orang lain. Seluruh proses, dirasa lebih memudahkan, mulai dari

processes. Also, repayment can be made online (through the application). For example, Cika explained that **an online loan platform rejected her, but she could easily switch to another online loan platform:**

"If you go to the application and your loan application is rejected, then yes, you have to look for something else. But then, when it is approved, you will think, 'Oh, it is easy!' They do not even ask what the money is for. No one will talk about you being indebted. So that is the positive factor. Since online loan platforms are applications or systems, we do not have to interact with people. So, it is considered easy" (Cika, April 2022).

One of the key informants also showed an example of an online loan application display for "beginners" (people just starting to use it) that makes the procedure for borrowing relatively easy.

mengunduh aplikasi, pembuatan akun, verifikasi akun, pengajuan pinjaman, proses transfer, serta pembayaran yang cukup dilakukan secara daring melalui aplikasi. Berikut salah satu cerita pengalaman Cika, yang menerangkan bahwa **ia pernah ditolak** oleh satu pinjaman online, **tetapi bisa dengan mudah beralih ke pinjaman online lainnya.**

"kalau ke aplikasi kan ya kalau ditolak pinjamannya, maka ya sudah cari lagi yang lain, kan gitu. Terus ternyata ketika di acc, oh ternyata gampang, gak ditanya juga untuk apa, atau gak diomongin orang, lebih ke faktor ini ya positifnya. Pinjol itu karena dia aplikasi atau sistem, kita gak berhubungan dengan manusia secara langsung, jadi dirasa lebih memudahkan" (Cika, April 2022).

Salah satu informan juga menunjukkan bagaimana contoh tampilan aplikasi pinjaman online yang

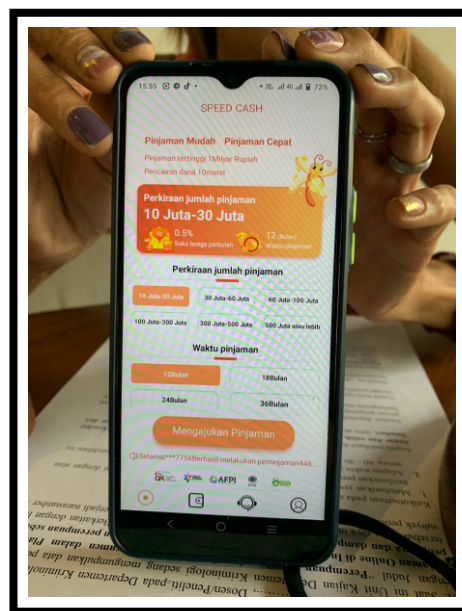


Figure 5.1 An example of a user-friendly online loan application display

Source: Main research subject, May 2022

In addition to online loans being application-based, many key informants decide to use them because being a bank customer, with the prerequisite of getting permission from their spouse, parents (usually the father), or others, is not necessary. Furthermore, the online loan platform helps women without a partner—divorced or single women—and those without family, relatives, or close friends whom they can ask for a loan in overcoming their financial problems. Fani, a single mother who lives

digunakan untuk 'pemula' (orang yang baru menggunakan), relatif mudah dipahami terkait tata cara meminjamannya.

Selain berbasis aplikasi, nyatanya banyak informan utama memilih menggunakan pinjaman online karena mereka tidak harus terikat dengan keanggotaan sebagai nasabah bank, dengan prasyarat harus atas seizin pasangan, orang tua (umumnya Ayah), dan lainnya. Selain itu, bagi perempuan yang tidak

independently with two children who are still in the elementary and vocational school explained:

"I borrowed money for my children's school needs and to pay for school exams. I am a single parent; who can I ask? My friends and family are far away. If I asked to borrow money from friends, I do not think they would lend it to me because they also need money due to the pandemic. Thus, I had to take out a loan online. My friend said it was easy to apply for a loan there, as it only required a self-portrait photo with an ID card, bank account, and signature" (Fani, 35 years old, May 2022).

Online loans users also have negative experiences. At the same time, several key informants have had **negative or unfavorable experiences**, experiencing **problems with online loans**. As explained in Chapter 1 (Background), not all women can use conventional banking and other financial services, such as pawnshops, to apply for loans. In particular, women with multiple vulnerabilities, such as single mothers, housewives, and women from the lower middle economic class with low levels of education, do not have collateral and cannot fulfill the loan requirements of banks or other financial institutions. Therefore, online loans present two sides. On the one hand, online loans are useful and positive because they are more accessible, more practical, and faster than bank services. On the other hand, online loans provide material and non-material losses in the long term, especially on the issue of consent and non-consent¹⁷ related to the lending mechanism, repayment, and ownership of personal data. Thus, some online loan users have negative or bad experiences due to the online loan application they use.

The following are stories from Hilda and Gendis, online loan users who consciously use one online loan application to apply for loans and then take out loans on different applications because they are urged to pay off the previous debts, including the high interest. Some women online loan users mentioned the term "dig a hole, close the hole" to describe the experience of paying off the debt in one online loan by getting loans from other online loan applications. For instance, Hilda related:

memiliki pasangan baik karena bercerai atau belum menikah, serta mereka yang tidak punya keluarga, saudara, ataupun teman dekat yang dapat dimintai pinjaman uang, pinjaman online dirasakan sangat membantu untuk masalah keuangan. Berikut cerita pengalaman Fani, perempuan *single parent*, yang hidup mandiri dengan dua orang anak yang masih SD dan SMK.

"Sebenarnya, ya pinjem kan buat kebutuhan anak sekolah ya bayaran anak mau ujian sekolah. Saya kan single parent, mau minta ke siapa? saudara keluarga juga jauh semua. Minjem ke teman juga belum tentu dikasih, kan orang sama-sama lagi butuh uang pandemi kaya gini. Jadi terpaksa kan pinjem online, kata teman juga gampang pinjemnya, cuma foto selfie aja pake ktp, kasih no rek. dan tanda tangan" (Fani, 35 tahun, Mei 2022).

Pengalaman negatif sebagai pengguna pinjaman online. Di sisi lain, ada juga beberapa informan utama yang tentunya merasakan **pengalaman negatif atau kurang baik**, mengalami **jeratan masalah di balik pinjaman online**. Seperti yang dijelaskan sebelumnya pada bab 1 (latar belakang), tidak semua perempuan dapat menggunakan layanan perbankan konvensional, serta lembaga keuangan lainnya seperti pengadaian untuk mengajukan pinjaman. Khususnya bagi para perempuan yang memiliki kerentanan berlapis, seperti *single parent*, ibu rumah tangga, dan berasal dari kelas ekonomi menengah kebawah, dengan tingkat pendidikan yang rendah. Ketika mereka harus mengurus proses peminjaman melalui bank atau lembaga keuangan lainnya, mereka tidak memiliki jaminan dan persyaratan yang memadai sebagai peminjam. Dengan kata lain, adanya pinjaman online seperti dua sisi mata uang. Di satu sisi pinjaman online bermanfaat dan positif karena syaratnya yang mudah dan cara peminjaman yang praktis dan cepat dibandingkan keuangan perbankan. Namun di sisi lain, tidak bisa dipungkiri, pinjaman online juga memberikan kerugian secara material maupun non-material dalam jangka panjang, khususnya pada isu *consent* dan *non-consent*,¹⁷ terkait mekanisme peminjaman, pembayaran, dan kepemilikan data pribadi. Hal ini membuat sebagian perempuan pengguna pinjaman online mendapat-

¹⁷Consent, in this regard, is defined as a direct agreement that is female online loan application users understand and realized agree to. In contrast, non consent means that female online loan users do not understand well what they agree to when accepting the prerequisites for using the online loan application.

"Yes, I applied for a loan again to pay the previous debt off. So, if I lacked income, I defaulted on payment on application A, and then I applied for a loan on application B to repay the loan on application A. It also applied to application B to repay the loan on application C. So, I 'dig a hole and close the hole'...." (Hilda, 38 years old, May 2022).

Another story came from the key informants Adis and Sarah who applied for a loan from one application only, but ended up with their ID data appearing on various other online loan applications without their knowledge. As a result, they had to pay off multiple debts, for which the company and source of funds are unknown because they had never downloaded the applications. According to them, they created only one account and downloaded only one online loan application. Still, without giving their approval (non-consent) for the loans, they received disbursements from unknown online loan applications. This situation is considered a violation of ethics and privacy because information about identity, including the most vital type, such as ID cards and bank account numbers, are accessed by (illegal) loan applications without a person's consent. The following is Adis' experience:

"... There are some online loan platforms that allow us to set the amount of loan just by clicking a button. Formerly, I did not know whether or not the platform was legal. I cannot recall the platform's name. However, if we push the button once, we will get approval from many online loan companies. And suddenly, we receive disbursements from many online loan platforms even though we only apply for a loan on one platform" (Adis, 24 years old, May 2022).

Another key informant named Sarah experienced the same thing as Adis. The online loan application she used changed its policies and rules without notification to users. For example, the tenure written on the application was 30 days, but when the loan was disbursed, she was informed that the tenor was 14 days. Sarah also received disbursements from various applications, even though she had signed up on only one application.

kan dampak negatif atau kurang baik, akibat dari proses pinjaman online yang mereka gunakan.

Berikut cerita Hilda dan Gendis, pengguna pinjaman online yang secara sadar menggunakan satu aplikasi pinjaman online untuk mengajukan pinjaman, kemudian mengambil pinjaman lain ke aplikasi yang berbeda karena terdesak untuk melunasi utang pinjaman sebelumnya, termasuk bunga pinjaman yang dirasa cukup tinggi. Beberapa perempuan pengguna pinjaman online menyebutkan istilah "gali lubang, tutup lubang" untuk menggambarkan pengalaman melunasi utang di salah satu aplikasi pinjaman online dengan mendapatkan pinjaman dari aplikasi pinjaman online lainnya. Berikut pengalaman Hilda:

"Iya minjem lagi buat nutupin, jadi kalo kurang pemasukan (pendapatan) saya kurang, gak bisa bayar aplikasi A, pinjem di aplikasi B untuk nutupin yang A, terus yang B begitu juga nutupin pinjaman di C. Jadi 'gali lubang tutup lubang'..." (Hilda, 38 tahun, Mei 2022).

Cerita lainnya, dari informan utama bernama Adis dan Sarah yang hanya meminjam dari satu aplikasi, namun berujung pengandaan data peminjaman pada berbagai aplikasi pinjaman online lainnya tanpa mereka ketahui. Hal ini membuat mereka harus melakukan pembayaran dan melunasi pinjaman online, yang tidak diketahui sumber dana dan nama aplikasinya karena merasa tidak mendownload aplikasi tersebut sebelumnya. Dalam hal ini, mereka mengaku hanya membuat dan mendownload satu akun pada satu aplikasi pinjaman online, tetapi tanpa persetujuan (*non-consent*), justru ditransfer oleh banyak aplikasi pinjaman online yang tidak diketahui darimana asalnya. Pelanggaran etika dan privasi juga terjadi di sini karena identitas termasuk yang terpenting KTP dan nomor rekening sudah diakses oleh semua aplikasi pinjol (illegal) tanpa persetujuan dari pengguna. Berikut kutipan dari pengalaman Adis:

"... Ada beberapa yang kalau kita mau minta beberapa nominalnya, itu bisa diset. Hanya satu tombol doang. Gak tahu itu perusahaan awalnya legal atau tidak, gue lupa namanya. Nah kita tekan 1 kali tombolnya, yang approve itu dari banyak perusahaan pinjaman online. Mereka tiba-tiba saja transfer dari banyak perusahaan pinjol, pada-

5.2. Forms of Gender-Based Violence and Their Impact on Victims

Based on the interviews with the key informants, we found two debt collection methods: *online* (via short messages/SMS, WhatsApp, email to telephone) and *in person* (home visit and office). Of the 35 key informants, 28 (80%) were billed online. However, another seven (20%) were billed both online and offline. Among the seven, online loan debt collectors visited and invited three to negotiate debt restructuring, something legal online loan platforms usually do it. Debt collectors visited the two others not as the primary borrower but because of loans taken by friends and family members, These three had become victims of collections because friends and family had claimed them as loan guarantors. One of the key informants was visited by debt collectors, had her television taken away, and received verbal harassment that led to sexual violence. For instance, she was labeled "*lonte*" (prostitute).

The following table shows forms of gender-based violence from debt collectors related to legal and illegal online loan applications. The findings are discussed in more detail below.



hal kita minjemnya dari satu aplikasi doang saat itu..." (Adis, 24 tahun, Mei 2022).

Selain pengalaman Adis, kasus tanpa persetujuan pun dialami informan utama Sarah ketika perusahaan pinjaman online (pinjol) yang ia gunakan mengubah kebijakan dan aturannya tanpa persetujuan dan pemberitahuan kepada pengguna sebelumnya. Sebagai contoh jangka waktu pembayaran yang harus dibayarkan pada saat diinformasikan pada aplikasi tertulis 1 bulan (30 hari), namun saat uang diterima (sudah ditransfer), pemberitahuan selanjutnya dari admin aplikasi harus dibayar dalam jangka waktu 14 hari. Sarah juga mendapatkan pinjaman dari berbagai aplikasi, padahal hanya mendaftar dari satu aplikasi saja saat itu.

5.2. Bentuk-bentuk Kekerasan Berbasis Gender & Dampaknya bagi Korban

Berdasarkan hasil wawancara 35 informan utama, peneliti menemukan dua cara penagihan, yaitu penagihan secara online (melalui pesan singkat-SMS, WhatsApp, E-mail hingga Telepon) dan offline (didatangi secara langsung ke rumah atau lokasi kerja). Dari 35 informan utama, sebanyak 28 informan utama (80%) ditagih hanya secara online. Namun, tujuh informan utama (20%) mendapatkan penagihan secara online dan offline. Di antara tujuh informan utama, tiga orang menjelaskan *debt collector* yang datang, mengajak mereka berdiskusi untuk menegosiasikan terkait restrukturisasi utang pinjaman. Biasanya dilakukan oleh aplikasi pinjaman online yang berstatus legal. Dua informan utama lain, menjelaskan bahwa mereka didatangi oleh *debt collector* bukan sebagai peminjam utama, melainkan karena pinjaman yang dilakukan oleh teman dan keluarga kandung (menjadi korban penagihan karena dijadikan penjamin pinjaman oleh teman dan keluarga). Satu orang informan utama, didatangi ke rumah kontrakan, diambil televisinya secara paksa dan mendapat pelecehan verbal (kata-kata kasar) yang mengarah pada kekerasan seksual "panggilan lonte (pelacur)".

Tabel berikut menunjukkan bentuk-bentuk kekerasan berbasis gender dari *debt collector* terkait pengajuan pinjaman online legal dan ilegal. Temuan-temuan dibahas secara lebih rinci di bawah ini:

**FORMS OF GENDER-BASED VIOLENCE
FROM LEGAL VERSUS ILLEGAL ONLINE LOAN PLATFORMS
(VERBAL, PHYSICAL, SEXUAL, ECONOMY)**

VERBAL

01

LEGAL

- The debt collection process is via email. The debt collectors use precise language with relatively polite words.
- Send messages via WhatsApp with threatening and abusive words.
- Call the primary borrowers 5 - 10 times.



02

ILLEGAL

- The debt collection process is via SMS and WhatsApp. The debt collectors involve verbal harassment, threat, doxing, and humiliation.
- Call the primary borrowers 10-20 times using different mobile numbers.
- Call not only the borrowers and their emergency numbers (the guarantors) but also all the mobile numbers on the borrowers' contact list (family members, neighbors, and colleagues), conveying verbal harassment and threats.



**FORMS OF GENDER-BASED VIOLENCE
FROM LEGAL VERSUS ILLEGAL ONLINE LOAN PLATFORMS
(VERBAL, PHYSICAL, SEXUAL, ECONOMY)**

PHYSICAL

01

LEGAL

- No physical violence found in the experiences of the interviewees (key informants).



02

ILLEGAL

- Physical violence is done by visiting female online loan users. For example, the debt collectors visit the female borrower's house and coerce her to let them take her television.





**FORMS OF GENDER-BASED VIOLENCE
FROM LEGAL VERSUS ILLEGAL ONLINE LOAN PLATFORMS
(VERBAL, PHYSICAL, SEXUAL, ECONOMY)**

SEXUAL

01

LEGAL

- No sexual violence found in the experiences of the interviewees (key informants).



02

ILLEGAL

- Call and contact the borrowers via WhatsApp in a way that leads to sexual harassment and threats such as modifying the borrower's photo to depict her in an obscene, indecent, or sexually explicit manner and broadcasting it to all contact numbers on her handphone; For example, on OPEN BO, saying *lonte* (slut), and "prostitute yourself."



**FORMS OF GENDER-BASED VIOLENCE
FROM LEGAL VERSUS ILLEGAL ONLINE LOAN PLATFORMS
(VERBAL, PHYSICAL, SEXUAL, ECONOMY)**

ECONOMY

01

LEGAL

- According to OJK rules, the interest rate is 0.4-0.8/day. Thus, it is rather high, but not as high as an illegal loan's interest rate that does not follow fixed rules.
- The tenure is still quite burdensome for female borrowers with no steady income, even though it is 30 days. However, interest rates for more than five calendar days include a penalty of 10% of the monthly installments if there is a late payment.
- There are inconsistencies in the terms and conditions that apply and are agreed upon. For example, these include change of tenure, debt collection before the due date, and changes of policies that create a mismatch with the initial agreement.



02

ILLEGAL

- The interest rate is not under the OJK rules and can be more than 100%, with no fixed agreement on daily interest.
- The tenure is very short, 7 to 14 days. Usually, a warning for repayment is sent before the due date--for example, on the fifth day and onwards after approval.



Furthermore, the key informants reported that when debt collectors go to borrowers, they talk harshly and sometimes do not want to negotiate. For example, one key informant explained that when the debt collector was not allowed to meet her, he scolded one of the janitors in her office.

Online debt collection usually involves violence, such as verbal violence via phone or WhatsApp calls. It is represented in the experience of Yuyu who had applied for a loan on an illegal platform and received verbal harassment, "*Bastard! Dog! Pig! Monkey!*" (dog, pig, and monkey are Indonesian cursing words) (Yayu, 40 years old, May 2022). Other forms of violence, involve **the dissemination of personal data (doxing) that leads to online gender-based sexual violence**. Ina used an online loan application which she later found out was an illegal one. She stated:

"Yes, they broadcasted my data to my friends. They edited my photo; they used my face but modified the body. And they captioned it, "Open BO." They treated me as if I were a prostitute. I have deleted the photo because it breaks my heart when I see it" (Ina, April 2022).

Psychological violence in the form of threats, terror, and disturbing other parties, is also experienced by women who use illegal online loan platforms, as in Indri's story:

"The debt collectors contacted everyone. So, I phoned them, and they told me they were terrorized. 'Be careful, if you do not pay your debt off, I will threaten everyone, 'they threatened me" (Indri, 44 years old, April 2022).

The typical violence that afflicts women who use illegal online loan platforms is **sexual violence through verbal harassment or text messages**. Examples of the debt collectors words include: "They cursed me, 'slut!' Thenthey said 'You better prostitute yourself and make your vagina work to pay your debts off, (Hilda, 38 years old, May 2022).

Online loan platforms use various modes, such as findings that are summarized from the experiences of the key informants. The findings are discussed in more detail below.

Lebih lanjut, informan utama menjelaskan bahwa ketika *debt collector* mendatangi peminjam, mereka berbicara kasar, dan terkadang tidak mau bernegosiasi. Misalnya, salah satu informan utama menjelaskan bahwa ketika *debt collector* tidak diizinkan untuk bertemu dengannya, dia memarahi salah satu petugas kebersihan di kantornya.

Beberapa penagihan online biasanya menggunakan beberapa bentuk kekerasan, diantaranya: **kekerasan verbal melalui telepon atau WhatsApp call**, seperti pengalaman Yuyu yang meminjam pada pinjol ilegal mendapatkan kata-kata kasar, "*Anjing babi bangsat kunyuk lu, monyet lu,*" (Yayu, 40 tahun, Mei 2022). Bentuk lain seperti **penyebaran data pribadi (doxing) yang mengarah pada kekerasan seksual berbasis gender online (KBGO)**. Hal ini dialami oleh Ina yang menggunakan aplikasi pinjaman online yang belakangan diketahui bahwa statusnya ilegal, sebagai berikut:

"iya ada disebarin ke teman-teman data kita, fotonya kepala aku, tapi badannya bukan, terus ada tulisannya open BO katanya, kaya dijadiin pelacur saja. Udah aku hapusin sih sakit hati soalnya kalau liat..." (Ina, April 2022).

Lainya seperti **kekerasan psikis berupa pengancaman, teror, mengganggu pihak yang tidak berkaitan**, juga didapatkan oleh para perempuan pengguna pinjaman online ilegal, seperti cerita Indri, berikut:

"Pokoknya ditelepon juga semua orang, oleh debt collector. Saya juga diteleponin, semua orang diteror. Awas kalo macem macem, kalau saudara Indri gak bayar ke pihak kami saya akan ancam semua orang, begitu ancamnya" (Indri, 44 tahun, April 2022).

Kekerasan khas yang menimpa para perempuan pengguna pinjol ilegal adalah **Kekerasan seksual melalui verbal atau teks**, "*dikatain segala macem dasar jablay, lonte lo. Dikatain jual diri saja, jual memek (sebutan kelamin perempuan-vagina) saja lo, buat bayar pinjol, kata debt collector" (Hilda, 38 tahun, Mei 2022).*

Berbagai pinjaman online memiliki modus yang tentunya juga beragam, seperti temuan-temuan

The debt collection process differs between legal vs illegal online loan platforms. According to the key informants, the legal online loan platforms' debt collection method is more professional. They contact borrowers, via email, text message or phone calls, to remind them of the due date and other ways to pay off arrears when they are due. Also, some legal online loan platforms' debt collectors visit borrowers' houses or offices to find out why the borrowers are late in repayment. In addition, legal online loan platforms sometimes provide other options for paying off loans, such as extending the tenor by getting the borrowers to write a statement of ability to pay. Nonetheless, some cases of violence do occur during the billing process of the legal loan platforms.

Privacy violations and the wrong target of debt collection have become a method of collection method, especially of the illegal online loan platforms; the key informants often had this experience. Online loan companies take users' data without permission and disseminate them as a threat, with the goal of users being afraid and deterred and therefore paying off the debts. Data such as an ID card, family card, self-portrait photo with an ID card, and user's addresses are uploaded in the process of creating and verifying an account. The online loan companies then broadcast that data without permission. The following is Nania's experience with one of the illegal online loan platforms:

"They broadcasted my ID card photo to my relatives, friends, and boss. If I responded to them, they threatened me by telling me they wanted to broadcast it to all mobile numbers on my contact list, including the modified photo of me" (Nania, May 2022).

yang dirangkul dari pengalaman informan utama. Temuan dibahas secara lebih rinci di bawah ini.

Penagihan oleh Pinjol legal vs ilegal yang cukup berbeda. Menurut informan utama pinjaman online (pinjol) legal cara penagihannya lebih profesional. Menghubungi untuk mengingatkan tenggat waktu dan cara lain guna melunasi tunggakan jika sudah jatuh tempo baik melalui email, pesan singkat dan telepon. Beberapa penagihan pada pinjol legal juga mendatangi rumah atau kantor peminjam oleh staf resmi kantor pinjol untuk mengkonfirmasi alasan mengapa peminjam terlambat membayar. Pinjaman online legal pun kadang memberikan opsi lain untuk melunasi pinjaman, seperti memberikan toleransi tenggat waktu pembayaran dengan menuliskan surat pernyataan kesanggupan membayar oleh pengguna. Meskipun demikian, ditemukan juga beberapa kasus penagihan dengan cara kasar pada pinjol legal.

Sementara itu, pelanggaran privasi hingga salah sasaran penagihan, menjadi cara penagihan yang sering dialami oleh informan utama, khususnya pinjaman online ilegal. Perusahaan pinjaman online (pinjol) mengambil data tanpa izin pengguna dan menyebarkan sebagai salah satu ancaman agar pengguna takut dan jera sehingga membayar tagihan. Semua data yang diunggah pengguna ketika membuat akun dan verifikasi disebarluaskan tanpa izin oleh perusahaan Pinjol kepada seluruh kontak pengguna, seperti KTP, KK, swafoto dengan KTP, sampai dengan alamat tempat tinggal. Berikut kutipan cerita pengalaman salah satu pengguna pinjol ilegal, bernama Nania:



Privacy violations extend to the comfort of the user's family and acquaintances who the companies also disturbed. In the worst case, the platforms terrorize them, saying they are responsible for repayment. One of the key informants said that the online loan platforms' method of collection by contacting borrowers' families and acquaintances is called the "wrong target." Uli's told us:

"... They phoned my mother and my foster father. It was even worse for my foster father. They called him, 'Sir, your daughter is indebted to an online loan platform. Can you pay her debt off? If not, sell your kidney.' My father was shocked" (Uli, 43 years old, May 2022).

Sexual threats and harassment were experienced by the key informants as female online loan platform users. Their experiences ranged from being called multiple times, being contacted by different mobile numbers, and being verbal harassed, such as with harsh language and swearing. Some examples of threats and harassment regarding both legal and illegal loans follow:

"... 'I will report you,' I told them. Then they stopped sending me SMS. But then they kept calling me using different mobile numbers 10 -20 times a day" (Illegal online loan platform user, Fani, 38 years old, May 2002).

They tested us psychologically. They talked harshly with harsh words. At first, the customer service officer phones us. But if we are late in payment within two days, the debt collectors will call us the next day. And during the billing process, they use offensive words" (Illegal online loan platform user, Linda, 41 years old, May 2002).

From the interviews of the key informants, it appears that most threats are carried out indirectly or verbally, mainly by illegal loan platforms. However, because of threats of sexual harassment, the key informants reported they were traumatized. Some of the key informants also mentioned that relations with family, friends, and neighbors were not as good as before.

The FGD of legal assistance institutions and advocacy institutions shows even more concerning

"Mereka sudah sampai sebar foto KTP saya ke sodara, ke teman-teman, lalu ke atasan saya juga. Terus kalau yang saya terima itu mereka neror kayak bakal disebarin lagi luas ke seluruh kontak sama katanya bakal dikirim foto-foto porno" (Nania, Mei 2022).

Pelanggaran privasi tidak hanya berkaitan dengan data pribadi pengguna hingga penyadapan, tetapi kenyamanan keluarga dan kenalan pengguna juga diganggu. Kasus terburuk adalah mereka ikut diteror untuk bertanggung jawab dalam pembayaran tagihan utang pinjaman online. Salah satu informan utama pun menceritakan bahwa cara penagihan oleh Pinjol ilegal ke kontak keluarga dan kenalannya disebut "salah sasaran," berikut cerita Uli:

"... ke Ibu saya, ke Bapak asuh saya. Bapak asuh saya lebih parah lagi. Ditelepon.... Pak, anak perempuan Bapak bersangkutan nih dengan pinjaman online, bisa bayarin gak Pak? kalau gak, ginjal Bapak aja yang dijual... Bapak saya kaget lah" (Uli, 43 tahun, Mei 2022).

Pengancaman dan pelecehan seksual, menjadi pengalaman yang sebagian besar dialami oleh para informan utama perempuan pengguna Pinjol. Pengalaman mereka mulai dari ditelepon berkali-kali tanpa mengenal waktu, dihubungi dengan nomor yang berbeda, dan dilecehkan secara verbal seperti dengan bahasa kasar dan umpatan. Beberapa contoh pengancaman dan pelecehan dari pinjol legal dan ilegal yang dibagi oleh informan utama sebagai berikut:

"... Nanti saya aduin lu," saya gituin. Udah gak pernah SMS lagi, terus telfon-telfon terus, ganti-ganti nomor dalam sehari bisa 10 sampe 20 kali panggilan dengan nomor yang berbeda-beda" (Pengguna pinjol ilegal, Fani, 38 tahun, Mei 2022).

"... Mereka main di mental kita. Kita di maki-maki, terus keluar kata-kata kasar. Pertama masih yang telepon customer service-nya. Kalau udah hari kedua telat bayar, hari ketiga, debt collector dah yang nagih dengan di maki-maki" (Pengguna pinjol legal, Linda, 41 tahun, Mei 2022).

results, one of which was presented by a participant from Komnas Perempuan (National Commission on Violence against Women). Female victims or survivors who reported to Komnas Perempuan stated that they experienced sexual violence from debt collectors (probably illegal lenders) who visited them and forced them to give a blow job (oral sex) in exchange for debt repayment.

Inconsistency of applicable and agreed terms and conditions occurred through changes in the tenor or policy and debt collection before the due date. The following is Sinta's story about using a legal online loan platform:

Sometimes they contacted me before the due date and urged me to pay the debt off. They ever threatened me by sending me a photo of them collecting the debts. They said, 'I am now in a borrower's house. I will visit you later.' Then I said, 'Okay. You can visit me, but today is not the due date.' That was how I answered them" (Sinta, 37 years old, May 2022).

Furthermore, the key informants who had already paid all their debts still **received some offers and promos** to apply for loans again on the legal online loan platforms. The goal was to persuade users that they could apply for more loans and even get promos such as payment extensions "... We are currently having a promo. If you want to pay your debt off, you only need to pay the loan principal only (Dina, 29 years old, April 2022).

Dari hasil wawancara informan utama di atas, mayoritas ancaman hanya berani dilakukan tidak langsung atau secara verbal, terutama dilakukan oleh pinjol ilegal. Namun, akibat ancaman hingga pelecehan seksual tersebut informan utama mengakui sangat trauma. Beberapa juga menyebutkan bahwa hubungan dengan keluarga, sahabat, teman hingga tetangga pun menjadi tidak baik seperti sebelumnya.

FGD lembaga bantuan hukum dan lembaga advokasi menunjukkan hasil yang lebih memprihatinkan, salah satunya disampaikan oleh partisipan dari Komnas Perempuan. Korban atau penyintas yang melapor menceritakan bahwa ia mengalami kekerasan seksual dari debt collector pinjol (tidak diketahui secara pasti, kemungkinan pinjol ilegal) di mana debt collector datang ke rumahnya dan meminta korban untuk melakukan seks oral (blow job) untuk mengganti pembayaran utang pinjaman online.

Inkonsistensi akan syarat dan ketentuan yang berlaku dan disepakati, seperti jangka waktu pelunasan yang berubah, penagihan sebelum jatuh tempo, dan kebijakan yang berubah-ubah. Berikut cerita Sinta yang menggunakan pinjol legal:

"Kadang belum tanggal jatuh temponya udah di telepon terus, suruh bayar. Pernah waktu itu saya dikirimin foto dia lagi menagih. Dia kayak ngancem gitu. Nih saya lagi di rumah customer, nanti saya mau ke rumah anda, gitu. Saya bilang, ya udah ke rumah saja, orang belum ada jatuh tempo ko, begitu saya jawab" (Sinta, 37 tahun, Mei 2022).

*Namun, selain inkonsistensi dalam cara penagihan, pengalaman informan utama setelah disiplin melunasi juga sering menerima **ajakan melalui promo meminjam kembali** dari pinjol legal. Tujuannya untuk mempersuasi pengguna, jika melunasi akan dapat meminjam lagi bahkan bisa mendapatkan promo seperti mendapatkan keringanan dalam membayar, "... Kita lagi ada promo, kakak kalau emang mau lunaskan silakan kak bayar pokoknya saja" (Dina, 29 tahun, April 2022).*



STOP
VIOLENCE
Against Women

One of the key informants was visited by debt collectors, had her television taken away, and received verbal harassment that led to sexual violence. For instance, she was labeled "lonte" (prostitute).



5.3. Experiences of Female Victims Surviving Violence

Female victims or survivors of gender-based violence caused by online loan applications used several strategies to survive the terror of online loan applications. For example, they stopped responding to chat and telephone calls from debt collectors, changed mobile numbers and social media accounts, installed applications that can reveal the identity of unknown callers, and turned on "no calls, WhatsApp only" mode. They explained that they needed self-defense measures to continue to work, carry out activities, and live a normal life.

In addition, to avoid and survive the violence of loan collectors, they also shared this problem with friends, partners, and family. Although not all of them received a positive response or support, especially from their spouse/husband, many friends (including colleagues) supported them, helped them survive, and taught them how to respond to the terrors from the online loan platforms. Below is one example:

"... 'Change your mobile number, so they cannot contact you again,' my friend advised me. So finally, I changed my mobile number and account to leave no (digital) footprints. Since then, they have stopped calling me" (Yayu, 40 years old, May 2022).

For Yayu, a step toward getting out of the violence of online loan platforms was to change her mobile number. She still tries to repay her loans but avoids violence during the debt collection process. For her, changing her number was a solution enabling her do her activities without being pressured by calls or messages from debt collectors.

Some female victims also learned how to survive the terror of debt collectors through support from a community called 'gagal pinjol.' This community of online loan users created a WhatsApp group and a group on social media. It also helps the women find information on reporting a case and obtaining legal aid services. The impact of violence during the debt collection process includes not only suffering and

5.3. Pengalaman Perempuan Korban Bertahan Menghadapi Kekerasan

Para perempuan korban atau penyintas kekerasan berbasis gender yang dilakukan pinjol menempuh beberapa cara untuk bertahan dari teror aplikasi pinjol. Beberapa cara yang dilakukan di antaranya adalah tidak merespons chat dan telepon dari penagih (*debt collector*) pinjol, mengganti nomor telepon dan berbagai media sosial, memasang aplikasi yang bisa menginformasikan identitas penelpon yang tidak dikenal, dan mematikan semua telepon yang masuk tapi bisa menerima pesan WhatsApp. Perempuan korban menjelaskan bahwa pertahanan diri perlu mereka lakukan agar tetap dapat bekerja, beraktivitas, dan menjalani kehidupan seperti biasa.

Selain menghindari dan bertahan dari kekerasan yang dialami dari penagih pinjol, mereka juga menceritakan masalah ini kepada teman/sahabat, pasangan dan keluarga. Meskipun tidak semua mendapatkan respons positif atau dukungan, khususnya dari pasangan/suami, namun banyak pula teman (termasuk rekan kerja) yang mendukung, membantunya bertahan, mengajari bagaimana merespons teror pinjol. Berikut adalah salah satu contohnya:

"... Ganti nomor hp saja, nanti juga gak dihubungi lagi (saran teman). Akhirnya daripada saya pusing ya ganti nomor dan ganti akun. Udah hilang jejak saya. Sampe sekarang udah gak ditelepon lagi" (Yayu, 40 tahun, Mei 2022).

Bagi Yayu, langkah yang dapat dilakukan untuk keluar dari jeratan kekerasan pinjol adalah dengan mengganti nomor telepon. Ia tetap berusaha melunasi pinjamannya, tetapi juga menghindari dari penagihan yang menggunakan kekerasan. Baginya, hal tersebut lebih baik dilakukan, agar ia tetap dapat menjalani aktivitasnya, tanpa perlu merasa tertekan dengan banyaknya telepon atau pesan yang masuk setiap harinya.

Sebagian perempuan korban juga mendapatkan pengetahuan bagaimana bertahan dari teror

loss also creating resilience¹⁸ and resistance.¹⁹ Some female victims have recovered from fear, despair, and even the desire to end their lives and then became resilient and fight against the violence.

5.4. Fighting Against Violence and Seeking Assistance

Some female victims also decided to fight against debt collectors who used violence during the debt collection process. Those who fight are brave and tough, and other main subjects recognized that not everyone can do "resistance." Those who resisted verbal harassment by the collectors were usually considered "resilient", and thus could respond to threats issued in incoming calls or messages (SMS/WhatsApp). One of the main subjects narrating her resistance was Dina. In an interview, Dina explained:

"I told the debt collector who visited me 'I have nothing to pay my debt. You can see the condition of my house. It is hard to earn, and my stall was damaged by floods. What can I do to pay my debt off?' I told him about my condition as I did not have money at that time. 'You can report me to a police officer if you will' I said then" (Dina, 29 years old, April 2022).

Dina thought her resistance was a good step toward stopping the debt collector from being rude. She expected that she could make the collectors respect her with that attitude. But, unfortunately, the debt collection process involves verbal harassment regardless of whether the borrower is a woman. Perhaps the debt collectors feel dominant or superior because they are dealing with women.

Other women resisted by responding to verbal harassment on WhatsApp and calls by debt collectors. This resistance occurred when women had energy and could control their emotions. A supportive family was very helpful and meaningful for women who faced terror during the debt collection process. However, if their family no longer believed in them, it was tough to deal with shame, guilt, pressure, and trauma.

penagih pinjol melalui penguatan dan dukungan yang diperoleh melalui komunitas yang disebut 'gagal pinjol'. Komunitas sesama pengguna pinjaman online ini, kemudian membentuk WhatsApp Group, dan bergabung dalam kelompok di media sosial. Komunitas-komunitas ini juga membantu mencari informasi pelaporan dan layanan bantuan hukum. Dampak dari kekerasan penagihan pinjol, selain penderitaan dan kerugian pada perempuan korban, juga menghadirkan resiliensi¹⁸ dan resistensi.¹⁹ Beberapa perempuan korban bangkit dari keterpurukan, ketakutan, putus asa dan bahkan keinginan mengakhiri hidup, menjadi resilien dan 'melawan' dari kekerasan yang mereka alami.

5.4. Pengalaman Perempuan Korban Melawan Kekerasan dan Mencari Bantuan

Selain menghindari penagihan, dari hasil wawancara juga ditemukan data bahwa para perempuan korban memilih untuk melakukan perlawanan kepada *debt collector* yang melakukan cara-cara kekerasan. Mereka yang melawan memang memiliki perangai berani dan keras, sehingga diakui oleh subjek utama lain bahwa tidak semua orang dapat melakukan 'perlawanan'. Mereka yang melawan biasanya sudah dianggap 'tahan banting' atas makian yang dikeluarkan oleh para penagih sehingga mampu menanggapi berbagai ancaman dengan cara menjawab telepon maupun pesan (sms/whatsapp) yang masuk. Salah satu informan utama yang menceritakan perlawanannya adalah Dina. Dalam wawancaranya, Dina menjelaskan:

"Aku bilang ke debt collector yang datang ke rumah, 'Apa lah Pak yang bisa buat aku bayar. Nih liat rumah aku kondisinya,' aku bilang gitu. 'Istilahnya buat nyari uang saja susah, warung udah kebanjiran,' aku bilang gitu, 'Apa yang bisa aku lakukan buat aku bisa bayar.' Apa adanya lah yang aku omongin, karena emang gak ada uang saat itu. 'Mau bawa kantor polisi ya bawa saja,' aku bilang gitu.." (Dina, 29 tahun, April 2022).

¹⁸Resilience is the ability to adapt and survive hard times.

¹⁹Resistance is an attitude to survive, fight, or attempt to change the situation.

A female victim recounted that her family helped her pay her debt off. Also, other female victims stated that they got moral support that strengthened them, so they dared to write a report to the police. The support kept them brave in facing life and deciding to stop taking loans online, without doing things that would make them worse off, such as isolate themselves from social life or giving up (suicide).

Apart from individual resistance in the online space, some female victims, seek help from formal institutions that provide services for women, the Legal Aid (LBH), the police, and the OJK **We found that 11 women (31.4%) decided to report the violence they experienced from debt collectors to the police or LBH, and 24 women (68.6%) decided to remain silent or tell their family or close friends only.** Although LBH Jakarta maintains a free complaint post, some female victims still think that reporting their cases to LBH carries a charge—because they lack information about it.

The following are stories from female online loan victims who sought support from various institutions, such as the police, legal assistance, and the OJK.

The experience of reporting the case to the police is not easy for female victims who are afraid and traumatized by threats and violence, especially from illegal online loan platforms, during the debt collection process. Those who finally dared to report their cases (to the police) underwent quite a difficult process, including collecting evidence of threats and violence. Also, they stated they knew the risks of dealing with the police. For example, when they reported cases of threats and fraud by the debt collectors, they received unpleasant responses from the police officers. A police officer who received a report blamed the female victims (victim blaming). Although some key informants had unpleasant experiences, it is undeniable that the police also helped provide solutions.

"Even though I was blamed by the police officers, such as, 'Why did you use the online loan platform!' it might be because the police officers at Polres handle many cases like these. But I also found a solution; the Cyber Crime Directorate assisted me

Perlawanan yang dilakukan Dina, ia rasakan sebagai langkah baik agar penagih pinjol tidak bersikap kasar. Ia berharap dengan sikapnya demikian, mampu membuat para penagih menaruh hormat padanya. Namun, sayangnya penagihan tetap dilakukan dengan kasar, meskipun ia perempuan. Mungkin karena berhadapan dengan perempuan, para penagih merasa dominan atau bahkan superior.

Perempuan lain melawan dengan membalas kata-kata kasar penagih pinjol yang disampaikan lewat pesan WhatsApp atau telepon. Resistensi ini dilakukan ketika perempuan punya cukup energi dan bisa menahan emosi. Dukungan keluarga sangat membantu dan bermakna bagi perempuan yang menghadapi terror penagihan pinjol. Namun, jika keluarga sudah tidak lagi mempercayai mereka, maka sangat sulit untuk keluar dari rasa malu, rasa bersalah, dan tertekan hingga trauma.

Seorang perempuan menceritakan bahwa keluarga memban-tunya melunasi pinjaman. Selain itu, perempuan korban lain mendapatkan dukungan moral yang menguatkan, sehingga berani untuk melapor kepada kepolisian. Dukungan tersebut membuat mereka tetap berani menghadapi kehidupan dan bisa berhenti mengambil pinjaman online, tanpa melakukan hal-hal yang akan memperburuk keadaan mereka, seperti mengucilkan diri dari kehidupan sosial atau menyerah (bunuh diri).

Selain secara individual melawan di ruang online (siber), sebagian perempuan korban mencari bantuan kepada lembaga formal yang memberikan layanan untuk perempuan, Lembaga Bantuan Hukum (LBH), kepolisian dan lapor OJK. **Temuan data memperlihatkan terdapat 11 perempuan (31,4%) memilih untuk melaporkan kekerasan yang dialaminya dari penagih pinjol kepada polisi atau LBH, sedangkan 24 perempuan lainnya (68,6%) memilih untuk diam atau hanya bercerita kepada keluarga ataupun teman dekat.** Meskipun LBH Jakarta membuka posko pengaduan secara gratis, beberapa perempuan korban tidak paham atau mengetahui dan menganggap pelaporan ke LBH membutuhkan biaya karena ketidaktahuan informasi.

then. They reset my handphone, so no one could not track the IMEI number, and they uninstalled all the online loan applications. The police officer did it. Then, he made a police report. I was also advised to make an online report. They told me where to go. They advised me to go to the website patrolisiber.id. to process it" (Vita, 34 years old, June 2022).

Vita's experience getting technical assistance from the police helped her, even though she initially felt she was blamed for using illegal online loans. The role of the police are considered capable upon as law enforcement. They can be a tactical tool that helps victims of online loan platforms.

Berikut cerita pengalaman dari para perempuan korban pinjol yang mencari dukungan dari berbagai lembaga mulai dari kepolisian, bantuan hukum, sampai dengan lapor OJK.

Pengalaman melapor kepada kepolisian, bukan proses yang mudah bagi perempuan yang sudah merasa takut dan trauma dengan ancaman dan kekerasan dari cara penagihan pinjaman online utamanya pinjol ilegal. Para perempuan yang akhirnya berani melaporkan kasusnya (ke polisi), menjalani proses yang cukup sulit untuk dapat bertahan, termasuk pengumpulan alat bukti ancaman dan kekerasan. Mereka juga mengetahui risiko yang dihadapi jika berurusan dengan kepolisian. Misalnya ketika melaporkan kasus pengancaman dan penipuan oleh debt collector, justru mereka mendapatkan respons yang tidak menyenangkan dari pihak kepolisian. Polisi yang menerima laporan malah menyalahkan perempuan korban (victim blaming). Meskipun beberapa informan utama memiliki pengalaman kurang menyenangkan, namun tidak dapat dipungkiri bahwa polisi juga membantu mereka memberikan solusi.

"Walau saya disalahkan, seperti 'ngapain makannya pakai pinjam online segala..' tapi untuk reaksi kepolisiannya mungkin karena kondisi seperti ini sudah banyak yang melapor ke Polres ya. Tapi saya juga mendapatkan solusi, dibantu oleh Direktorat Kriminal Cyber apa gitu saya lupa. Handphone saya direset lagi... direset pabrik biar IMEI-nya nggak ke trace, segala aplikasi pinjol yang ada di uninstall sama mereka. Sama pihak kepolisian direset pabrik, dibuatkan laporan tertulis dan waktu itu saya juga disarankan untuk melapor ke bagian online. Jadi saya itu dikasih tahu harus melapor ke mana ke website yang cyber (patrolisiber.id) itu sama pihak kepolisian gitu, nanti diproses katanya," (Vita, 34 tahun, Juni 2022).

Pengalaman Vita yang mendapatkan bantuan teknis dari pihak kepolisian membuatnya merasa terbantu, walaupun di awal dia merasa disalahkan karena menggunakan pinjaman online yang ilegal. Peran kepolisian menjadi salah satu yang bisa diandalkan sebagai penegak hukum. Kepolisian dianggap mampu menjadi sarana taktis yang membantu para korban pinjaman online.



31,4%

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11 women decided to report the violence they experienced from debt collectors to the police or LBH.



68,6%

24 women decided to remain silent and tell their family or close friends only.

Reporting to OJK. Seven key informants reported their cases to OJK, the state supervisory agency for the financial technology industry, has a complaint channel for borrowers. Expected that OJK could give them a solution for their loans whose tenure and interest were no longer under the initial agreement. **Of the 7 who reported to OJK, 6 stated that the complaint service provided by the OJK was not responsive to handling the reported complaints,** especially if they were about illegal online loan cases. Not all of the female victims of online loans who reported to OJK, unfortunately, got the expected response. Their reports were not followed by further action, resulting in disappointment and distrust in the institution.

Cinta, key informant, said that the OJK helped her check the legality of the loan she applied for. She was given guidelines to pay or restructure her loan. She also explained that the OJK could issue a list of names of legal online loan applications. However, Cinta's experience when reporting to the OJK did not meet her expectations. Cinta shows her disappointment with OJK through the following statement:

*"But after the debt collectors from the Tunai** A*** Bank application talked to me harshly, I made a report to the OJK via email and attached all the evidence I had. But they responded to me based on the Standard Operating Procedures (SOP). There was no follow-up action. Instead, they told me which platform was legal or illegal and what procedures we had to follow" (Cinta, April 2022).*

Writing a complaint to LBH. A total of 8 victims reported their cases to the LBH. For them, reporting to LBH strengthened their position for getting legal assistance. If the LBH advised them to report to the police, LBH could help them collect evidence. The LBH was also an alternative for those with financial difficulties and limited access to hiring a lawyer. For example, LBH Jakarta successfully assisted a female victim of an online loan platform in obtaining compensation for doxing done by loan collectors, which caused her to be fired from her job and have difficulty finding a new job. At that time, the online loan company that provided the compensation was processing the legality with the OJK.

Pengalaman melapor ke OJK. Tujuh informan utama melaporkan kasus mereka ke OJK, selaku lembaga pengawas negara untuk industri teknologi finansial, yang memiliki saluran pengaduan bagi para peminjam. Diharapkan OJK dapat memberikan solusi atas pinjaman mereka yang tenor dan bunganya sudah tidak sesuai kesepakatan awal. **Dari 7 orang yang melapor ke OJK, 6 orang menyatakan bahwa layanan pengaduan yang disediakan OJK tidak tanggap dalam menangani pengaduan yang diajukan, terutama terkait kasus pinjaman online ilegal.** Sayangnya, tidak semua perempuan korban pinjaman online yang melapor ke OJK mendapatkan respon yang diharapkan. Laporan mereka tidak ditindak lanjuti, sehingga menimbulkan kekecewaan dan ketidakpercayaan terhadap lembaga tersebut.

Cinta, informan utama mengatakan OJK membantunya mengecek legalitas pinjaman yang dia ajukan. Dia diberi pedoman untuk membayar atau merestrukturisasi pinjamannya. Ia juga menjelaskan, OJK bisa menerbitkan daftar nama aplikasi pinjaman online legal. Namun, pengalaman Cinta saat melapor ke OJK tidak sesuai dengan harapannya. Cinta menunjukkan kekecewaannya terhadap OJK melalui pernyataan berikut:

*"Tapi pada akhirnya aplikasi Tunai** A*** Bank ini setelah dia maki-maki saya dan segala macem, saya akhirnya mengadukan melalui email, segala macem bukti-bukti, itu saya kirim ke OJK tapi balasannya ya itu balasan SOP standar bu. Tidak ada kelanjutan penyelesaian dan segala macemnya, cuma dikasih tahu saja itu legal atau ilegalnya, serta prosedur harus kita yang menjalankan" (Cinta, April 2022).*

Pengaduan kepada lembaga bantuan hukum (LBH). Sebanyak 8 perempuan korban mengadukan kasusnya kepada LBH. Bagi mereka, melapor ke LBH memperkuat posisi mereka untuk mendapatkan dampingan secara hukum. Jika LBH menyarankan mereka untuk melapor kepada kepolisian, maka LBH dapat membantu mereka mengumpulkan alat bukti. LBH juga menjadi alternatif bagi mereka yang memiliki kesulitan finansial dan keterbatasan akses untuk menyewa pengacara. Misalnya, LBH Jakarta

Representatives of LBH Jakarta also shared some information in the FGD of the Online Loan Victim Assistants in April 2022. LBH Jakarta receives many complaints about online loan cases every year; in 2021, it received about 252 such complaints. In addition, a female victim of sexual violence in cyberspace by a debt collector also felt that she was helped by the legal assistance provided by LBH APIK (Indonesian Women's Association for Justice) Jakarta.

So far, LBH has received a positive response from women victims of online loans who report and request legal assistance. However, there are often demands to provide evidence, such as the victim's handphone, forcing the victim to discontinue the report because the handphone is the only tool they have to do their job (in the case of online motorcycle taxi drivers, online businesses, and others). These women believe that LBH can help them fight against online loan platforms but object to submitting their handphones. The following are descriptions of the situation of female victims reporting to legal aid institutions, institutions that provide complaint service centers, and state institutions on the FGD:

"Of the many complaints submitted for consultation (Oct-Dec 2021), there were around 141 complaints, but only one has a police report for this online loan case. 108 of them require further consultation with the LPSK. In this case, the LPSK wants to help. But there is a structural challenge, so the LPSK cannot legally reach out to help them" (FGD of the victim assistants, a representative of the Witness and Victim Protection Agency (LPSK), April 22, 2022).

"LBHM does not specifically carry out follow-up treatment but opens consultations for any case, including online loans. Specifically, we must see the report first. However, there were approximately 20 who reported this year about online loan cases" (FGD of the victim assistants, a representative of the LBH Masyarakat (Community Legal Aid Institute), April 22, 2022).

Next, there is Yayasan Pulih which focuses more on psychological assistance to victims, including those who have been traumatized by threats and violence.

berhasil membantu seorang perempuan korban pinjol untuk mendapatkan ganti rugi atas penyebaran data diri (*doxing*) oleh penagih pinjol, yang menyebabkan ia dipecat dari pekerjaannya dan kesulitan mendapatkan pekerjaan baru. Saat itu, perusahaan pinjaman online yang memberikan ganti rugi tersebut sedang memproses legalitasnya ke OJK.

Perwakilan LBH Jakarta juga berbagi informasi dalam FGD Pendamping Korban Pinjaman Online pada April 2022. LBH Jakarta banyak menerima pengaduan kasus pinjaman online setiap tahunnya; pada tahun 2021, menerima sekitar 252 pengaduan terkait pinjaman online. Selain itu, seorang perempuan korban kekerasan seksual di ruang siber oleh *debt collector* juga merasa terbantu dengan bantuan hukum yang diberikan oleh LBH APIK (Asosiasi Perempuan Indonesia untuk Keadilan) Jakarta.

LBH, sejauh ini mendapatkan respons yang positif perempuan korban pinjol melapor dan meminta pendampingan hukum. Namun, seringkali adanya tuntutan untuk memenuhi alat bukti, seperti handphone korban, membuat pelapor (korban) terpaksa tidak melanjutkan laporannya. Karena handphone tersebut adalah satu-satunya yang mereka miliki untuk dapat melakukan pekerjaannya (dalam kasus driver ojek online, usaha/bisnis online, dan lainnya). Informan utama ini percaya bahwa LBH dapat membantunya melawan pinjol, tapi keberatan bila harus menyerahkan ponsel mereka. Berikut gambaran situasi pelaporan perempuan korban kepada lembaga bantuan hukum, lembaga pengada layanan dan lembaga negara, yang diperoleh dalam FGD:

"Dari sekian banyak aduan yang masuk untuk konsultasi (Okt-Des 2021) ada sekitar 141 aduan, tetapi yang memiliki laporan kepolisian hanya satu saja untuk kasus pinjaman online ini. 108 di antaranya membutuhkan konsultasi lebih lanjut bersama LPSK. Dalam hal ini, LPSK ingin membantu, tetapi terbentur kewenangan sehingga tidak bisa menjangkau untuk membantu secara hukum. (FGD pendamping korban, perwakilan Lembaga Perlindungan Saksi dan Korban-LPSK, 22 April 2022).

"Yayasan Pulih does not have a classification for online loan victims. However, they receive emails asking for help regarding online loan cases and how to deal with them. In this case, they will be connected directly to the Pulih psychological service. Yayasan Pulih focuses on psychological and psychosocial assistance, especially for children and female victims of violence, especially gender-based violence, domestic violence, and sexual violence, including violence by online loans" (FGD of the victim assistants, a representative of Yayasan Pulih, April 22, 2022).

The above descriptions of women's experiences in reporting cases and seeking assistance show that the process does not necessarily go well. Some of the obstacles that are still felt by women who are unable or unwilling to report the violence they experience are due to the following:

- Fear of the costs of reporting a case.
- Fear of time and thought-consuming administrative reporting processes.
- Ignorance about accurate information and reporting platforms that are considered helpful (not fraudulent).

The following summarizes the description of the cycle of experiences of women who are vulnerable to being victims of online loans, the impacts they experience, and how they survive and seek help (see tree diagram).



"LBHM tidak spesifik melakukan penanganan secara lanjutan, tetapi membuka konsultasi untuk kasus apapun termasuk pinjol. Spesifiknya harus buka laporan dulu. Namun kira-kira ada 20-an yang melapor di tahun ini tentang kasus pinjaman online." (FGD pendamping korban, perwakilan Lembaga Bantuan Hukum Masyarakat-LBHM, 22 April 2022).

Selanjutnya Yayasan pulih, yang lebih konsentrasi pada bantuan psikologis korban, termasuk mereka yang mengalami trauma akibat ancaman dan kekerasan.

"Yayasan Pulih tidak ada klasifikasi untuk korban Pinjol. Namun, beberapa surel yang masuk untuk meminta bantuan terkait pinjol dan bagaimana cara mengatasinya, biasanya akan disambungkan langsung dengan layanan psikologis Pulih. Yayasan Pulih fokus kepada bantuan psikologis dan psikososial, terutama bagi anak dan perempuan korban kekerasan, terutama kekerasan berbasis gender, KDRT, kekerasan seksual termasuk jika itu berasal dari korban pinjaman online." (FGD pendamping korban, perwakilan Yayasan Pulih, 22 April 2022).

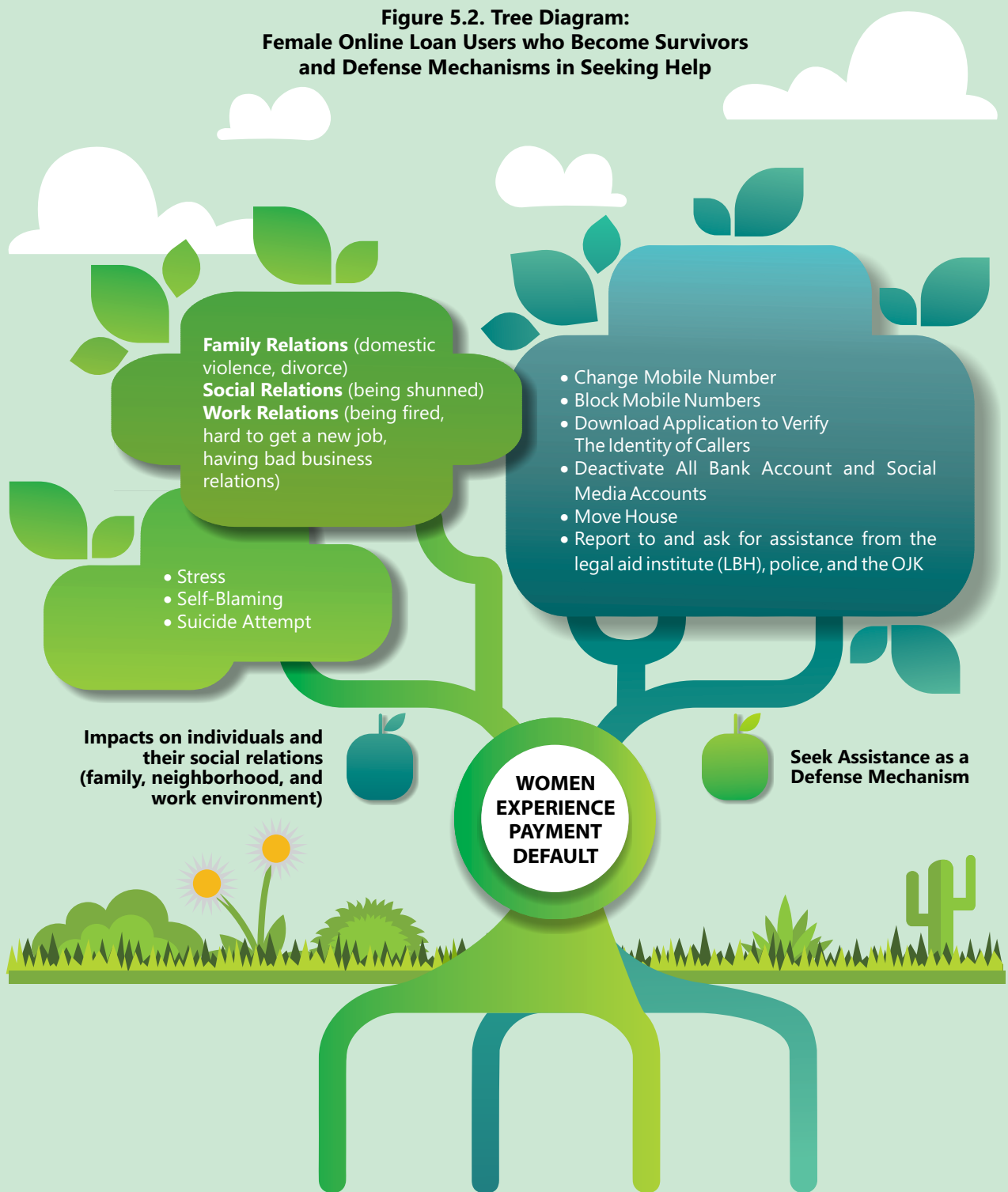
Uraian pengalaman perempuan dalam melaporkan kasus dan mencari bantuan di atas menunjukkan bahwa proses tersebut tidak serta merta berjalan dengan baik. Beberapa kendala yang masih dirasakan oleh perempuan yang tidak mampu atau tidak mau melaporkan kekerasan yang dialaminya adalah sebagai berikut:

- Ketakutan akan biaya yang harus dikeluarkan jika melaporkan kasus.
- Ketakutan akan proses administrasi pelaporan yang menyita waktu dan pikiran.
- Ketidaktahuan terhadap kebenaran informasi dan wadah pelaporan yang dianggap dapat membantu (bukan penipuan).

Berikut rangkuman gambaran siklus pengalaman perempuan yang rentan menjadi korban pinjaman online, dampak yang dialami, serta cara bertahan hidup dan mencari pertolongan.



**Figure 5.2. Tree Diagram:
Female Online Loan Users who Become Survivors
and Defense Mechanisms in Seeking Help**



WOMAN WITH:

- Low Level Education
- No Job/Uncertain Income
- Responsibility as The Breadwinner
- No Bravery to Share Their Financial Issues with Their Spouses.
- Lack in Digital Literacy
- Cannot Distinguish Legal and Illegal Applications Through Their Name
- Cannot Understand Formal Legal Language on The Application's Terms & Conditions

” For female online loan victims, seeking legal assistance is a solution to their problems. Moreover, the debt collection process is carried out regardless of the OJK rules. Debt collection involving threats, psychological and sexual violence during the process urges the borrowers to get legal protection. The legal aid institute (LBH) is where female online loan victims usually submit their reports, in addition to the police. ”



06

ONLINE LOAN APPLICATION SERVICE POLICIES, EVALUATION AND SUPERVISION MECHANISM, AND COMPLAINT SERVICES FOR THE PROTECTION OF FEMALE ONLINE LOAN USERS

Chapter 6 discusses the perspectives of government stakeholders such as policymakers and supervisors; fintech associations, as institutions that accommodate companies providing online loan services (P2P lending); and the legal aid institution (LBH) and advocacy organizations that receive reports and assist female victims of online loans.

6.1. Government Policy Perspectives on Providing Online Loan Services

Interviews conducted with the Cyber Crime Unit of Polda Metro Jaya, the Financial Services Authority (OJK), the Head of the Investment Alert Task Force (SWI), the Ministry of Women's Empowerment and Child Protection (KPPPA) and the Ministry of Communication and Information Technology (Kominfo), as representatives of stakeholders from government, indicated several policy implementations related to online lending. The main roles, tasks, and functions of these institutions are to help the community in terms of crime prevention and law enforcement, following the rules in the relevant laws, as well as derivative regulations from OJK Regulations (POJK). As explained in the literature review (Chapter 2), OJK is an institution specifically mandated to regulate and supervise financial service activities, including online lending; it also coordinates the government agencies that are members of SWI.

Like OJK, Kominfo is one of the institutions actively involved in SWI. Kominfo regularly conducts online and in-person coordination meetings with SWI for dealing with online loan problems. The main tasks and functions of Kominfo are to follow up on recommendations from OJK and then cut off access (block) online loan applications that do not comply with OJK regulations (illegal loan platforms). Kominfo also actively seeks information regarding illegal loans as a preventive measure. Kominfo traces illegal loan platforms through news or reports on Google. The information is then forwarded to OJK to

Bab 6 membahas perspektif pemangku kepentingan pemerintah seperti pembuat kebijakan dan pengawasan; perspektif asosiasi fintech, sebagai lembaga yang mewadahi perusahaan penyedia layanan pinjaman online (*P2P lending*); serta lembaga bantuan hukum (LBH) dan organisasi advokasi yang menerima laporan dan membantu perempuan korban pinjaman online.

6.1. Perspektif Kebijakan Pemerintah dalam Memberikan Layanan Pinjaman Online

Berdasarkan hasil wawancara yang dilakukan bersama dengan Unit Siber-Kepolisian Polda Metro Jaya, Otoritas Jasa Keuangan (OJK), Ketua Satgas Waspada Investasi (SWI), Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (KPPPA) serta Kementerian Komunikasi dan Informatika (Kominfo) sebagai perwakilan *stakeholder* dari unsur pemerintah, diketahui terdapat beberapa implementasi kebijakan terkait pinjaman online (*P2P Lending*). Peran atau tugas pokok dan fungsi (tupoksi) para lembaga tersebut, utamanya membantu masyarakat dari sisi pencegahan dan penindakan, yang megacu pada aturan dalam undang-undang, maupun aturan turunan dari Peraturan OJK (POJK). Seperti yang telah dijelaskan dalam kajian literatur (BAB 2), OJK merupakan lembaga yang diberikan mandat secara khusus untuk melakukan pengaturan dan pengawasan terhadap kegiatan jasa keuangan termasuk pinjaman online, serta merupakan koordinator lembaga pemerintah yang tergabung dalam SWI.

Seperti halnya juga OJK, Kominfo merupakan salah satu lembaga yang terlibat aktif di dalam SWI. Kominfo secara rutin melakukan rapat koordinasi baik online maupun offline bersama SWI dalam menangani masalah pinjaman online (pinjol). Tupoksi Kominfo sendiri adalah menindaklanjuti rekomendasi dari OJK untuk kemudian memutus akses (memblokir) aplikasi pinjaman online yang tidak sesuai

validate the alleged existence of an illegal online loan application. OJK investigations are usually conducted within one week and findings submitted to Kominfo. If a platform is proven to be illegal, Kominfo blocks it. Termination of access or blocking is based on Law number 19 of 2016 concerning Information and Electronic Transactions, article 40, paragraphs a and b. Kominfo's policy to cut off access to illegal loan platforms is summarized in the following interview:

"Because it has become our regular task to terminate illegal loan access, we follow up on these recommendations. To speed things up, looking for fintech that is suspected of being illegal, we conduct crawling or scouring the internet to find fintech that is suspected of being illegal or applications that are suspected of collecting funds without permission. Then we forward it to SWI and OJK for their validation. We do verification and validation every day, or at least once a week. Because we do not have the authority and we do not have the expertise to judge an entity as illegal, we have to work together between institutions (SWI)" (Interview with a representative of Kominfo, August 25, 2022).

In principle, Kominfo works at the macro level by taking action such as searching for illegal online loan data and blocking illegal loan applications. However, the Indonesian National Police (Polri), which is at the level of direct contact with the community, can carry out these activities. Polri, through its Cyber Crime Unit, is responsible for creating policy for handling reports and violations, especially if there is a criminal element--for example, if an online loan user (borrower) reports threats of hacking personal data. In the context of online loans, however, the Cyber Crime Unit cannot move independently because its main task and function is law enforcement. The actual implementation of the rules, such as managing victims of problematic online loans, is conducted through law enforcement mechanisms articulated in the Code of Criminal Procedure (KU HAP). The case handling is based on the report or by producing a Police Report (LP). Polri also cooperates with other institutions to access data about online loan victims, such as money transfers and data breaches by online loan companies, activities that fall under regulations.

aturan OJK (pinjol ilegal). Kominfo juga secara aktif mencari tahu terkait pinjol ilegal sebagai langkah preventif. Pencarian pinjol ilegal dilakukan Kominfo melalui Google, berdasarkan berita ataupun laporan yang diterima. Langkah ini kemudian diteruskan ke OJK, untuk memvalidasi dugaan adanya aplikasi pinjol ilegal. Penelusuran investigasi dari OJK biasanya dilakukan dalam satu minggu, untuk kemudian disampaikan kembali kepada Kominfo. Jika terbukti ilegal, maka Kominfo akan memblokir pinjol ilegal tersebut. Pemutusan akses atau pemblokiran ini didasarkan pada Undang-Undang nomor 19 tahun 2016 tentang Informasi dan Transaksi Elektronik, pasal 40 ayat a dan b. Kebijakan Kominfo untuk memutus akses pinjol ilegal, terangkum dalam kutipan wawancara berikut:

"Karena sudah menjadi tugas rutin kami untuk melakukan pemutusan akses pinjol ilegal. Kami menindaklanjuti rekomendasi tersebut. Untuk mempercepat, mencari fintech-fintech yang diduga ilegal, kami lakukan crawling atau pengaisan terhadap dunia internet untuk mencari tahu, fintech-fintech yang diduga ilegal atau aplikasi-aplikasi yang diduga akan melakukan pengumpulan dana tanpa izin. Itu kami teruskan ke SWI, ke OJK untuk mereka validasi. Verifikasi, validasi, setiap hari kami lakukan paling tidak sekali seminggu. Karena kami tidak punya kewenangan dan kami tidak punya keahlian untuk menilai suatu entitas itu ilegal, jadi harus bekerjasama antar kelembagaan (SWI)" (Wawancara Perwakilan Kominfo, 25 Agustus 2022).

Pada prinsipnya, Kominfo bekerja pada tataran makro dengan melakukan penindakan atau pemblokiran terhadap aplikasi pinjol ilegal. Pada tataran yang lebih bersinggungan dengan masyarakat, Kepolisian Republik Indonesia dapat menjadi acuan untuk melaksanakan hal tersebut. Polri melalui Unit Sibernya, bertanggung jawab untuk membuat kebijakan yang bersifat penindakan, terhadap adanya laporan dan pelanggaran, khususnya jika ada unsur pidana--misalnya jika pengguna pinjaman online (*borrower*), melaporkan pengancaman peretasan data pribadi. Namun dalam konteks pinjaman online, Unit Siber tidak bisa bergerak sendiri karena tugas pokok dan fungsinya adalah penegakan hukum. Implementasi aturan yang sebenarnya, seperti penanganan korban pinjaman online berma-



The police also maintain awareness of comprehensive preventive action and handling the issue of online loans, especially illegal ones. The Head of the Cyber Crime Unit of Polda Metro Jaya knows that the police have preventive and law enforcement powers. Preventive action must be done collaboratively by various institutions with related authorities, such as SWI. In the future, these preventive actions should serve as a basis for public education to help potential borrowers understand the schemes, obligations, and risks that associated with applying for an online loan.

The police has the task of enforcement regarding fintech service providers (lenders) that violate applicable laws and regulations, using standard procedures for handling cases under the Code of Criminal Procedure (KUHAP). Law enforcement on a case-by-case basis is an effort to provide justice for victims. However, this step must be balanced with other actions to address the root problems. For example, tracing the original source of funds to stop irresponsible loan companies is a necessary preventive action. Funding of illegal online loans will continue if capital from irresponsible lenders is not blocked. Likewise, recruiting employees of online loan companies who do not meet standard operating procedures is possible, including debt collectors in cases when payment is in arrears. For this reason, the monitoring and handling model must be multi-authority work. Stakeholders need to put in place an monitoring model upstream to downstream monitoring model.

The police also plays a role in preventive action, together with OJK, Kominfo, and Bank Indonesia and in collaboration with SWI. Preventive actions include online socialization (for example, via Instagram accounts @SiberPoldaMetro and @ojkindonesia);

salah, dilakukan melalui mekanisme penegakan hukum yang tertuang dalam Kitab Undang-Undang Hukum Acara Pidana (KUHAP). Penanganan kasus dilakukan berdasarkan laporan masuk atau dengan membuat Laporan Polisi (LP). Polri juga bekerja sama dengan lembaga lain untuk mengakses data korban pinjaman online, seperti transfer uang pinjaman, pembobolan data oleh perusahaan pinjaman online, dan kegiatan yang termasuk dalam regulasi lainnya.

Di samping itu, institusi kepolisian telah memiliki *awareness* terkait upaya pencegahan dan penanganan yang komprehensif, terkait masalah pinjaman online, terutama yang ilegal. Kepala Unit Siber Polda Metro Jaya mengetahui bahwa kepolisian memiliki kewenangan preventif dan penegakan hukum. Upaya preventif harus dilakukan secara kolaboratif oleh berbagai institusi dengan otoritas terkait, seperti SWI. Kedepannya, tindakan preventif ini harus menjadi dasar edukasi bagi masyarakat yang berpotensi menjadi calon peminjam (*borrower*) untuk dapat memahami skema, kewajiban, dan risiko yang terkait dengan pengajuan pinjaman online.

Polisi memiliki tugas penindakan terhadap penyedia jasa fintech (*lender*) yang melanggar peraturan perundang-undangan yang berlaku, menggunakan prosedur standar penanganan perkara sesuai Kitab Undang-Undang Hukum Acara Pidana (KUHAP). Penegakan hukum kasus per kasus merupakan upaya memberikan keadilan bagi korban. Namun, langkah ini harus diimbangi dengan tindakan lain untuk mengatasi akar masalah. Misalnya, menelusuri sumber dana awal (asli) untuk menghentikan perusahaan pinjaman (*lender*) yang tidak bertanggung jawab adalah tindakan pencegahan yang diperlukan. Pendanaan pinjaman online ilegal akan terus berlanjut jika modal dari pemberi pinjaman yang tidak bertanggung jawab tidak diblokir.

offline socialization based on the request of an institution; as well as joint meetings between relevant stakeholders to discuss payment gateways,²⁰ which are considered to be the basis for the increase in online loan companies. In addition, Polri has mapped out the Cyber Crime Unit's role as an analytical step:

"Why are online loan crimes still robust in Indonesia? First, the company does not exist in Indonesia, so they are now using a payment gateway to transfer money from abroad to Indonesia. The most effective preventive action is to prevent funds, or sources of funds, from reaching the Indonesians so that their activities can no longer occur. This preventive function does not belong to the Police. It belongs to BI, which monitors the payment gateway in Indonesia. The payment gateway is more or less the same as banks. There is a Know Your Customer principle, whereby a more detailed verification is carried out so that the merchant who registers knows whether it is a fictitious company or a company that carries out certain activities, Such as an illegal loan" (Interview with the Head of the Cyber Crime Unit of Polri, June 10, 2022).

This statement reflects that Police's role of enforcement relates only to criminal cases. The multi-stakeholder structure is needed so that enforcement can work hand in hand with preventive action. In addition, the interview emphasized that Police is obliged to monitor online loan crimes, such as violations of criminal acts, that are not under OJK regulations. The regulatory and administrative functions remain the responsibility of BI and OJK.

The roles of the two stakeholders (OJK and Cyber Crime Unit of Polda Metro Jaya) above generally concern online loan users. However, KPPPA, as a government institution, has not specifically participated in the membership of SWI, nor does it have a specific policy regarding handling cases of female victims of online loans. According to the KPPPA representative, criminal domains such as violence, especially gender-based violence experienced by women who use online loans, and its handling are covered by

Demikian juga, merekrut tenaga kerja (karyawan perusahaan pinjaman online) yang tidak memenuhi prosedur operasi standar, termasuk jasa penagih utang dalam kasus tunggakan pembayaran (pinjaman macet). Untuk itu, model pengawasan dan penanganannya harus multi-otoritas. Pemangku kepentingan perlu menempatkan model pengawasan dari hulu ke hilir.

Peran preventif juga dilakukan oleh Polri bersama dengan OJK, Kominfo, dan Bank Indonesia melalui kerjasama SWI. Tindakan preventif yang dilakukan, berupa: sosialisasi online (melalui akun Instagram @SiberPoldaMetro dan @ojkindonesia misalnya); sosialisasi offline berdasarkan permintaan lembaga; serta rapat bersama antar stakeholder terkait untuk membahas 'payment gateway',²⁰ yang dinilai menjadi dasar peningkatan perusahaan pinjaman online. Selain itu, polisi telah memetakan peran Cyber Crime Unit sebagai langkah analitis:

"Kenapa kejahatan pinjol masih marak di Indonesia? Jadi perusahaannya tidak ada di Indonesia, sehingga mereka sekarang menggunakan payment gateway untuk menyalurkan dana dari luar negeri ke Indonesia. Sebenarnya kegiatan preventif yang paling efektif adalah mencegah dana, atau sumber dana, sampai kepada masyarakat Indonesia, sehingga kegiatannya tidak aktif lagi. Fungsi preventif ini tidak ada di bagian polisi. Ini ada di dari BI, yang melakukan pengawasan terhadap payment gateway di Indonesia. Payment gateway itu kurang lebih sama seperti bank, ada prinsip Know Your Customer, dimana melakukan verifikasi yang lebih mendetail sehingga tahu merchant yang mendaftar apakah betul perusahaan atau perusahaan fiktif yang melakukan kegiatan salah satunya pinjol ilegal." (Wawancara Kepala Unit Siber Polri, 10 Juni 2022)

Pernyataan ini mencerminkan bahwa peran Polisi dalam penegakan hukum hanya terkait dengan kasus pidana. Untuk itu, diperlukan peran multi stakeholder agar pekerjaan penindakan bekerja linear dengan peran pencegahan. Selain itu, dalam

²⁰A payment gateway is a system that authorizes and validates transactions between merchants and consumers. Both banks and other institutions can provide this system. Currently, illegal online loan companies misuse payment gateways, including them to disguise the company's original account. In that situation, when authorities attempt to trace the victim's bank data, information about who made the transfer and on what date, only the payment gateway mechanism is visible, making it difficult to determine the source of funds (Interview with the Head of Cyber Crime Unit of Polda Metro Jaya).

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. Although KPPPA does not directly handle cases of female online loan victims, it still opens the reporting room if there are cases of violence against women, including those related to online loan victims. The role of KPPPA, related to digital literacy for women, involves joint movements with NGOs such as PEKKA and UN Women.

6.1.1. Basic of Policy Making

The working model of online loan applications is the use of information technology that bridges lenders with borrowers. As an innovation, P2P lending has several benefits for both groups. For lenders, online lending is a profitable business model.

Fintech lending serves as an intermediary that brings together lenders and loan recipients. OJK also defines lenders as those who meet the criteria to provide funds to borrowers, whether individuals or legal entities, domestic or international. However, all lending/borrowing activities must use the rupiah. In addition, lenders and borrowers must first register and provide required personal data. Online loan companies, must have an operating license from OJK related to their products and services. After one year, the company is expected to reapply for a license to obtain a registered mark to carry out its operational activities. OJK regularly updates registered (legal) online loan companies on OJK social media channels (for example, <https://www.ojk.go.id/> and Instagram [ojkindonesia](https://www.instagram.com/ojkindonesia)). When the name of an online loan company or online loan application is not registered in the official OJK channel, any loan is confirmed as illegal.

As mentioned in Chapter 1, of a total of 164 online loan companies (P2P lending) listed in 2019, only 102 licensed (legal) online loan companies were included as of April 2022. This decline can be interpreted holistically. OJK and Kominfo may have closed companies for reasons such as violating laws and regulations or an inability to carry out operational functions. According to interviews with representatives of SWI, OJK, and fintech associations under the AFPI Institution, for their legality to be approved, online loan companies must meet requirements for registration, licensing, and resolving issues of rights and obligations. OJK monitors the implementation settlements of the rights and obligations as stated in

wawancara tersebut ditegaskan bahwa Polisi wajib memantau tindak pidana pinjaman online, seperti pelanggaran tindak pidana yang tidak diatur dalam ketentuan OJK. Adapun fungsi regulasi dan administrasi tetap menjadi tanggung jawab BI dan OJK.

Peran kedua *stakeholder* (OJK dan Unit Siber Polda Metro Jaya) di atas merujuk pada pengguna pinjaman online secara umum. Adapun KPPPA sebagai lembaga pemerintah belum secara khusus berpartisipasi dalam keanggotaan SWI, juga belum memiliki kebijakan khusus terkait penanganan kasus perempuan korban pinjaman online. Menurut perwakilan KPPPA, ranah pidana seperti kekerasan khususnya kekerasan berbasis gender yang dialami perempuan pengguna pinjaman online, dan penanganannya diatur dalam Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual. Meski KPPPA tidak secara langsung menangani kasus perempuan korban pinjaman online, namun tetap membuka ruang pelaporan jika ada kasus kekerasan terhadap perempuan, termasuk yang berkaitan dengan korban pinjaman online. Peran KPPPA terkait literasi digital bagi perempuan yang melibatkan gerakan bersama dengan LSM seperti PEKKA dan UN Women.

6.1.1. Dasar Pembuatan Kebijakan

Model kerja aplikasi peminjaman online adalah penggunaan teknologi informasi yang menjembatani pemberi pinjaman (*lender*) dengan pengguna pinjaman (*borrower*). Sebagai suatu inovasi, *P2P lending* memiliki beberapa manfaat bagi *borrower* maupun *lender*. Bagi pemberi pinjaman, layanan peminjaman *online* adalah model bisnis yang menguntungkan.

P2P lending berperan sebagai perantara yang mempertemukan pemberi pinjaman dan penerima pinjaman. OJK juga mendefinisikan pemberi pinjaman adalah mereka yang memenuhi kriteria untuk memberikan dananya kepada penerima pinjaman, baik berupa individu atau badan hukum, domestik maupun internasional. Namun, seluruh kegiatan pinjam meminjam harus menggunakan mata uang rupiah. Pemberi pinjaman dan penerima pinjaman terlebih dahulu harus melakukan registrasi dan mengisi data diri yang diperlukan. Perusahaan pinjaman online, kemudian harus memiliki izin usaha dari OJK terkait produk dan layanannya.



the procedures and methods stipulated by the organizer (online loan companies) during the registration/licensing process. Furthermore, OJK has the right to revoke the business license of an online loan company if the implementation does not follow OJK rules. OJK Regulation No. 77/POJK.01/2016 on Information Technology-Based Lending Services (LPMUBTI), specifically, article 47, provides the authorization to impose administrative sanctions on fintech companies, in the form of written warnings, fines, restrictions on business activities, and revocation of business licenses.

Consultative meetings with various stakeholder experts (including OJK, AFPI and AFSI representatives), revealed that other policies have been in place since mid-2022 that support improvements in the system for administering fintech companies (including online loans) and strengthening the protection system for consumers (borrowers) in the financial services sector. These include, for example, the new OJK regulation Number 10/POJK.05/2022 on Information Technology Based Collective Financing Services, issued at the end of June 2022, and OJK regulation Number 6/POJK.07/2022 in April 2022 on Consumer and General Public Protection Within the Financial Services. The following is a summary of the important points in the two regulations:

Setelah satu tahun, perusahaan diharapkan mengajukan kembali izin untuk mendapatkan merek terdaftar untuk menjalankan kegiatan operasionalnya. OJK secara berkala mengupdate perusahaan pinjaman online yang terdaftar (legal) di kanal media sosial OJK (misalnya <https://www.ojk.go.id/> dan Instagram ojkindonesia). Ketika nama perusahaan pinjaman online atau aplikasi pinjaman online tidak terdaftar di saluran resmi OJK, pinjaman apa pun dipastikan ilegal.

Seperti disebutkan pada Bab 1, dari total 164 perusahaan pinjaman online (P2P lending) yang tercatat pada 2019, hanya 102 perusahaan pinjaman online berlisensi (legal) yang masuk per April 2022. Penurunan ini bisa diartikan secara holistik. OJK dan Kominfo dapat menutup perusahaan karena alasan seperti melanggar peraturan perundang-undangan atau ketidakmampuan untuk menjalankan fungsi operasional. Menurut wawancara dengan perwakilan SWI, OJK, dan asosiasi fintech di bawah lembaga AFPI, agar legalitasnya disetujui, perusahaan pinjaman online harus memenuhi persyaratan pendaftaran, perizinan, dan penyelesaian masalah hak dan kewajiban. OJK memantau pelaksanaan penyelesaian hak dan kewajiban sebagaimana tertuang dalam tata cara dan metode yang ditetapkan oleh penyelenggara (perusahaan pinjaman online) selama proses pendaftaran/perizinan. Selanjutnya, OJK berhak mencabut izin usaha perusahaan pinjaman online jika pelaksanaannya tidak mengikuti aturan OJK. Peraturan OJK No. 77/POJK.01/2016 tentang Layanan Pinjam Meminjam Uang Berbasis Teknologi Informasi (LPMUBTI), khususnya pasal 47, mengatur kewenangan untuk memberikan sanksi administratif kepada perusahaan fintech berupa peringatan tertulis, denda, pembatasan kegiatan usaha, dan pencabutan izin usaha.

Berdasarkan consultative meeting dengan berbagai stakeholder expert (termasuk perwakilan OJK dan Asosiasi Fintech - AFPI dan AFSI), diketahui bahwa kebijakan lainnya telah diterapkan sejak pertengahan tahun 2022, yang mendukung perbaikan dalam sistem penyelenggaraan perusahaan fintech (termasuk pinjaman online) dan penguatan sistem perlindungan bagi konsumen (borrower) di sektor jasa keuangan. Misalnya peraturan baru OJK Nomor 10/POJK.05/2022 tentang Layanan Pendanaan Bersama Berbasis Teknologi

Informasi yang baru diterbitkan pada akhir Juni 2022, dan Peraturan OJK Nomor 6/POJK.07/2022 pada April 2022 tentang Perlindungan Konsumen dan Masyarakat di Sektor Jasa Keuangan. Berikut ringkasan poin-poin penting dalam kedua peraturan tersebut:

Table 6.1. OJK Regulations concerning the Fintech Lending Implementation System and Consumer Protection in Financial Services

NO.	OJK REGULATIONS	CONTENTS
1.	Number 10/POJK.05/2022 on Information Technology-Based Collective Financing Services	<ul style="list-style-type: none"> • Develop the financial industry so that it can provide access to funding for the public and business actors by encouraging the development of information technology-based collective financing services; • Business licensing; • Periodic reports as an audit of business licenses; • Emphasis on imposing sanctions, such as administrative matters, fines, and revocation of business licenses for business actors violating the rules.
2.	Number 6/POJK.07/2022 in April 2022 on Consumer and General Public Protection Within the Financial Services	<ul style="list-style-type: none"> • Add the principle of "adequate education" to encourage Financial Services Institutions; • Play an active role in educating or increasing financial literacy; • Establish consumer and public protection unit or function; • Strengthen the implementation of the principles of openness and transparency regarding the submission of information summary on products and/or services of information through arrangements, forms, procedures, and exceptions; • Impose administrative sanctions, fines, license revocation, lawsuits, and criminal penalties for financial service actors who violate the rules.

OJK also aids online loan companies by providing a database of loan recipients. OJK explained that fintech loan data is recorded in the Fintech Data Center (PUSDAFIL), which contains information about non-performing loans (borrowers) from fintech lending providers that have been registered/licensed at OJK. Consequently, lenders can see borrowers who have defaulted on payment; the companies then are expected to be more selective in lending.

Perusahaan pinjaman online juga difasilitasi oleh OJK dalam 'database penerima pinjaman'. OJK menjelaskan bahwa data pinjaman fintech lending akan terekam dalam Pusat Data Fintech Lending (PUSDAFIL) yang memuat informasi mengenai pinjaman bermasalah (kredit macet) dari pengguna pinjaman pada penyelenggara Fintech Lending yang telah terdaftar/berizin di OJK. Dengan ini, para pemberi pinjaman dapat melihat para peminjam yang mengalami gagal bayar sehingga diharapkan lebih selektif dalam memberi pinjaman.

In principle, regulators and law enforcers already have adequate information that lending services using online applications can, in specific contexts, be an alternative short-term solution to the problems faced by some users in need of funds. In addition, the ease of submitting and the speed of disbursement make online

loan applications look beneficial. However, the growth of various legal and illegal online loan applications, in concert with the emergence of high demand for this service from the user's side, requires a governmental response. The implementation of existing regulations is the most important thing. Education, socialization of the regulations, and monitoring and evaluation are inseparable as the basis for policy-making to encourage a more useful technology-based financial services climate in accord with the government's main goal of increasing inclusive state finance.

KPPPA also argues that one of the fundamental reasons for some women's problems with online loans is their limited access to capital and lack of digital finance literacy. KPPPA prioritizes the strengthening of three groups of women: those in women-headed families (PEKKA), female victims of violence, and victims natural or non-natural/social disasters. In addition, women who are victims of illegal online loans, especially heads of families (single parents) and those who experience violence from irresponsible parties, should receive priority support. KPPPA programs that build women's independence skills and lead to long-term outcomes can be an alternative to the problem of illegal online loans' negative impacts,

"... we have a special program and work with some institutions such as NGOs, the UN, and XL Axiata (a private institution) with its Sispreneur program. We also work with PEKKA, a community organization that conducts entrepreneurship training, including digital (issues)" (Interview with a representative of the Deputy for Gender Equality, KPPPA, June 2022).

According to a representative of the Ministry of Cooperatives and SMEs (KemenkopUKM) in a consultative meeting, as a member of SWI, women who want to start a business can obtain alternative financing (capital) by accessing Solusi Pembiayaan Indonesia (Indonesia Financing Solution; SKOPI). SKOPI (<https://skopi.kemenkopukm.go.id/>) is a digital platform that provides information, solutions, and consultations related to MSME financing and investment and connects MSMEs with financial service institutions and credit assessment services. This program collaborates with AFPI and is monitored by OJK.

Pada prinsipnya regulator dan penegak hukum telah memiliki informasi yang memadai bahwa layanan peminjaman uang melalui aplikasi online dalam konteks tertentu dapat menjadi alternatif solusi jangka pendek atas permasalahan kebutuhan dana bagi sebagian penggunanya. Selain itu, kemudahan pengajuan dan kecepatan pencairan membuat pengajuan pinjaman online terlihat menguntungkan. Namun, maraknya berbagai aplikasi pinjaman online legal maupun ilegal seiring dengan munculnya permintaan yang tinggi terhadap layanan ini dari sisi pengguna, menuntut pemerintah untuk tanggap merespons. Implementasi dari peraturan yang sudah ada adalah hal yang paling penting. Edukasi, sosialisasi peraturan, serta pemantauan dan evaluasi tidak dapat dipisahkan sebagai dasar pengambilan kebijakan untuk mendorong iklim layanan keuangan berbasis teknologi yang lebih bermanfaat sesuai dengan tujuan utama pemerintah meningkatkan keuangan negara yang inklusif.

KPPPA juga berpendapat bahwa salah satu alasan mendasar bagi sebagian perempuan yang bermasalah dengan pinjaman online adalah keterbatasan akses mereka terhadap modal dan kurangnya literasi keuangan digital. KPPPA memprioritaskan penguatan tiga kelompok perempuan yaitu kelompok perempuan kepala keluarga (PEKKA), perempuan korban kekerasan, dan korban bencana alam atau non alam/sosial. Selain itu, perempuan yang menjadi korban pinjaman online ilegal, terutama kepala keluarga (*single parent*) dan yang mengalami kekerasan dari pihak yang tidak bertanggung jawab, harus mendapat prioritas pendampingan. Program KPPPA yang membangun keterampilan kemandirian perempuan dengan luaran jangka panjang, dapat menjadi alternatif permasalahan dampak negatif pinjaman online ilegal.

".....kami punya program khusus dan bekerja sama dengan lembaga terkait seperti NGO, UN (PBB), XL Axiata (lembaga swasta) dengan program Sispreneur-nya. Kami juga bekerja sama dengan PEKKA, lembaga-lembaga masyarakat yang melakukan pelatihan-pelatihan kewirausahaan termasuk di dalamnya (isu) digital" (Wawancara Perwakilan Deputy Bidang Kesetaraan Gender, KPPPA, Juni 2022).

6.1.2. Monitoring and Evaluation

Various rules that the OJK has made regarding the fintech services sector emphasize general provisions, administration, LPMUBTI service users, agreements, risk mitigation, technology and information system governance, education and protection of LPMUBTI users, use of electronic signatures, principles and technical identification of customers and prohibitions, periodic reports, sanctions, and other provisions. In addition, OJK monitors online loan providers through three methods: offsite, market conduct, and onsite. In the offsite method, service providers submit periodic reports to OJK. The required data are noted in the OJK Regulation Number 77 of 2016, later amended by OJK Regulation Number 10/POJK.05/2022 on Information Technology-Based Collective Financing Services.

The market conduct method reflects an OJK guideline that loan service providers, as members of AFPI (conventional) or AFSI (sharia), have standards for determining maximum interest and debt collection procedures. With the onsite method, OJK conducts regular or random direct inspections to evaluate loan service providers' compliance with applicable norms. It is expected that existing regulations can suppress information technology-based lending services violations. In that case, the benefits of online lending platforms and applications, which are intended to facilitate access to funding for the unbanked community, can become a driver of the micro, small and medium enterprises (MSMEs) sector and encourage financial inclusion of women.

Nonetheless, according to a KPPPA representative, it is likely that many women will become victims of collection methods used by online loan service providers, due to the offer of easy access to loans that is not balanced by the receipt of comprehensive initial information (interest rates, payment due date, penalty, and loan risk). The Deputy for Gender Equality (KPPPA) representative explained that it was not permissible for online loan service providers (lenders) to collect the debt by terrorizing the borrowers.

"If online loans are widespread, they will attract women to transact and make loans. However, maybe (the female borrowers) think that (the existing

Menurut perwakilan Kementerian Koperasi dan UKM (KemenkopUKM) dalam *consultative meeting*, sebagai anggota SWI, para perempuan yang ingin memulai usaha bisa mendapatkan alternatif pembiayaan (modal) dengan mengakses program Solusi Pembiayaan Indonesia (SKOPI). SKOPI merupakan platform digital yang menyediakan informasi, solusi, konsultasi, terkait pembiayaan dan investasi UMKM serta menghubungkan UMKM dengan lembaga jasa keuangan dan penyedia jasa penilaian kredit (<https://skopi.kemenkopukm.go.id>) Program ini bekerja sama dengan AFPI dan diawasi oleh OJK.

6.1.2. Evaluasi dan Pengawasan

Berbagai aturan yang telah dibuat oleh OJK (POJK) terkait dengan sektor jasa keuangan fintech secara umum menekankan pada ketentuan umum, penyelenggaraan, pengguna jasa LPMUBTI, perjanjian, mitigasi risiko, tata kelola sistem teknologi dan informasi, edukasi dan perlindungan pengguna LPMUBTI, penggunaan tanda tangan elektronik, prinsip dan teknis pengenalan nasabah, termasuk juga larangan, laporan berkala, sanksi, dan ketentuan lainnya. Selain itu, OJK melakukan pengawasan terhadap penyelenggara pinjaman online melalui tiga cara, yaitu *Offsite*, *Market Conduct*, dan *Onsite*. Metode *Offsite* merupakan penyampaian laporan berkala yang disampaikan oleh penyedia layanan kepada OJK. Data pelaporan yang diperlukan tercantum dalam POJK Nomor 77 tahun 2016 yang kemudian diperbaharui dengan POJK Nomor 10 /POJK.05/2022 tentang Layanan Pendanaan Bersama Berbasis Teknologi Informasi. Kedua, *market conduct*, merupakan pedoman yang dikembangkan OJK agar penyedia layanan pinjol yang tergabung dalam asosiasi AFPI (konvensional) atau AFSI (syariah) memiliki standar dalam penentuan batas maksimal bunga dan tata cara penagihan. Metode ketiga adalah *onsite*, di mana OJK secara terjadwal atau acak melakukan pemeriksaan langsung untuk mengevaluasi kepatuhan penyedia jasa layanan pinjol terhadap norma yang berlaku. Diharapkan regulasi yang ada dapat menekan pelanggaran layanan pinjam meminjam uang berbasis teknologi informasi. Dalam hal ini, manfaat platform dan aplikasi pinjaman online ditujukan untuk mempermudah akses pendanaan bagi masyarakat (*unbanked*), dan dapat menjadi penggerak sektor usaha mikro, kecil, dan menengah (UMKM) serta mendorong inklusi keuangan perempuan.

loan services) have been registered or that there are legal regulations for the online loan platforms (they apply for). However, it is not necessarily legal, or it could be illegal. Currently, there are so many victims trapped in these online loans. (Some) find it difficult to get away from these online loans, and they are being chased, terrorized with threats of violence so that they pay their debts"(Interview with the Deputy for Gender Equality Representative, KPPA, June 2022).

For that reason, the participation of various government elements that are members of SWI are obliged to continue to prevent, monitor, and take action against business actors that do not comply with the code of ethics and that use violence during the collection process.

6.1.3. Complaint Services and Ease of Access

Regarding the government's identification of online lending companies' practices that harm consumers, some existing mechanisms may be able to provide support to female victims. For example, the SAPA 129 service²¹ provided by KPPPA allows female victims of online loans to submit reports on the violence they have experienced. Nationally, female victims of online loans can also access a face-to-face meeting through the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA). Through the UPTD, it is hoped that female victims of online loans can get support to resolve their problems, including psychological services. Other complaint services provided by government stakeholders, through OJK and SWI, are 1) OJK Contact Center 157, WhatsApp 081 157 157 157 (OJK); waspadainvestasi@ojk.go.id; and Warung Waspada Pinjol with SWI in Jakarta.

Meanwhile, the results of a consultative meeting between representatives of the Cyber Crime Unit of Polri and SWI-OJK illustrate that if debt collectors call borrowers and threaten a data breach or otherwise use violence, the latter can also contact the police because those are criminal actions according to

Namun, menurut perwakilan KPPPA, kemungkinan banyak perempuan yang akan menjadi korban dari metode penagihan yang digunakan oleh penyedia layanan pinjaman online, karena tawaran kemudahan akses pinjaman yang tidak diimbangi dengan penerimaan informasi awal yang komprehensif (suku bunga, pembayaran tanggal jatuh tempo, denda pembayaran, dan risiko pinjaman). Perwakilan Deputy Bidang Kesetaraan Gender (KPPPA) itu menjelaskan, tidak boleh bagi penyedia jasa pinjaman online (*lender*) menagih utang dengan cara meneror peminjam.

"Kalau pinjaman online ini sangat marak dan memang banyak menjerat perempuan untuk bertransaksi dan melakukan pinjaman. Mungkin (para perempuan peminjam) menganggap (layanan pinjaman yang ada) sudah terdaftar atau sudah ada regulasi yang sah untuk lembaga pinjaman online ini (yang akan mereka ajukan). Padahal itu belum tentu sah, atau bisa saja ilegal. Saat ini banyak sekali korban-korban yang kita dengar, terjerat dengan pinjaman online tersebut. (Sebagian) mereka sulit terlepas dari pinjaman online tersebut, dikejar-kejar, diteror agar melakukan (pelunasan) pembayaran dengan ancaman kekerasan" (Wawancara Perwakilan Deputy Bidang Kesetaraan Gender, KPPPA, Juni 2022).

Untuk itu, peran serta berbagai unsur pemerintahan yang tergabung dalam SWI, berkewajiban untuk terus melakukan upaya pencegahan, pengawasan, sampai dengan penindakan bagi para pelaku usaha (pinjaman online) yang tidak memenuhi kode etik termasuk melakukan cara-cara penagihan dengan kekerasan.

6.1.3. Layanan Pengaduan dan Kemudahan Akses

Terkait dengan identifikasi pemerintah terhadap praktik perusahaan pinjaman online yang merugikan konsumen, beberapa mekanisme yang ada

²¹Women and children can report acts of violence to the SAPA 129 service program (a complaint service) and then the get assistance from KPPPA to find a solution.



Figure 6.1. OJK-SWI Online Loan Complaint Service

Source: Instagram @ojkindonesia

Law no. 27 of 2022 on Personal Data Protection.²² Female victims' who experience intimidation usually report it via a letter or email to OJK and then report it to the police. OJK emphasizes that the public must report cases to the police to confirm having experienced a crime:

"The act of intimidation terror that is experienced is a criminal act, so it has to go through a legal process. So, we encourage all people complaining to us to carry out the legal process. On the other hand, we do blocking, of course. We block them, but the public must report the case to the police to submit evidence that a crime has occurred" (Interview with a representative of SWI-OJK, July 18, 2022).

Even though complaint services are an option for women to report their problems, the handling of illegal online loans still seems vague and does not address the root of the problem. One of the indications of the current challenge is that no reliable data explain why female users can become victims of illegal online loans. Moreover, it is not easy for female victims of violence to report the events they experience, as explained in Chapter 5 regarding the barriers they face.

mungkin dapat memberikan dukungan kepada perempuan korban. Misalnya, layanan SAPA 129 yang disediakan oleh KPPPA memungkinkan perempuan korban pinjaman online untuk menyampaikan laporan atas kekerasan yang dialaminya. Secara nasional, perempuan korban pinjaman online juga dapat mengakses pertemuan tatap muka melalui Unit Pelaksana Teknis Daerah untuk Perlindungan Perempuan dan Anak (UPTD PPA). Melalui UPTD, diharapkan perempuan korban pinjaman online dapat memperoleh dukungan untuk menyelesaikan permasalahannya, termasuk layanan psikologis. Layanan pengaduan lainnya yang disediakan oleh pemangku kepentingan pemerintah, melalui OJK dan SWI, adalah 1) OJK Contact Center 157, WhatsApp 081 157 157 157 (OJK); waspadainvestasi@ojk.go.id; dan pengaduan langsung di Warung Waspada Pinjol bersama SWI di Jakarta.

Sementara itu, hasil pertemuan *consultative meeting* perwakilan Unit Siber Polri dan pihak SWI-OJK juga menyebutkan bahwa jika pihak penagih (*debt collector*) menghubungi disertai dengan ancaman penyebaran data pribadi atau tindak kekerasan lainnya maka pengguna juga dapat menghubungi pihak kepolisian karena hal tersebut

²²Based on Article 12 paragraph (1), "Personal Data Subjects have the right to sue and receive compensation for Personal Data violations in accordance with the provisions of this law". Furthermore, in CHAPTER XIV Criminal Provisions Article 67, "Anyone who unlawfully collects Personal Data that does not belong to them and causes loss to the Personal Data Subject will be subject to criminal sanctions for a maximum of 5 years and/or a fine of up to Rp5,000,000,000 (five billion rupiahs) (approx. \$319917,07).

merupakan tindakan kriminal. Menurut UU No. 27 Tahun 2022 tentang Perlindungan Data Pribadi. Korban perempuan yang mengalami intimidasi biasanya melaporkannya melalui surat atau email ke OJK dan kemudian melaporkannya ke polisi. OJK menekankan masyarakat harus melaporkan kasus ke polisi untuk memastikan telah mengalami tindak pidana:

“Perbuatan teror intimidasi yang dialami itu merupakan tindak pidana sehingga harus melalui proses hukum. Jadi kami mendorong seluruh masyarakat yang dirugikan, yang melakukan pengaduan kepada kami untuk melakukan proses hukum. Di sisi lain kami melakukan pemblokiran tentunya. Kita blokir tapi masyarakat harus lapor ke polisi untuk menyampaikan bukti bahwa telah terjadi tindak pidana di sana” (Wawancara bersama Perwakilan SWI-OJK, 18 Juli 2022).

Meski layanan pengaduan menjadi pilihan bagi perempuan untuk mengadukan permasalahannya, namun penanganan pinjaman online ilegal masih terkesan kabur dan tidak mengatasi akar masalahnya. Salah satu indikasi tantangan saat ini adalah tidak adanya data terpercaya yang menjelaskan mengapa pengguna perempuan bisa menjadi korban pinjaman online ilegal. Selain itu, tidak mudah bagi perempuan korban kekerasan untuk melaporkan kejadian yang dialaminya, sebagaimana dijelaskan pada Bab 5 tentang hambatan yang mereka hadapi.



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6.2. Perspectives of Online Lending Service Provider Institutions (AFPI and AFSI)

As the previous chapter (see background) explains, online lending services comprise both conventional and sharia-based platforms. Regarding conventional platforms, OJK appointed the Indonesian Joint Funding Fintech Association (AFPI) as the official association of information on technology-based lending and borrowing service providers in Indonesia, based on letter No. S-5/D.05/2019 (<https://afpi.or.id/>). According to an AFPI representative, the purpose of establishing AFPI was to facilitate fintech lending, especially peer-to-peer (P2P) lending, to encourage technological innovation, and to strengthen the competitiveness of the national fintech industry. Meanwhile, AFSI (Indonesian Sharia Fintech Association), the sharia platform, was founded in 2017 and has been a legal entity since 2018 through letter No. AHU-0001911.AH.01.07. AFSI aims to become a forum for realizing economic equality and justice, as well as accelerating the development of the Islamic economy through technological and financial innovation for the benefit of all Indonesians (<https://fintechsyariah.id/>). Six member institutions of AFSI are engaged in sharia P2P lending. AFSI's membership is not limited to P2P lending (see the website), and its total number of member institutions is 67.

6.2.1. AFPI's Function as an Association

Based on the OJK rules, fintech P2P lenders must join an association. Fintech lending companies will get an official licence from the OJK if they have a letter of recommendation from AFPI as an association. To obtain the letter, every candidate for AFPI membership must undergo a test to determine if it is fit and proper. AFPI will do a background check of the company's board of commissioners and executives, Prospective members that achieve the passing grade determined by AFPI are deemed eligible. Prospective members must also have fintech certifications.

6.2. Perspektif Lembaga Penyedia Layanan Pinjaman Online (AFPI dan AFSI)

Seperti yang dijelaskan pada bab sebelumnya (lihat latar belakang), layanan pinjaman online terdiri dari platform berbasis konvensional dan syariah. Terkait platform konvensional, OJK menunjuk Asosiasi Fintech Pendanaan Bersama Indonesia (AFPI) sebagai asosiasi resmi penyedia layanan pinjam meminjam uang berbasis teknologi di Indonesia, berdasarkan surat No. S-5/D.05/2019 (<https://afpi.or.id/>). Menurut perwakilan AFPI, tujuan didirikannya AFPI adalah untuk memfasilitasi fintech lending, khususnya *peer-to-peer* (P2P) *lending*, mendorong inovasi teknologi, dan memperkuat daya saing industri fintech nasional. Sementara itu, AFSI (Asosiasi Fintech Syariah Indonesia), platform syariah, didirikan pada 2017 dan telah berbadan hukum sejak 2018 melalui surat No. AHU-0001911.AH.01.07. AFSI bertujuan untuk menjadi wadah dalam mewujudkan pemerataan dan keadilan ekonomi, serta percepatan pengembangan ekonomi syariah melalui inovasi teknologi dan keuangan untuk kemaslahatan seluruh masyarakat Indonesia (<https://fintechsyariah.id/>). Enam lembaga anggota AFSI bergerak di bidang *P2P lending* syariah. Keanggotaan AFSI tidak terbatas pada pinjaman P2P (lihat situs web), dan jumlah institusi anggotanya adalah 67.

6.2.1. Fungsi AFPI sebagai Asosiasi

Berdasarkan aturan OJK, perusahaan pinjaman online (*P2P Lending*) harus tergabung dalam asosiasi. Jika sudah ada surat rekomendasi dari asosiasi (AFPI), maka perusahaan pinjaman online (pinjol) baru akan mendapatkan surat izin resmi dari OJK. Setiap calon anggota AFPI harus menjalani tes kelayakan (*fit and proper test*). AFPI akan melihat *background check* jajaran komisaris dan eksekutifnya. Kelayakan calon anggota dilihat dari nilai (*passing grade*) yang sudah ditentukan oleh AFPI. Calon anggota juga harus memiliki sertifikasi terkait

In parallel, fintech lending companies can also register with the OJK to obtain an official license (as legal fintech lending companies).

As an association, the AFPI aims to encourage access to funding to promote inclusion through digital financial services. In this case, there are three main indicators of financial inclusion implemented by AFPI: access, usage, and quality. As an association that houses fintech lending companies, AFPI has had a code of conduct for its members since 2018 that was renewed in 2020. Some of the standards regulated in the code of conduct²³ are:

1. **Transparency of products and offering methods**, including openness of information regarding costs, method of determining interest rate, and standards for user service information;
2. **Prevention of excessive lending**, including a prohibition on predatory lending (maximum interest + 0.4% fee; the maximum fine is 0.8% (flat per day) with a maximum bill of 100%); and a prohibition on giving and adding loans without the agreement of the parties (including the borrowers); a prohibition on data manipulation; and stipulations regarding assessment and obligations of borrowers;
3. **Humane practice**, including a prohibition on physical and mental harassment; a prohibition on involvement of third parties in debt collection practices; and the requirement that collection of payment default must be done in the lender's interest.

Referring to the code of conduct, AFPI members must agree, especially when there is a payment default, that the total interest, as an accumulation of daily interest and a fine is 1.2%. AFPI emphasizes that total billing remains at 100%. For instance, if someone borrows Rp1,000,000 (approx. \$ 64.11), the company can charge a maximum of Rp2,000,000 (approx. \$ 128.23) for repayment. AFPI also allows borrowers to negotiate the loan interest with the fintech lending company directly.²⁴

dengan industri ini. Surat rekomendasi dan sertifikasi akan dikeluarkan oleh AFPI setelah *background check* selesai. Perusahaan pinjol juga dapat mendaftar dirinya secara parallel ke OJK untuk mendapatkan surat izin resmi (pinjol legal).

Sebagai asosiasi, AFPI memiliki tujuan khusus mendorong akses pendanaan untuk mempromosikan inklusi melalui layanan keuangan digital. Dalam hal ini, terdapat tiga (3) indikator utama inklusi keuangan yang dijalankan oleh AFPI: akses, pemakaian dan kualitas. Sebagai asosiasi yang menaungi para pelaku usaha industri fintech, AFPI sendiri memiliki *code of conduct* (kode etik/pedoman perilaku) yang bersifat mengikat bagi anggotanya sejak tahun 2018 yang diperbaharui pada tahun 2020. Beberapa standar yang diatur dalam kode etik²³ tersebut adalah:

1. **Transparansi produk dan metode penawaran**, meliputi keterbukaan informasi biaya; metode suku bunga; dan standar informasi layanan pengguna;
2. **Pencegahan pemberian pinjaman berlebih**, meliputi larangan *predatory lending* (maksimal bunga + biaya 0,4% apabila terdapat denda, maksimal denda 0.8% (flat per hari) dengan maksimal tagihan 100%); larangan pemberian dan penambahan pinjaman tanpa kesepakatan para pihak (termasuk *borrower*); larangan rekayasa data; dan ketentuan mengenai penilaian dan kewajiban peminjam;
3. **Praktik manusiawi**, termasuk larangan pelecehan fisik dan mental; penggunaan pihak ketiga dalam penagihan; dan prasyarat penagihan gagal bayar dilakukan sesuai kepentingan pemberi pinjaman.

Merujuk pada kode etik, anggota AFPI harus sepakat, terutama ketika ada kasus gagal, maka total bunga, sebagai akumulasi dari bunga harian dan denda adalah 1,2%. AFPI menekankan bahwa total penagihan tetap pada angka 100%. Misalnya, jika seseorang meminjam sebesar Rp1.000.000,- (satu

²³See <https://afpi.or.id/articles/detail/pedoman-perilaku-afpi>.

²⁴In the interview with a representative of AFPI, the interviewee did not explain the detailed process of negotiations between online lending companies and borrowers.

Another provision that directly relates to borrowers is online lending companies' access to a borrower's cell phone. The financial technology industry must implement a code of ethics on personal data protection (PDP). AFPI's code of ethics on PDP is based on the prevailing laws and regulations, particularly the OJK Regulation article 29 POJK 77/2016, which emphasizes that online lending services and companies must apply the basic principles of consumer protection;²⁵ These principles stem from Regulation of the Minister of Communications and Informatics Number 20 of 2016 concerning Personal Data Protection in Electronic Systems; and Government Regulation Number 71 of 2019 regarding the Implementation of Electronic Systems and Transactions, which was amended by the OJK Regulation Number 10/POJK.05/2022 on Information Technology-Based Collective Financing Services and Number 6/POJK.07/2022 concerning Consumer and Community Protection in the Financial Services Sector (see chapter 6.1). The code of ethics on PDP enables the fintech industry to set general principles and steps that financial technology providers must take to ensure that the practice of personal data processing does not violate the rights of the data owners (borrowers). The amended regulation is expected to become a framework for monitoring and enforcing the compliance of online lending companies, especially regarding peer-to-peer lending financial technology. OJK and AFPI permit access **limited to the borrowers' cameras, microphones, and locations** for legal lending companies (<https://ojk.go.id>). Access anything other than these three points is considered a violation of the rules, and therefore AFPI formed a monitoring team to prevent violations. In the case of a violation, AFPI will conduct enforcement.²⁶

While AFPI requires lending companies to be transparent about products and offering methods so that borrowers can understand the risks and responsibilities stipulated in the code of conduct. However, how AFPI members implement the code of conduct is uncertain. AFPI admits that it has not fully monitored and evaluated its 102 members/companies. Evaluation related to the code of conduct is still limited to complaints made by borrowers through the

juta rupiah), perusahaan dapat membebaskan maksimum Rp2.000.000,- (dua juta rupiah) untuk pembayaran kembali. AFPI juga membuka ruang agar peminjam dapat menegosiasikan bunga pinjaman dengan perusahaan pinjaman online secara langsung.

Ketentuan lain yang bersinggungan secara langsung dengan para peminjam adalah aksesibilitas perusahaan pinjaman online (pinjol) untuk mengakses ponsel peminjamnya (*borrower*). Industri teknologi finansial harus menerapkan kode etik perlindungan data pribadi (PDP). Adapun kode etik yang dikeluarkan oleh AFPI terkait PDP didasarkan pada ketentuan peraturan perundang-undangan yang berlaku saat itu, diantaranya Peraturan OJK pasal 29 POJK 77/2016 yang menegaskan bahwa penyelenggara dan perusahaan pinjaman online wajib menerapkan prinsip dasar dari perlindungan peminjam;²⁵ Peraturan Menteri Komunikasi dan Informatika Nomor 20 Tahun 2016 tentang Perlindungan Data Pribadi dalam Sistem Elektronik; dan Peraturan Pemerintah Nomor 71 Tahun 2019 tentang Penyelenggaraan Sistem dan Transaksi Elektronik. Aturan ini kemudian diperbaharui pada peraturan OJK Nomor 10 /POJK.05/2022 tentang Layanan Pendanaan Bersama Berbasis Teknologi Informasi serta Nomor 6/POJK.07/2022 tentang Perlindungan Konsumen dan Masyarakat di Sektor Jasa Keuangan (lihat pada bab 6.1). Kode etik perlindungan data pribadi ditujukan agar industri teknologi finansial dapat menetapkan prinsip umum dan langkah-langkah yang perlu diambil oleh penyelenggara teknologi finansial dalam memastikan bahwa pemrosesan data pribadi tidak melanggar hak pemilik data peminjam. Peraturan ini diharapkan dapat menjadi kerangka bagi pengawasan dan penegakan kepatuhan penyelenggara teknologi finansial, khususnya pinjaman online (*P2P lending*). OJK dan AFPI menegaskan bahwa akses oleh perusahaan pinjaman online hanya terbatas pada **kamera, mikrofon, dan lokasi penerima pinjaman** (<https://ojk.go.id>). Di luar ketiga akses ini dianggap sudah menyalahi, sehingga AFPI membentuk tim untuk memeriksa ketiga akses ini, agar tidak ada pelanggaran. Jika ditemukan pelanggaran, pihak AFPI akan melakukan *enforcement*.²⁶

²⁵The basic principles of consumer protection are transparency, fair treatment, reliability, confidentiality and security, and simple, fast, and affordable dispute resolution with users.

²⁶This enforcement refers to the enforcement and implementation of the process of ensuring compliance with laws, regulations, and standard rules as agreed between AFPI and its members.

complaint handling and service on the official AFPI website. In this situation, the association's role is to facilitate complaints or act as a mediator. However, how long the association processes complaint reports is not explicitly explained. AFPI notes only that 75% of reports received by the complaint handling and service on the website are not supported by valid evidence and thus cannot be followed up—for example, a borrower reports an online lending platform's name that is different from the evidence—a photo or screenshot—attached by the borrower. Also, according to AFPI, a lender's behavior cannot be considered a terror or a threat if it is not carried out continuously within 1 hour. Therefore, calling a borrower five times per day to collect the debt is not necessarily classified as threatening.

A weakness in reporting complaints through websites or digital platforms is that the association cannot follow up on many complaints. For instance, "threat" experienced by the borrower is not necessarily similar to the association's category of "threat." Technically, the lenders set the prevailing rules on debt collection, particularly the schedule of the debt collecting process (in the morning, afternoon, or evening) and the maximum number of phone calls. However, the association has not strictly regulated these matters and related problems cannot be handled directly by AFPI as an association. AFPI also admits to not having a specific standard for providing information about lower loan interest rates, more flexible tenors, and debt collection practice with a *do-no-harm* principle to borrowers, especially those from marginalized groups (such as female heads of households, people with disabilities, and lower economic classes).

AFPI emphasizes that it established the Financial Technology Professional Certification Agency (LSP Fintech) in October 2022 to improve consumer protection in the debt collection process. LSP Fintech has the authority to carry out certification in coordination with OJK and the National Professional Certification (BNSP). LSP Fintech's main task is to form competency requirements and a curriculum for debt collection agencies to create standards related to guidelines. AFPI also requires online lending platforms to submit the names of collectors, both those recruited directly by the company and those from third parties. LSP Fintech will examine the debt

Sementara AFPI mensyaratkan perusahaan pinjaman online untuk transparan atas produk dan metode penawaran, sehingga peminjam dapat memahami risiko dan tanggung jawab, yang diatur dalam kode etik (pedoman perilaku). Namun demikian, bagaimana anggota AFPI mengimplementasikan kode etik tersebut belum dipastikan. AFPI mengakui belum sepenuhnya melakukan monitoring dan evaluasi kepada 102 lembaga/perusahaan anggotanya. Evaluasi aturan atau kode etik masih sebatas pada adanya pengaduan oleh peminjam (*borrower*) melalui platform kanal pengaduan di website resmi AFPI. Dalam situasi ini, peran asosiasi adalah memfasilitasi pengaduan atau sebagai mediator. Namun berapa lama asosiasi memproses laporan pengaduan tidak dijelaskan secara eksplisit. AFPI hanya mencatat bahwa 75% laporan yang diterima oleh layanan dan penanganan pengaduan di website tidak disertai dengan bukti yang valid, sehingga tidak bisa ditindaklanjuti. Misalnya, peminjam melaporkan nama platform pinjaman online yang berbeda dengan bukti—foto atau tangkapan layar—dilampirkan oleh peminjam. Selain itu, menurut AFPI, perilaku pemberi pinjaman tidak dapat dianggap sebagai teror atau ancaman jika tidak dilakukan terus menerus dalam waktu 1 jam. Oleh karena itu, menelpon peminjam lima kali sehari untuk menagih utang belum dapat dikategorikan sebagai mengancam.

Kelemahan pelaporan pengaduan melalui website atau platform digital membuat banyaknya pengaduan yang tidak bisa *difollow up* oleh Asosiasi. Belum lagi kategori 'ancaman' yang dirasakan oleh peminjam juga tidak sama dengan perspektif atau kategori 'ancaman' dari asosiasi. Secara teknis, pemberi pinjaman menetapkan aturan yang berlaku tentang penagihan utang, khususnya jadwal proses penagihan utang (pagi, siang, atau malam) dan jumlah maksimum panggilan telepon. Namun, asosiasi belum secara tegas mengatur hal tersebut dan masalah terkait, tidak dapat ditangani langsung oleh AFPI sebagai asosiasi. AFPI juga mengaku belum memiliki standar khusus untuk memberikan informasi mengenai suku bunga kredit yang lebih rendah, tenor yang lebih fleksibel, dan praktik penagihan utang dengan prinsip *do-no-harm* kepada peminjam, terutama yang berasal dari kelompok marjinal (seperti kepala keluarga perempuan, penyandang disabilitas, dan kelas ekonomi rendah).

collectors to obtain certificates from AFPI and LSP Fintech. AFPI also emphasizes that companies that become third parties must be legal entities. Debt collectors' conduct is a major, continuing issue in online lending. Borrowers have many complaints regarding abusive and threatening debt collection processes and methods that contradict the consumer protection principles in AFPI's code of conduct, but AFPI cannot handle the complaints process because the debt collection process is under the authority of each online lending company—despite the fact that AFPI requires its members to comply with the prevailing rules or be sanctioned.²⁷

All rules that AFPI enforces are also supervised by its ethics committee, whose job it is to independently monitor violations of the AFPI code of conduct for members. The ethics committee consists currently of nine members, such as lawyers and academics, who are familiar with the P2P lending business and the relevant laws.

6.2.2. AFSI's Function as an Association

OJK appointed AFSI as a Self-Regulatory Organization (SRO) in 2021. As an SRO, AFSI, an association of companies engaged in sharia finance or fintech, is entrusted with oversight of its members in accordance with OJK regulations,²⁸ especially for Digital Finance Innovation (IKD). AFSI members are obliged to receive money in an escrow account²⁹—an account opened for the specific purpose of accommodating funds entrusted to Bank Indonesia based on certain requirements under a written agreement. The process is regulated in detail, starting from the transaction on the website and application, to profit-sharing. Every transaction is recorded and published for accessibility of information.

The AFSI website also explains the flow of the loan application process up to *gharar*, or uncertainty in transactions, resulting from non-fulfilment of sharia provisions. The AFSI representative

AFPI menegaskan telah membentuk Lembaga Sertifikasi Profesi Teknologi Keuangan (LSP Fintech) pada Oktober 2022 untuk meningkatkan perlindungan konsumen dalam proses penagihan utang. LSP Fintech memiliki kewenangan untuk melakukan sertifikasi berkoordinasi dengan OJK dan Badan Nasional Sertifikasi Profesi (BNSP). Tugas utama LSP Fintech adalah menyusun persyaratan kompetensi dan kurikulum bagi lembaga penagih utang untuk membuat standar terkait pedoman (kode etik). AFPI juga mewajibkan platform pinjaman online untuk mengajukan nama-nama penagih (*debt collector*), baik yang direkrut langsung oleh perusahaan maupun yang berasal dari pihak ketiga. LSP Fintech akan memeriksa *debt collector* untuk mendapatkan sertifikat dari AFPI dan LSP Fintech. AFPI juga menegaskan bahwa perusahaan yang menjadi pihak ketiga harus berbadan hukum. Perilaku penagih utang adalah masalah utama yang terus berlanjut dalam pinjaman online. Peminjam memiliki banyak keluhan tentang proses dan metode penagihan utang yang kasar dan mengancam yang bertentangan dengan prinsip perlindungan konsumen dalam kode etik AFPI, tetapi AFPI tidak dapat menangani proses pengaduan karena proses penagihan utang berada di bawah kewenangan masing-masing perusahaan pinjaman online—padahal faktanya bahwa AFPI mewajibkan anggotanya untuk mematuhi peraturan yang berlaku atau dikenakan sanksi.²⁷

Semua peraturan yang diberlakukan oleh AFPI juga diawasi oleh komite etik yang bertugas memantau secara independen pelanggaran kode etik AFPI bagi para anggotanya. Komite etik saat ini terdiri dari sembilan anggota, seperti pengacara dan akademisi, yang memahami bisnis pinjaman (*P2P Lending*) dan undang-undang terkait.

6.2.2. Fungsi AFSI sebagai Asosiasi

OJK menetapkan AFSI sebagai *Self-Regulatory Organization* (SRO) pada tahun 2021. Sebagai SRO,

²⁷Sanctions issued by the association are in accordance with POJK 77/2016 concerning violations of obligations and prohibitions. The sanctions are fines (a sum of money exacted as a penalty), restrictions on business activities, and revocation of license (exclusion from AFPI membership).

²⁸The OJK regulations are OJK Regulation Number 57/POJK.04/2020 on Securities Offerings through Information-Technology-Based Crowdfunding Services, POJK 13, POJK 38, and POJK 58.

²⁹The escrow account is managed by a bank where transactions between parties can be completed only if each party has fulfilled the requirements in the agreement.

emphasized that there is no usury, but there is a profit-sharing system. In sharia P2P, *mudharabah* financing is allowed--that is a profit-sharing partnership between two or more parties in which one party provides funds and the other(s) (the *Mudarib*) provides management and expertise. AFSI illustrates the procedure as follows: if a person borrows Rp100 million (\$6409.63), then the *mudharabah* or profit sharing is 70% or equivalent to 10% per year. The tenor is clearly agreed upon, for example, six months. This funding is considered beneficial because both the source and recipient of the funds are known. Thus, it is more secure than other forms of lending.

Based on an interview with an AFSI representative, there have been no reports of violations against association members engaged in sharia P2P. None of the key informants (female borrowers) used the sharia P2P applications.

6.3. Perspective of Legal Aid Institutes and Advocacy Organizations Toward Online Lending Services

For comprehensive findings, this research included the perspectives of legal aid institutes (LBH) and advocacy organizations that receive complaints from female users who are victims of online loans to. Victimized female users of online loans trust LBH and advocacy organizations to assist them in reporting the threats and violence they experience. Furthermore, women from marginalized groups consider these institutions helpful in accessing free (*pro bono*) legal complaint and case assistance services and psychological assistance for victims who have experienced trauma due to threats during the debt collection practice by online lending platforms.

FGD has formulated several responses to findings and conclusions related to the problem of violence toward women in debt collecting practice, particularly by illegal lending platforms. Three efforts to overcome the problem are: 1) maximize the protection of female borrowers who are victims; 2) encourage regulation and implementation of rules regarding personal data protection; and 3) strengthen women's economic independence.³⁰

AFSI, sebuah asosiasi perusahaan yang bergerak di bidang fintech syariah, diberikan kepercayaan dalam menjembatani pengawasan terhadap anggotanya sesuai dengan aturan OJK khususnya untuk Inovasi Keuangan Digital (IKD). Anggota AFSI, wajib menerima uang dengan *escrow account* (rekening bersama), yaitu rekening yang dibuka secara khusus untuk tujuan tertentu guna menampung dana yang yang dititipkan ke suatu Bank berdasarkan persyaratan tertentu sesuai dengan perjanjian tertulis. Prosesnya diatur secara detail, mulai dari transaksi di website dan aplikasi, hingga bagi hasil. Setiap transaksi dicatat dan dipublikasikan untuk aksesibilitas informasi kepada pelanggan dan publik. Fintech syariah juga memiliki Dewan Pengawas Syariah yang wajib mengawasi anggota yang menjalankan prinsip syariah secara langsung.

Dalam website AFSI dijelaskan juga mengenai alur proses peminjaman sampai dengan *gharar* yaitu ketidakpastian dalam transaksi yang diakibatkan dari tidak terpenuhinya ketentuan syariah. Perwakilan AFSI menekankan bahwa tidak ada proses riba, yang ada adalah sistem bagi hasil. Untuk P2P syariah sendiri ada istilah pembiayaan *mudharabah*, yaitu bentuk kerja sama antara dua atau lebih pihak di mana pemilik modal kepada pengelola (*mudharib*) dengan suatu perjanjian pembagian keuntungan. AFSI menggambarkan prosedurnya sebagai berikut: jika seseorang meminjam uang Rp100 juta, maka margin *mudharabah*-nya atau bagi hasilnya adalah 70% atau setara dengan 10% per tahun. Tenornya jelas disepakati, misalnya enam bulan. Pendanaan ini juga menguntungkan karena diketahui dari siapa dananya, dan untuk siapa dananya, sehingga dari segi keamanan menjadi lebih terjamin.

Berdasarkan wawancara dengan perwakilan AFSI, belum ada laporan pelanggaran pada anggota asosiasi yang bergerak di bidang P2P syariah. Hasil wawancara penelitian ini pun tidak ada informan utama (perempuan pengguna pinjaman online) yang menggunakan aplikasi P2P syariah.

³⁰Independence is defined as the mental attitude that is free from influences, not controlled by others, and not dependent on others.

Maximizing protection requires responsiveness to the reports from female victims who receive threats and verbal, physical, sexual, and economical violence; the response should include an anticipation of impacts, such as trauma and suicidal thought—mentioning of such cases is on the rise on social media. Formal institutions that are proactive in reporting and supporting female victims are Victim Protection Agency (LPSK) and the National Commission on Violence Against Women (Komnas Perempuan). Unfortunately, these formal institutions still face limitations related to legal procedures that affect their carrying out their main tasks and functions. For example, Law Number 13 of 2016 concerning LPSK states "Every citizen who wants to get protection services from LPSK must make a Report to the Police." The victim's police report is the basis for the LPSK to be able to provide protection services. Without a police report, an LPSK officer will connect the victim with the institution that provides legal assistance. This process is a challenge or obstacle where traumatized women usually have difficulty reporting to the police (as written in sub-chapter 5.4.).

A similar challenge is experienced by the Komnas Perempuan when supporting victims. According to the Komnas Perempuan, its published recommendations are not legally binding. The authority of Komnas Perempuan is to issue recommendations for treatment of the defendants, but, unfortunately, the defendant has no legal obligation to comply with Komnas Perempuan's requirements. Furthermore, difficulty fulfilling Komnas Perempuan's administrative requirements may also hinder its ability to provide support to victims. For example, victims often have difficulty submitting evidence or supporting data for the reports.

"If the reports are not submitted to the police, Komnas Perempuan can help prepare letters of recommendation or support, supplemented by victims' case reports. All letters (and related documents) must be verified before being processed in the commissioners' meeting. The meeting results in a letter of support or response from Komnas Perempuan. However, this process will be hampered if the victims' documents are incomplete" (The Komnas Perempuan's Representative, April 2022).

6.3. Perspektif Lembaga Bantuan Hukum dan Advokasi Terhadap Pinjaman Online

Untuk temuan yang komprehensif, penelitian ini juga melihat perspektif lembaga bantuan hukum (LBH) dan advokasi yang menerima pengaduan dari pengguna perempuan yang menjadi korban pinjaman online. Perempuan pengguna pinjaman online yang menjadi korban mempercayakan LBH dan lembaga advokasi untuk membantu mereka dalam melaporkan ancaman dan kekerasan yang mereka alami. Selain itu, perempuan dari kelompok marjinal menganggap lembaga ini membantu dalam mengakses layanan pengaduan dan pendampingan kasus dan pengaduan hukum gratis (*pro bono*) dan pendampingan psikologis bagi korban yang mengalami trauma akibat ancaman selama praktik penagihan utang oleh platform pinjaman online.

Melalui kegiatan FGD pendamping dan advokasi, dirumuskan beberapa temuan dan kesimpulan dalam upaya merespons persoalan perempuan yang menjadi korban, utamanya isu kekerasan yang disebabkan oleh cara penagihan pinjaman online secara khusus pinjol ilegal. Terdapat tiga bentuk upaya yang bisa dilakukan, yaitu 1) memaksimalkan perlindungan terhadap perempuan pengguna pinjaman online yang menjadi korban; 2) Mendorong regulasi dan implementasi aturan mengenai perlindungan data pribadi; 3) Memperkuat independensi perekonomian perempuan.

Memaksimalkan Perlindungan, memerlukan sikap responsif terhadap laporan dari korban perempuan yang menerima ancaman, dan bentuk kekerasan baik secara verbal, fisik, seksual, hingga ekonomi; tanggapannya harus mencakup antisipasi dampak, seperti trauma dan pikiran untuk bunuh diri—penyebutan kasus semacam itu sedang marak di media sosial. Lembaga formal yang pro aktif dalam melaporkan dan memberikan dukungan bagi para korban perempuan adalah Lembaga Perlindungan Saksi dan Korban (LPSK) dan Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan). Sayangnya, lembaga formal tersebut masih menghadapi keterbatasan terkait prosedur hukum

For that reason, Komnas Perempuan needs support from various parties, such as legal aid institutes and advocacy organizations that are more independent, such as LBH Masyarakat, LBH Jakarta, LBH APIK, Advocate Collective for Gender Justice (KAKG), Women-Headed Family Empowerment (PEKKA) Foundation, Indonesian Association of Women with Disabilities (HWDI), and the Pulih Foundation. Organizations must work together to assist in cases of female victims of violence that has occurred in the debt collection practices by online lending companies.

yang mempengaruhi pelaksanaan tugas pokok dan fungsinya. Misalnya, Undang-Undang Nomor 13 Tahun 2016 tentang LPSK menyatakan "Setiap warga negara yang ingin mendapatkan pelayanan perlindungan dari LPSK wajib membuat Laporan ke Kepolisian." Laporan polisi korban menjadi dasar bagi LPSK untuk dapat memberikan pelayanan perlindungan. Tanpa adanya laporan polisi, petugas LPSK hanya akan menghubungkan korban dengan lembaga yang memberikan bantuan hukum. Proses ini merupakan tantangan atau kendala di mana perempuan yang mengalami trauma biasanya mengalami kesulitan melapor ke polisi (sebagaimana tertulis pada sub-bab 5.4.).

Tantangan serupa juga dialami Komnas Perempuan, ketika mengupayakan dukungan kepada korban. Menurut Komnas Perempuan, rekomendasi yang diterbitkan tidak bersifat mengikat (not legally binding). Kewenangan Komnas Perempuan adalah menerbitkan rekomendasi kepada pihak-pihak yang diadukan (terdakwa). Sayangnya, pihak yang diadukan tidak memiliki kewajiban hukum untuk mematuhi apa yang diminta oleh Komnas Perempuan. Selain itu, sulitnya memenuhi persyaratan administrasi Komnas Perempuan juga dapat menghambat kemampuannya untuk memberikan dukungan kepada para korban. Misalnya, korban sering kesulitan menyerahkan bukti atau data pendukung untuk laporan.

"Jika laporan terhenti dan tidak dilanjutkan di kepolisian, Komnas Perempuan bisa membantu membuat surat rekomendasi atau surat dukungan, dilengkapi dengan berkas-berkas pelaporan kasus korban. Seluruh surat (dan dokumen terkait) tersebut harus diverifikasi terlebih dahulu, kemudian akan dibawa ke rapat komisioner dengan output surat dukungan atau tanggapan dari Komnas Perempuan. Namun hal ini terhambat jika berkas korban yang tidak lengkap" (Perwakilan, Komnas Perempuan, April 2022).

Untuk itu Komnas Perempuan membutuhkan dukungan dari berbagai pihak, seperti lembaga bantuan hukum dan advokasi yang lebih independen seperti LBH Masyarakat, LBH Jakarta, LBH APIK, Kolektif Advokat untuk Keadilan Gender (KAKG), Kelompok Pemberdayaan Perempuan Kepala Keluarga (Pekka), Himpunan Wanita Disabilitas Indonesia (HWDI), dan Yayasan Pulih. Organisasi harus saling bekerja sama untuk mendampingi kasus perempuan korban kekerasan yang terjadi dalam praktik penagihan utang oleh perusahaan pinjaman online.

Regulation and implementation of rules concerns the protection of personal data. The personal data of every citizen is an area of personal privacy that the state must protect without exception. Non-consensual dissemination of borrowers' photos and personal data on the part of debt collectors of online lending companies violates individual privacy rights. Hence, Law Number 27 of 2022 concerning Personal Data Protection, enacted on October 17, 2022, is expected to become a legal umbrella for imposing sanctions on personal data violations committed by debt collectors. In addition to OJK regulations, which also regulate the protection of consumers and the public in the financial services sector, it is crucial to monitor the implementation of existing policies by stakeholders who have supervisory authority. These stakeholders include OJK which monitors through the Investment Alert Task Force; as well as the fintech association, an institution for the online lending service providers, with the responsibility of directly supervising its members' obeying the prevailing rules.

No less important is implementing personal data protection based on the needs of the victims. One method is to remove the non-consensually posted sexual images of borrowers. Debt collectors use this image-based sexual abuse to threaten the borrowers. According to Komnas Perempuan, the non-consensual sharing of sexual images can threaten victims' personal lives. Content that is not removed can continue to be posted on various social media platforms. It, of course, will be very detrimental to victims and add to their trauma, even though their case will be *inkracht*.³¹ It takes multi-stakeholder cooperation (the government as a supervisor, law enforcement officials, fintech associations, legal aid institutes, and advocacy organizations) to remove the published pornographic content and to minimize the impact of violence on victims.

Strengthening women's economic independence must involve a comprehensive effort as part of social protection programs. According to HWDI, to overcome their problems women need to receive an overview of the risks associated with their actions. Therefore, beyond assisting victims, it is necessary to strengthen the economy so that women understand their vulnerabilities and how they can survive financially. In this regard, the Pulih Foundation, LBH Masyarakat, and Pekka share the perspective that the government must be firm in providing support for women victims so they can break the chain of violence. One method is to issue bankruptcy statements for female victims who cannot pay the debts. Furthermore, the joint effort to strengthen the women's economy should include various empowerment programs that create a productive environment for women by facilitating access to business capital and conducting skills training. Furthermore, legal and digital literacy is also essential for women to understand their rights and obligations as borrowers so that they benefit from online loans and not be harmed by them.

Regulasi dan implementasi aturan mengenai perlindungan data pribadi. *Data pribadi setiap warga negara merupakan wilayah privasi yang wajib dilindungi oleh negara, tanpa terkecuali. Penyebarluasan foto dan data pribadi peminjam (borrower) tanpa izin yang kerap dilakukan oleh perusahaan pinjaman online melalui jasa para penagih (debt collector) telah melanggar hak privasi individu. Oleh karena itu, Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi yang ditetapkan pada 17 Oktober 2022 diharapkan dapat menjadi payung hukum dalam memberikan sanksi pada pelanggaran data pribadi yang dilakukan oleh para penagih pinjaman online. Selain peraturan OJK yang juga mengatur tentang perlindungan konsumen dan masyarakat di sektor jasa keuangan, implementasi kebijakan yang ada oleh pemangku kepentingan yang memiliki otoritas pengawasan menjadi penting untuk dimonitor. Pemangku kepentingan tersebut antara lain OJK yang memantau melalui Satgas Waspada Investasi; serta asosiasi fintech, lembaga penyedia layanan pinjaman online, yang bertugas mengawasi secara langsung kepatuhan anggotanya terhadap aturan yang berlaku.*

Upaya lain yang tidak kalah penting adalah menerapkan perlindungan data pribadi berdasarkan kebutuhan korban (perempuan pengguna pinjaman online). Salah satu caranya adalah menghapus konten pornografi (mengedit bagian tubuh sebagian atau keseluruhan) foto korban yang disebarluaskan tanpa persetujuan. Penagih utang menggunakan pelecehan seksual berbasis gambar ini untuk mengancam peminjam (korban). Menurut Komnas, berbagai konten pornografi dapat mengancam kehidupan pribadi korban. Konten yang tidak dihapus dapat terus diposting di berbagai platform media sosial. Hal itu tentu akan sangat merugikan korban dan menambah trauma mereka, meski kasusnya akan *inkracht*.³¹ Untuk itu diperlukan kerja sama multipihak (pemerintah sebagai pengawas, aparat penegak hukum, asosiasi pinjaman online, dan lembaga bantuan hukum dan advokasi untuk perlindungan korban) untuk menghapus konten pornografi yang dipublikasikan dan meminimalkan dampak kekerasan terhadap korban.

Penguatan kemandirian ekonomi perempuan harus melibatkan upaya yang komprehensif sebagai bagian dari program perlindungan sosial. Menurut HWDI, untuk mengatasi permasalahan yang ada, para

³¹*Inkracht* means a final verdict that is legally binding; no appeal can be filed against it.

perempuan perlu mendapatkan gambaran risiko yang terkait dengan tindakan mereka. Oleh karena itu, selain membantu para korban, perlu penguatan ekonomi agar para perempuan memahami kerentanan dan kemampuan mereka untuk bertahan secara finansial. Dalam hal ini, Yayasan Pulih, LBH Masyarakat, dan Pekka berpandangan bahwa pemerintah harus tegas memberikan dukungan bagi perempuan korban agar dapat memutus rantai kekerasan. Salah satunya dengan pemberian pernyataan pailit bagi para perempuan korban yang benar-benar tidak mampu untuk membayar. Selanjutnya, upaya bersama untuk memperkuat ekonomi perempuan harus mencakup berbagai program pemberdayaan yang menciptakan lingkungan produktif bagi perempuan dengan memfasilitasi akses modal usaha dan melakukan pelatihan keterampilan. Selain itu, literasi hukum dan digital juga penting bagi perempuan untuk memahami hak dan kewajibannya sebagai peminjam sehingga mereka mendapatkan keuntungan dari pinjaman online dan tidak dirugikan olehnya.



7.1. Conclusion

This study demonstrates how online peer-to-peer (P2P) lending benefits women by providing them with easy access to loans, particularly women who did not previously have access to banking services (PWC, 2019), such as women with irregular incomes and breadwinners. Online lending embodies SDgS goal number eight, which calls for inclusive and sustainable economic growth. Online lending services are convenient, fast, and accessible for women who need loans for medical emergencies, school tuition, or household needs. Online lending services give women confidence because they do not have to share their domestic problems or face rejection, and they can keep their husbands' and families' good reputations. It comes as no surprise that the number of female online lending service consumers in Indonesia is growing, both in terms of beneficiaries and loanable funds. According to OJK data, total loanable funds for women reached Rp22,111.99 billion (approximately \$1,406,884,844.80) in August 2022, accounting for 55.32% of total loanable funds available.

Although borrowers can benefit from online lending services, some have had negative encounters with these companies. From 2019 to 2021, OJK received complaints about illegal loans, with complaints about moderate violations accounting for 52.97 percent and complaints about serious violations accounting for 47.03 percent. Serious violations include loan disbursement without the borrower's consent, dissemination of borrowers' personal information, terror, intimidation, and debt collection practices that include threats, verbal harassment, humiliation, and sexual harassment sent to the borrowers' mobile phones. Many people believe that only illegal online lending platforms use violence to collect debts. Nonetheless, data from the Indonesian Consumers Foundation (2021) show no distinction between legal and illegal online lending platforms. The online lending industry is rife with illegal practices, including but not limited to the use

7.1. Kesimpulan

Penelitian ini memperlihatkan bagaimana pinjaman online (*peer to peer lending*) memberikan manfaat bagi perempuan berupa kemudahan mendapatkan akses pinjaman, terutama bagi perempuan yang sebelumnya tidak memiliki akses pada layanan perbankan (PWC, 2019), seperti perempuan yang tidak memiliki pendapatan tetap, dan perempuan yang menjadi tulang punggung keluarga. Pinjaman online mewujudkan tujuan SDgS 8, yaitu kebijakan ekonomi yang inklusif dan berkelanjutan. Pelayanan pinjaman online yang memberikan kemudahan, kecepatan, dan keterjangkauan memberi manfaat bagi perempuan yang memerlukan dana pinjaman cepat, untuk memenuhi kebutuhan keluarga yang mendesak seperti biaya pendidikan anak, kesehatan dan kebutuhan rumah tangga. Bagi perempuan, pinjaman online (pinjol) menjadi pilihan tepat, karena fasilitas ini memberikan harga diri bagi perempuan dengan tidak perlu bercerita tentang kesulitan rumah tangga, tidak perlu menghadapi penolakan, dan dapat menjaga nama baik pasangan dan keluarga. Tidak mengherankan bila pertumbuhan konsumen perempuan pada layanan jasa pinjaman online di Indonesia cenderung mengalami peningkatan baik dari jumlah penerima manfaat, maupun jumlah dana yang diakses. Data OJK sampai dengan bulan Agustus 2022 mencatat jumlah pinjaman yang diakses perempuan mencapai 22.111,99 milyar rupiah atau 55,32% dari keseluruhan dana pinjaman online yang beredar.

Kendatipun pinjaman online memberikan manfaat positif bagi masyarakat, namun layanan ini juga memberikan pengalaman negatif bagi masyarakat. Sejak tahun 2019 hingga tahun 2021, OJK mencatat bahwa pengaduan dari masyarakat terhadap praktik layanan pinjaman *online* utamanya ilegal, terdiri dari pengaduan pelanggaran ringan/ sedang (52,97%) dan pengaduan atas pelanggaran berat sebesar 47,03%. Pengaduan pelanggaran berat meliputi tindakan pencairan dana tanpa persetujuan peminjam (korban), ancaman penyebaran data pribadi, teror,

of threats, physical force, and the dissemination of borrower personal information.

The 35 women who participated in this study come from a wide range of socioeconomic and demographic backgrounds, and their experiences reflect this diversity. Unfortunately, they have all had the same unfavorable experiences: first, never-ending hassles associated with the loan repayment process, especially when they fall behind on payments. Second, there was a breach of the borrowers' right to privacy, specifically, theft of data through unauthorized access to their mobile devices (including photos and documents). Another form of data theft that constitutes an ethical violation is the unauthorized disclosure of borrower application documents like identification cards. In addition to data theft, female borrowers face verbal, psychological, economic, online gender-based, and direct sexual violence. Too often, debt collectors contribute to escalating violent situations. There are two main categories of debt collectors that Pannabeker (2012) identified: internal and external. Internal debt collectors work for service providers and are subject to company policies and ethical guidelines. Consequently, they tend to be persuasive and less violent towards consumers. In contrast, debt collectors who work for debt buyers are referred to as external debt collectors, and they frequently use violence and intimidation to force consumers (borrowers) to repay their debts. However, the majority of female participants in this study cannot differentiate between internal and external debt collectors. Furthermore, female victims who visited online lending companies have reported that internal debt collectors make threats and violence against consumers (borrowers) over the phone.

Female victims of online lending platforms face challenges in seeking help and reporting their cases. Obstacles include administrative costs and time-consuming administrative processes that drain the female victims. Furthermore, female victims are not aware of where to report their cases or find assistance, making them vulnerable to fraud from a "support" group promising to send a letter to debt collectors requesting that they cease their threats. This study's overall findings about women's lives are summarized in the following graphic:

intimidasi dan penagihan dengan ancaman pada semua kontak HP peminjam (korban) dengan penggunaan kata-kata kasar, menghina hingga pelecehan seksual. Jika selama ini diasumsikan bahwa penggunaan kekerasan hanya dilakukan oleh pelaku pinjaman online ilegal, namun data dari Yayasan Lembaga Konsumen Indonesia (2021) memperlihatkan penggunaan ancaman, kekerasan, hingga penyebaran data pribadi peminjam, menjadi bagian dari prakti-praktik yang dilakukan oleh pinjol legal maupun ilegal.

Pengalaman 35 perempuan yang menjadi subjek penelitian ini, memiliki keberagaman dalam latar belakang pendidikan, usia dan pekerjaan (sosial ekonomi), serta memperlihatkan adanya persamaan pengalaman buruk (negatif) berupa jeratan masalah yang tidak berkesudahan dalam proses pembayaran pinjaman, terutama ketika terjadi gagal bayar. Pelanggaran atas hak keamanan data pribadi, berupa pengambilan data atau akses dari HP tanpa izin, serta data lain seperti foto dan dokumen yang tersimpan. Pelanggaran etika juga dilakukan atas dokumen kesepakatan pinjaman online seperti KTP, yang kemudian disebar luaskan untuk kepentingan yang tidak sesuai kesepakatan pada proses pinjaman. Praktik kekerasan verbal, psikis, ekonomi, hingga kekerasan berbasis gender online, kekerasan seksual secara langsung dalam interaksi tatap muka juga dialami oleh perempuan. Praktik kekerasan ini menjadi semakin parah dengan hadirnya jasa lembaga penagih hutang atau *debt collector*. Pannabeker (2012) membedakan tipe *debt collector*, yaitu *debt collector* internal dan eksternal. Dalam melaksanakan pekerjaannya *debt collector* internal bekerja secara langsung dalam perusahaan penyedia jasa, dibatasi oleh aturan dan kode etik perusahaan. Dengan demikian, mereka cenderung persuasif kepada konsumen dan membatasi penggunaan kekerasan. Sebaliknya *debt collector* yang bekerja pada perusahaan pembeli hutang (*debt buyer*) disebut sebagai *eksternal debt collector* inilah yang seringkali melakukan kekerasan dan intimidasi, seperti upaya paksa kepada para konsumen (*borrower*). Namun demikian, perempuan pada subjek penelitian ini umumnya tidak dapat membedakan mana *debt collector* yang internal, maupun eksternal. Pengalaman korban perempuan yang mendatangi perusahaan pinjaman online, memperlihatkan bahwa penagih jasa internal

juga melakukan ancaman dan kekerasan melalui telepon kepada konsumen (borrower).

Perempuan korban pinjaman online dalam upaya untuk mendapatkan bantuan pertolongan dan melaporkan pengalaman buruknya, mengalami berbagai hambatan. Seperti ketakutan akan biaya yang harus ditanggung jika melaporkan, proses administrasi yang menyita waktu, energi dan pikiran, tidak tahu pihak yang tepat untuk menyampaikan informasi dan mencari bantuan, hingga menjadi korban penipuan dari kelompok "support" yang menyediakan surat keterangan yang bisa menghentikan ancaman debt collector. Gambaran besar temuan riset ini tentang pengalaman perempuan dapat diperlihatkan secara ringkas pada gambar sebagai berikut:

GENERAL FINDINGS: PROBLEMS AT THE GRASSROOTS LEVEL

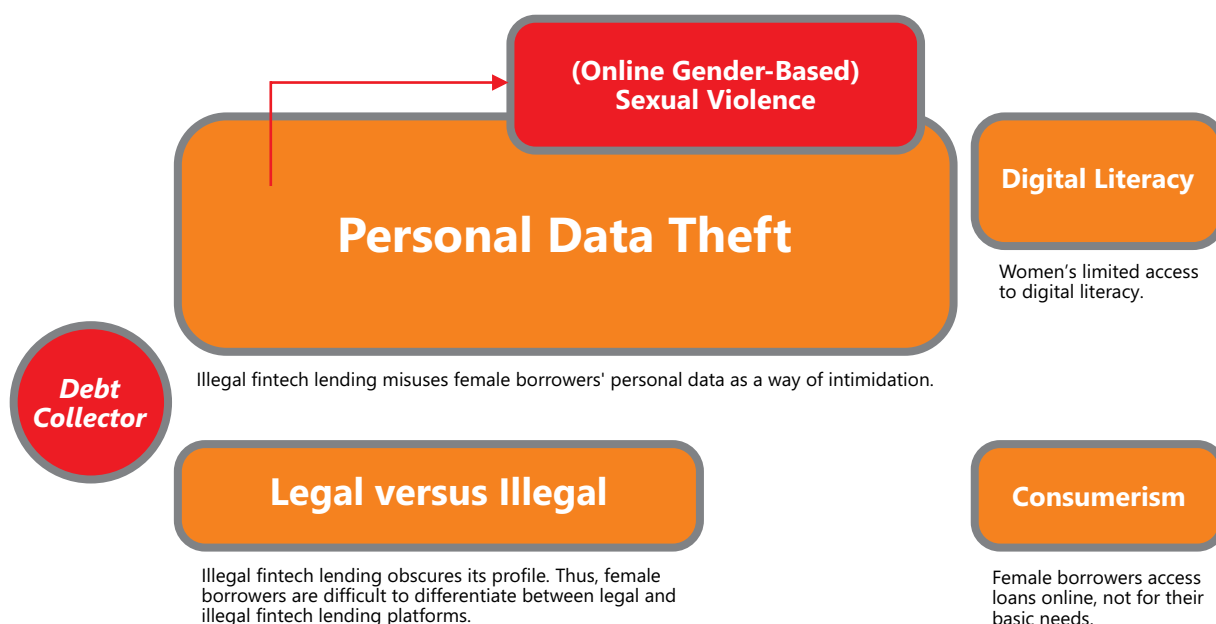


Figure 7.1. General Findings: Problems at the Grassroots Level

Female victims of online loans are frequently perceived as **rejected victims** in society (Strobl, 2010). Female online lending platform users are blamed for failing to meet their obligations as women and mothers in charge of managing family finances and meeting household needs. In addition to being perceived as irresponsible, foolish, and consumptive, women are also viewed as those who cause problems by borrowing from illegal lending platforms. Responses that blame the female victims come from their families, friends, colleagues, neighborhood, state agencies that handle complaints or reports, and law enforcement. The complexities of violence experienced by women who obtain online loans are indicative of a larger grassroots issue. With a patriarchal ideology, the structure and culture of Indonesian society place women in charge of managing the household, caring for, and being responsible for the health and welfare of their families. Consequently, overcoming women's problems requires intervention in the form of women's empowerment and the establishment of social norms that protect women in a variety of contexts.

According to socio-ecological models (Bronfenbrenner, 1989), the environmental context shapes and influences human behavior. However, the environment has different effects on men and women (Darling, 2007), with women more likely to be at a disadvantage (Kessler & McLeod, 1984). Referring to the socio-ecological models (Bronfenbrenner, 1989), the experience of women using online lending platforms can be analyzed on the basis of five (5) layers: **microsystem, mesosystem, exosystem, macrosystem, and chronosystem**. The following diagram illustrates a model framework that successfully identifies parties with a role in the business of protecting female consumers.

*Masyarakat awam, dalam keseharian menggambarkan perempuan 'korban' pinjaman online, seringkali tidak melihatnya sebagai korban, bahkan ditolak keberadaannya sebagai korban (**the rejected victim**) (Strobl, 2010). Perempuan pengguna pinjaman online dipersalahkan karena melalaikan kewajiban sebagai perempuan, serta sebagai ibu yang berperan menjaga kecukupan keuangan dan kebutuhan rumah tangga. Perempuan juga dihakimi tidak cermat, kurang berhati-hati, bodoh, dianggap konsumtif dan mencari masalah karena meminjam kepada pinjaman online ilegal. Tanggapan yang menyalahkan korban perempuan (**blaming the victim**) datang baik dari lingkungan keluarga, teman/sahabat, rekan kantor, lingkungan sekitar, bahkan lembaga negara penerima pengaduan dan penegak hukum. Kompleksitas kekerasan yang dialami perempuan pengguna pinjaman online, pada dasarnya mencerminkan persoalan yang lebih dalam di tingkat akar rumput. Struktur dan kultur masyarakat Indonesia dengan ideologi patriarki menempatkan perempuan sebagai pihak yang bertanggungjawab penuh dalam pengelolaan rumah tangga, perawatan dan penjamin kesehatan dan kesejahteraan setiap anggota keluarga. Dengan demikian jika ingin mengatasi persoalan perempuan, maka tidak cukup hanya melakukan intervensi berupa pemberdayaan perempuan semata, namun perlu usaha untuk menciptakan norma sosial yang melindungi perempuan dalam berbagai aspek kehidupan.*

*Socio-ecological models (Bronfenbrenner, 1989), merupakan teori yang menjelaskan bahwa perilaku-perilaku manusia dibentuk dan dipengaruhi oleh konteks lingkungan di mana manusia itu berada. Namun demikian, konteks lingkungan memengaruhi secara berbeda pada laki-laki dan perempuan (Darling, 2007), di mana perempuan rentan menjadi pihak yang dirugikan (Kessler & McLeod, 1984). Merujuk pada Socio-ecological models (Bronfenbrenner, 1989), pengalaman perempuan pengguna pinjol dapat dianalisis berdasarkan lima (5) lapisan, yaitu **microsystem, mesosystem, exosystem, macrosystem, chronosystem**. Berikut kerangka model yang berhasil menemukan pihak-pihak yang berperan dalam bisnis memberikan perlindungan bagi konsumen perempuan yang dituangkan dalam diagram sebagai berikut:*

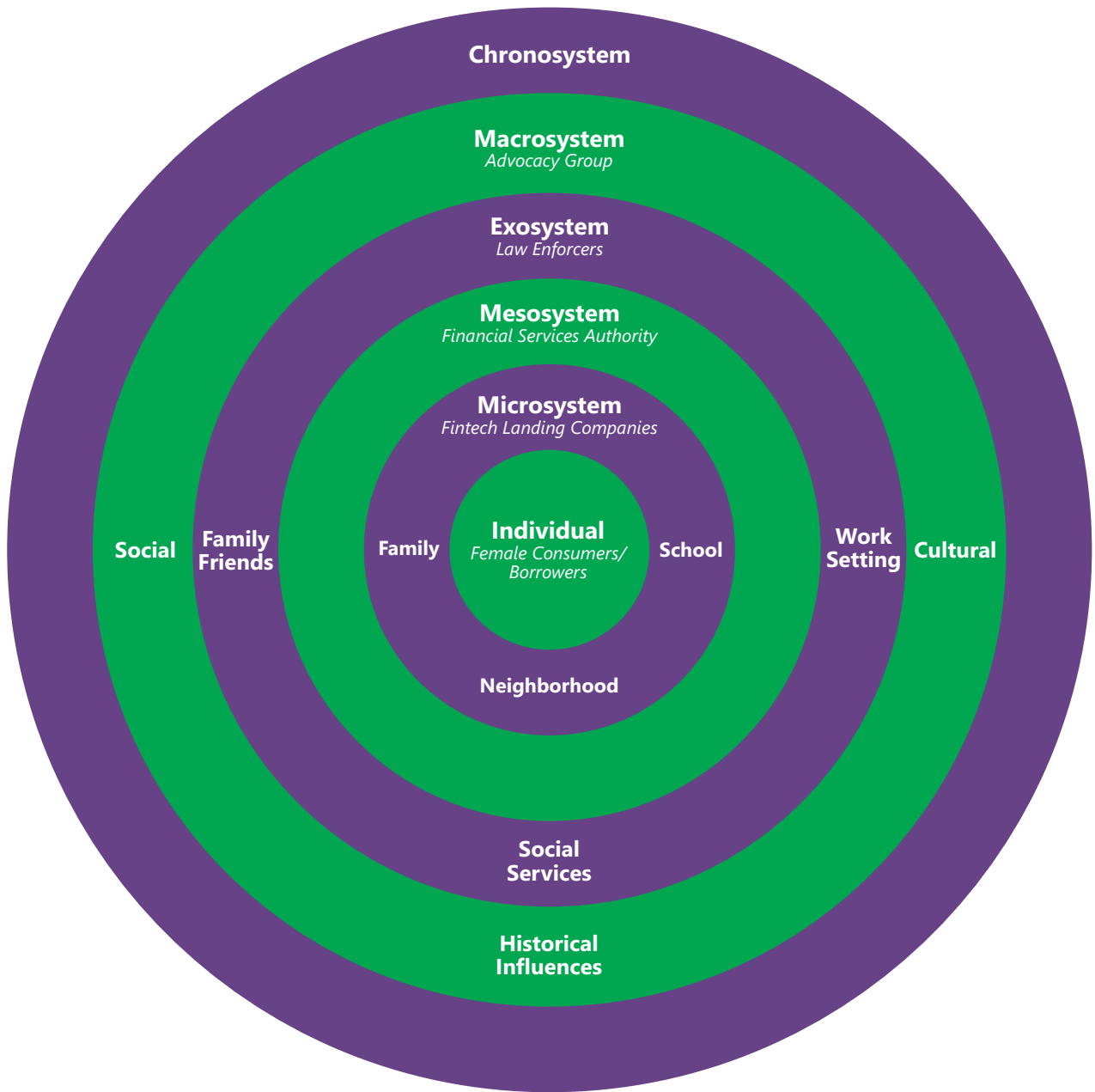


Figure 7.2. Socio-Ecological Models of the Experiences of Women Using Online Lending Platforms

The diagram of the socio-ecological models is explained further bellow:

- **The microsystem**, the first layer, is an environment in direct contact with the women who are the main subject of this study. For female victims of online lending platforms, the environmental microsystem consists of the nuclear family (a family unit consisting of only parents and children), the closest families (parents and siblings who live with them or are their responsibility), the neighborhood, and the workplace for female workers.
- **Mesosystem** is the second layer where interactions between elements of the microsystem take place, such as the relationship between the nuclear family and their living environment. Consider, for example, the shame that must be endured by the children of women who have fallen victim to online lending platforms.
- **Exosystem** entails an environment that does not directly affect women, such as changes in employee policies and termination of employment at the husband's office, which affects family incomes and forces women to take out loans to cover domestic needs.
- **Macrosystem** includes cultural values affecting women that are connected to the microsystem and mesosystem. Women, for example, are responsible for the well-being of their children, husbands, biological parents, and the husbands' families. Even though the cultural context may vary by location, ethnicity, and social standing, members of the same cultural group tend to internalize the same identity and values. According to the data presented here, cultural norms assign women specific responsibilities for nurturing, caring for, and ensuring the well-being of their families. If women do not fulfil this role, they will be negatively labelled and stigmatized. This condition is reflected in the media portrayal of the female victims of online lending platforms as extravagant, consumptive and shortsighted.
- **Chronosystem** is the outer layer that appears to have no direct relationship with women's lives, but reflects attitudes and ideologies that embody cultural values, such as policies that appear value-neutral but are detrimental to women. For instance, policies on fintech lending services have negative effects on women and the poor because

Berikut ini penjelasan mengenai diagram Socio-ecological models:

- **Microsystem**, lapisan pertama merupakan lingkungan yang bersinggungan langsung dengan perempuan sebagai subyek utama penelitian ini. Pada perempuan korban pinjol *microsystem* lingkungan yang berperan adalah lingkungan keluarga inti yang tinggal bersama (anak, suami), lingkungan keluarga terdekatnya (orang tua, saudara kandung yang tinggal bersama, atau menjadi tanggung jawabnya), kerabat dan lingkungan tetangga, termasuk lingkungan tempat kerja perempuan, jika perempuan tersebut bekerja.
- **Mesosystem**, merupakan lapisan kedua yang merupakan tempat terjadinya interaksi antara *microsystem* seperti hubungan antara keluarga inti perempuan dan lingkungan tempat tinggal. Misalnya bagaimana anak dari perempuan korban pinjol menanggung malu di lingkungannya.
- **Exosystem**, melibatkan lingkungan yang tidak terlibat secara langsung terhadap perempuan, seperti perubahan kebijakan pegawai dikantor suami yang mempengaruhi pendapatan keluarga, dan pemutusan hubungan kerja pasangan, sehingga menempatkan perempuan untuk melakukan pinjaman untuk memenuhi kebutuhan keluarga.
- **Macrosystem**, meliputi nilai budaya yang mempengaruhi perempuan, yang melekat pada lingkungan *microsystem* dan *mesosystem*. Misalnya bagaimana perempuan bertanggungjawab terhadap kesejahteraan anak, suami, orang tua kandung, hingga anggota keluarga dari pihak suami. Meskipun konteks budaya bisa berbeda antara tempat, etnisitas, status sosial, akan tetapi anggota dari suatu kelompok budaya yang sama, cenderung menginternalisasi identitas, dan nilai yang sama. Dalam konteks penelitian ini adalah budaya menempatkan perempuan menjalankan peran menjaga, merawat, serta menjamin keselamatan anggota keluarganya, sehingga jika peran ini tidak dijalankan maka perempuan akan mendapatkan label negatif dan stigma. Kondisi ini antara lain dapat dilihat pada berita di media yang menyudutkan perempuan korban pinjol sebagai orang yang boros dan konsumtif, serta tidak berpikir panjang.

these groups are less likely to have the necessary skills and knowledge to use digital technology and are more likely to prefer personalized services.

- **Chronosystem**, lapisan terluar dari yang seolah-olah tidak bersentuhan langsung dengan kehidupan perempuan, namun mencerminkan sikap dan ideologi yang menentang nilai-nilai budaya. Bentuk kebijakan yang muncul terlihat bebas nilai, namun merugikan perempuan. Misalnya kebijakan pinjaman online yang memberikan layanan melalui sistem layanan berbasis teknologi digital merugikan dan menghambat akses perempuan, serta orang miskin yang umumnya tidak memiliki kapasitas pengetahuan dan penguasaan teknologi digital serta merasa lebih nyaman dengan layanan yang bersifat personal.

7.2. Policy Recommendations for Online Loans

Based on the report's findings, the following strategic recommendations have been made for: (1) Women who have received online loans; (2) Fintech Lending Industry (fintech lending associations: AFPI, AFSI); (3) Financial Sector Supervisory Region: Strengthening the Role of the Financial Services Authority (OJK) and the Investment Alert Task Force (SWI); (4) Law Enforcement Territory (police); (5) Government Officials (the Ministry of Women Empowerment and Child Protection, the Coordinating Ministry for Economic Affairs, and the Ministry of Cooperatives and SMEs); and (6) Advocacy and Support Group (LBH, Consumer Protection Institutions). Details can be found in the following:

1. Female Borrowers

Women who use online loans play an important role in the online lending industry. Women are consumers who help to drive economic growth. Consequently, they are entitled to respectful treatment and protection from the state, as reflected in gender-sensitive and inclusive regulations and policies. Among the supporting pillars are increased literacy and consumer protection, particularly for women. Financial literacy, digital literacy, and consumer protection are all supports that the government and financial service providers must provide in order to empower women to make independent financial decisions and protect women as consumers. To better protect women as consumers of financial products, a gender-sensitive complaints mechanism should be developed by taking into account the unique challenges women face in terms of knowledge and access. The particular points requiring special explanation, including:

7.2. Rekomendasi Kebijakan Pinjaman Online

Berdasarkan kesimpulan analisis laporan, berikut ini beberapa rekomendasi strategis yang dibuat untuk: (1) Perempuan penerima manfaat pinjaman online; (2) Industri Fintech Lending (termasuk asosiasi AFPI dan AFSI); (3) Wilayah Pengawas Bidang Keuangan: Penguatan Peran OJK dan SWI; (4) Wilayah Penegak Hukum (Kepolisian); (5) Pemerintah (KPPPA, Kemenko Perekonomian, dan Kemenkop UKM), serta (6) Wilayah Kelompok Pendampingan dan Advokasi. Berikut penjabarannya:

1. Perempuan penerima manfaat pinjaman online

Perempuan pengguna pinjaman online, merupakan subyek penting pada industri pinjaman online. Perempuan adalah konsumen yang memberikan kontribusi bagi pertumbuhan ekonomi. Oleh karena itu, perlu mendapatkan perlakuan yang bermartabat dan perlindungan dari negara yang tercermin dalam regulasi dan kebijakan yang berspektif gender dan bersifat inklusi. Termasuk pilar penopangnya adalah peningkatan literasi dan

perlindungan konsumen khususnya perempuan. Literasi keuangan, literasi digital, dan perlindungan konsumen merupakan dukungan yang harus disediakan oleh pemerintah dan penyedia layanan keuangan dalam rangka meningkatkan kemampuan perempuan membuat keputusan finansial yang mandiri dan memberikan perlindungan perempuan. Untuk lebih melindungi perempuan sebagai konsumen produk keuangan, mekanisme pengaduan yang sensitif gender harus dikembangkan dengan mempertimbangkan tantangan 'khas' yang dihadapi perempuan dalam hal pengetahuan dan akses. Beberapa point penjelasan khusus yang harus dilakukan, yaitu:

<p>Mass Education on Digital Literacy, Financial Literacy, and Consumer Protection</p>	<ul style="list-style-type: none"> • Women must be prepared and supported to enter the era of digital technology, through mass education on digital literacy. • More selective about using online loan applications. Not easy to believe in advertisements or SMS links for online loans. Pay attention to the OJK logo and look at the list of legal loans on the OJK website. • Women need to understand the risks of online loans and seek help and assistance if they experience payment difficulties and report threats of violence.
<p>Strengthening Woman's Economic Independence</p>	<ul style="list-style-type: none"> • Building awareness of access to online loans as part of women's economic independence. • Women need to be wiser in using online loans for business development purposes (productive) and only for urgent purposes.

2. Online Loan Industry (P2P Lending) and Fintech Lending Associations

The financial technology industry, particularly peer-to-peer (P2P) lending, has a role in advancing the financial services industry, including expanding its role in the national economic recovery effort. In general, P2P lending creates a platform that allows fund owners to provide loans directly to debtors with higher returns. Meanwhile, borrowers can apply directly to fund owners for credit, with better terms and a faster process than traditional financial institutions. Several things must be ensured in order to expand the role of online lending, including:

2. Industri Pinjaman Online (P2P Lending) dan Asosiasi Fintech (AFPI dan AFSI)

Industri finansial teknologi utamanya P2P lending memiliki peran dalam memajukan industri jasa keuangan termasuk meningkatkan perannya dalam upaya pemulihan ekonomi nasional. Secara umum, Pinjaman online (P2P lending) membuat platform online yang menyediakan fasilitas bagi pemilik dana untuk memberikan pinjaman secara langsung kepada debitur dengan return lebih tinggi. Sementara itu, peminjam dana bisa mengajukan kredit secara langsung kepada pemilik dana dengan syarat yang lebih mudah dan proses yang lebih cepat dibandingkan ke lembaga keuangan konvensional. Untuk meningkatkan perannya tersebut beberapa hal yang perlu dipastikan adalah:

<p>Consumer Protection Principles</p>	<ul style="list-style-type: none"> • The principles of protecting consumers and preventing crime is part of the main responsibility and should be done through education. • Providing consumers with options and a guideline for secure service that they can access during the loan application process and in the event of problems. • Complaint services can come in a variety of forms, including but not limited to call centers staffed by actual people (as opposed to answering machines), online complaint forms, instant messaging platforms like WhatsApp, and in-store representatives. A website that some women may find difficult to use should not be the sole source of complaint services.
<p>Ethical Principles in Advertising</p>	<ul style="list-style-type: none"> • Advertising procedures must have a gender and inclusion perspective; • Continue to use conventional advertising strategies in addition to digital media technology; • All information (including policy) should be conveyed in language that ordinary people can understand, rather than legal jargon that is difficult to understand.
<p>Principles Responsibility for Losses</p>	<ul style="list-style-type: none"> • The online loan company is accountable for and in charge of collection service activities (debt collector). • The use of threats and violence, as well as other violations that are not in accordance with POJK rules, is prohibited.
<p>Gender-Responsive Credit Scoring</p>	<ul style="list-style-type: none"> • New clients (borrowers) should be evaluated using credit scoring rules that take gender into account. • Using a gendered perspective in credit scoring benefits all women by providing fair and accurate information about their creditworthiness regardless of their marital status (single parents), number of children, employment status, or physical health issues (women with disabilities). <p>Gender-responsive credit scoring function:</p> <ul style="list-style-type: none"> • Used to determine the likelihood of repayment default and the amount of loans available to prospective borrowers, particularly for the purpose of assisting women from diverse socioeconomic backgrounds. • Replace traditional credit scoring, which will greatly benefit women in Asian countries with a strong patriarchal ideology, where ownership of private assets such as land and property is typically held by a husband or a male family member.

Digital Financial Literacy and Convenience Principles for Female Borrowers

- The P2P lending industry must tailor its services to female consumers with limited digital technology literacy, low-quality devices, limited quota ownership, and poor internet network access. Online loan applications must be designed in a simple application form, not many features, making it easier for women to open and download applications quickly.
- Women must be able to open and download online loan applications quickly, necessitating the use of a straightforward and simple application form.

3. Financial Supervisory Working Area: Role of the Financial Services Authority (OJK) and the Investment Alert Task Force (SWI)

Even though the government has issued a number of regulations and SWI supervision, there are still some loopholes through which criminals can use online lending businesses, making consumers, particularly women, vulnerable victims. For example, there are still loan companies, both legal and illegal, that promote their products to potential customers via Google or other platforms without including a permit document from the OJK. This practice exposes consumers to promotions and traps them in illegal loans, and distinguishing between legal and illegal loans is difficult. Among the steps that can be taken to improve are:

3. Wilayah Pengawas Bidang Keuangan : Penguatan Peran Lembaga Otoritas Jasa Keuangan (OJK) dan Satgas Waspada Investasi (SWI)

Kendatipun pemerintah melalui OJK telah menerbitkan sejumlah regulasi dan pengawasan melalui SWI, akan tetapi masih terdapat peluang bagi pelaku kejahatan yang menggunakan bisnis pinjaman online, sehingga menjadikan konsumen khususnya perempuan sebagai korban yang rentan. Misalnya, masih ditemukan perusahaan pinjol baik legal atau ilegal, yang mempromosikan produknya kepada calon konsumen melalui Google atau platform lain tanpa menyertakan dokumen izin dari OJK. Praktik ini menyebabkan konsumen terpapar promosi dan terjebak pinjol ilegal, serta sulit membedakan pinjol legal dan ilegal. Langkah yang dapat dilakukan untuk memperbaiki antara lain:

Mass Education on Digital Literacy, Financial Literacy, and Consumer Protection

- Increase the number of educational online loan advertisements on television, radio, WhatsApp broadcasts, SMS reminders, and mainstream social media (YouTube, Instagram, Facebook, Twitter advertisements, and others).
- Online loan advertisements must attach a system of economic empowerment of women. For example, recommending online loans to build businesses in collaboration with women's economic improvement programs for multi-stakeholders (government, private institutions, and fintech industry);
- Meeting times and approaches should be tailored to women's needs, allowing more women to actively participate.



<p>Change the Licensing Stages</p>	<ul style="list-style-type: none"> • With cooperation between OJK and SWI with platforms such as Google Play Store and other applications requiring OJK permits before promoting their products.
<p>Anticipatory Regulation</p>	<ul style="list-style-type: none"> • Provide periodic analysis of complaints about online loans and formulate policies and legal procedures appropriate to the nature of the online loan business. • Rules must be developed within a framework of action that anticipates current and future negative consequences. • Ensuring and guaranteeing protection for consumers, including the creation of a website application or platform to assess the benefits and risks of all online loan applications, both registered and unregistered (for instance, platforms such as tripadvisor and zomato). The existence of reviews, testimonials, or ratings from users can be used by the OJK in collaboration with the Fintech Association as monitoring and evaluation material. • Putting in place guidelines for the roles and functions, authorities, and duties of various state institutions. For instance, KOMINFO and other SWI members must be more proactive and conduct risk analysis.
<p>Strengthen the Role of Fintech Associations (AFPI dan AFSI)</p>	<ul style="list-style-type: none"> • Strengthen the role of fintech associations (AFPI and AFSI) related to their supervisory function over members in implementing behavioral guidelines to avoid violent practices against consumers, by both internal and external debt collectors. • Existing regulations must be binding on the Association, which is tasked with accommodating fintech business actors (P2P lending).

Following are a number of problems that can be mapped in online loan service providers, to be rectified by OJK and SWI in their capacity as financial sector supervisors.

Berikut sejumlah masalah yang dapat dipetakan dalam penyedia layanan pinjaman online, untuk dapat diperbaiki melalui peran pengawas bidang keuangan yakni OJK bersama SWI.

TECHNICAL RECOMMENDATIONS FOR THE FINANCIAL SERVICES AUTHORITY (OJK)



Figure 7.3. Technical Recommendations for the Online Lending Industry (P2P Lending) Based on Problem Mapping



4. Law Enforcement Working Area

The role of law enforcement in resolving problems associated with online loan cases, especially illegal loans, is crucial. As a special institution that was set up, SWI, for example, has a big part to play in blocking sites and apps, which has a deterrent effect on people who commit this crime. Moreover, police agencies that are members of SWI must coordinate intensively with the OJK, PPATK, and banking through the Cyber Unit (Police) to analyze and investigate illegal loans, including providing criminal penalties in cases of violence and misuse of consumers' personal data in accordance with the Personal Data Protection Act. The following are additional steps that law enforcement agencies must take to strengthen their roles:

4. Wilayah Penegak Hukum

Peranan penegak hukum merupakan bagian penting dalam proses penyelesaian masalah terkait kasus pinjaman online utamanya pinjol illegal. SWI sebagai sebuah lembaga khusus yang dibentuk misalnya berperan penting dalam melakukan pemblokiran situs dan aplikasi sehingga menimbulkan efek jera dari pelaku kejahatan ini. Selanjutnya lembaga kepolisian yang tergabung dalam SWI perlu secara intensif berkoordinasi dengan OJK, PPATK, Perbankan, melalui Unit Siber (kepolisian) untuk melakukan analisis dan penyelidikan tentang pinjol illegal, termasuk memberikan sanksi pidana ajika terjadi kasus tindak kekerasan dan penyalahgunaan data pribadi konsumen sesuai aturan UU Perlindungan Data Pribadi. Berikut langkah penguatan lainnya yang perlu dilakukan oleh pihak penegak hukum:

<p>Civil Settlement</p>	<ul style="list-style-type: none"> • Highlight civil settlement, wherein law enforcers must convey to consumers that P2P lending is a civil agreement. • Borrowers who default on payment may not be treated as criminals but must be guaranteed the right to receive treatment that does not violate their basic rights as human beings in any formal juridical process. • In the event of violence and criminal acts committed by debt collectors and loan systems that create debt traps through illegal loans, law enforcement officials must protect female victims.
<p>Updated Technology</p>	<ul style="list-style-type: none"> • Police and state institutions, as well as service providers, must constantly update their use of digital technology relevant to service delivery and data processing. For example, determining how data on complaints and public sentiment toward online lending can be analyzed for service improvement and prevention efforts.
<p>Supervise Debt Collector and Provide Professional Development</p>	<ul style="list-style-type: none"> • The police must take a role in supervising and coaching such service providers (debt collectors) in collaboration with the Fintech Association.

Vulnerabilities of the Online Lending Business and Transnational

- Anticipate the vulnerabilities of the online lending business related to transnational organized crime. For example, the loan businesses can receive funding from criminal organizations and as a cover for interstate money laundering activities.

5. Government Officials (the Ministry of Women Empowerment and Child Protection (KPPPA), the Coordinating Ministry for Economic Affairs (Kemenko Perekonomian), and the Ministry of Cooperatives and SMEs (Kemenkop UKM)

According to the findings of this study, female participants who used online loans were unaware of KPPPA's role in providing complaint services against violence through the SAPA 129 program. When it comes to online gender-based violence (KBGO), which is perpetrated by both legal and illegal online lending companies, the SAPA 129 service is insufficient because it is more focused on complaints of violence within the scope of domestic violence (KDRT). To help women avoid becoming victims of fraud and violent practices by illegal lenders, efforts can be made to disseminate as much relevant information as possible. It is hoped that the education provided by KPPPA, both in terms of financial and digital literacy, will empower women to make their own decisions with respect to their finances, thereby safeguarding their position as consumers. In line with the Women's National Strategy for Financial Inclusion (SNKI-P), one of the government's top priorities is to increase financial inclusion among women. The mission of SNKI Perempuan is to help all women in Indonesia achieve and enjoy economic empowerment that is grounded in gender justice by providing them with the necessary knowledge, capacity, resources, and opportunities. Women in the lowest income quintile (the bottom 40%), women in the labor force (especially migrant workers), women business owners (especially those with less than 50 employees), and women who do domestic work were the primary focus of the intervention.

KPPPA can also collaborate with other government agencies, including the Coordinating Ministry for Economic Affairs and the Ministry of Cooperatives and SMEs, as well as other stakeholders (Fintech Association).

5. Wilayah Pemerintah (KPPPA, Kemenko Perekonomian, dan Kemenkop UKM)

Studi ini menemukan bahwa peran KPPPA dalam memberikan layanan pengaduan terhadap kekerasan melalui program SAPA 129, belum dikenali oleh para narasumber perempuan pengguna pinjaman online. Sifat layanan SAPA 129 lebih berfokus pada pengaduan kekerasan dalam lingkup kekerasan dalam rumah tangga (KDRT), namun belum cukup mengantisipasi bentuk-bentuk kekerasan berbasis gender online (KBGO), yang dilakukan oleh pinjol (legal dan illegal). Upaya yang dapat dilakukan yaitu dengan memberikan informasi yang massif, sehingga diharapkan perempuan dapat terhindar dari perangkap penipuan dan praktik-praktik kekerasan yang dilakukan oleh pinjol illegal. Literasi keuangan, literasi digital yang disampaikan oleh KPPPA, juga diharapkan dapat meningkatkan kemampuan perempuan membuat keputusan finansial secara mandiri, sehingga memberikan perlindungan perempuan sebagai konsumen. Hal ini sejalan dengan peraturan pemerintah mengenai Strategi Nasional Keuangan Inklusif Perempuan (SNKI Perempuan), dimana segmen perempuan merupakan salah satu segmen prioritas dalam peningkatan keuangan inklusif di Indonesia. SNKI Perempuan memiliki visi untuk memastikan bahwa semua perempuan di Indonesia memiliki pengetahuan, kapasitas, sumber daya, dan peluang untuk mencapai dan menikmati pemberdayaan ekonomi yang merujuk pada kesetaraan gender. Kelompok sasaran perempuan yang menjadi target intervensi, yaitu 1) perempuan dalam kelompok pendapatan 40% terendah; 2) perempuan pekerja, terutama pekerja migran; 3) perempuan pemilik UMKM; dan 4) perempuan pengurus rumah tangga.



Langkah lain yang dapat dilakukan KPPPA adalah bekerjasama dengan lembaga pemerintah lain seperti Kemenko Perekonomian serta Kementerian Koperasi dan UKM, dan stakeholder lainnya (Asosiasi Fintect).

<p>Coordinated Efforts Across Ministries to Increase Access to Inclusive and Gender-Responsive Loan Services</p>	<ul style="list-style-type: none"> • The Ministry of Cooperatives and SMEs can provide financial education and literacy programs that teach female consumers how to best put loan money to work in growing their businesses (productive purposes), by involving social gathering groups, Family Welfare Empowerment (PKK), and recitation groups, and others. • The Ministry of Women Empowerment and Child Protection (KPPPA), The Coordinating Ministry for Economic Affairs (Kemenko Perekonomian), and The Ministry of Cooperatives and SMEs (Kemenkop UKM) cooperate in implementing Women's National Strategy for Financial Inclusion (SNKI-P). For example, by providing assistance services for women to access support for Micro, Small and Medium Enterprises (MSMEs), get empowerment programs, and provide assistance services and solutions for women when bad credit occurs or fail to pay off.
<p>Collaboration with Banking Institutions and Fintech Associations (AFPI)</p>	<ul style="list-style-type: none"> • KPPPA and other Ministries can collaborate to develop gender-responsive credit scoring guidelines for banking institutions, as well as the AFPI and AFSI associations. • The Women's SNKI (SNKI-P) policy vision calls for a concerted effort by financial institutions and fintech associations to educate borrowers about interest calculations as well as their rights and responsibilities as consumers. • Strengthening women's protection by issuing guidelines on a gender-sensitive complaint mechanism for the fintech industry (P2P lending) that accounts for the particular challenges women face in accessing digital customer services.
<p>Bring together Fintech Service Providers and MSME Players as Potential</p>	<ul style="list-style-type: none"> • Bring together Fintech Service Providers and MSME Players as Potential Customers. • Programs must consider the diversity of potential consumers and provide service assistance, particularly for women, young people, and the elderly who have limited technological knowledge and proficiency.

6. Advocacy and Support Group Working Area

Advocacy and Support groups are organizations on which women rely and hope to receive support and assistance in times of difficulty. When a female victim of a loan seeks help from a service provider institution, the institution must have a gender perspective and promote social inclusion, recognizing that women are victims and not perpetrators (blaming the victim). Facilitators must demonstrate gender perspective and social inclusion, which are emphasized in the certification curriculum for volunteer assistants, legal aid and social

workers, as well as service and complaint officers. Facilitators prioritize assistance with psychological recovery, particularly for female victims who have experienced trauma and violence. Advocacy groups should always assist female consumers who are disadvantaged by online loan parties, especially illegal online loans that violate the law. This assistance must emphasize women's consumer rights and protections.

6. Wilayah Kelompok Pendampingan dan Advokasi

Kelompok pendampingan dan advokasi adalah tempat perempuan bergantung dan berharap mendapat dukungan dan bantuan atas pengalaman tidak menyenangkan yang menimpanya. Ketika perempuan korban pinjol mencari bantuan, maka lembaga penyedia layanan pendampingan harus memiliki perspektif gender dan inklusi sosial, bahwa perempuan adalah korban dan bukan menempatkan perempuan sebagai pelaku kejahatan (victim blaming). Para pendamping harus dipastikan memiliki perspektif gender dan inklusi sosial, yang melekat dalam kurikulum sertifikasi bagi para pendamping relawan, bantuan hukum dan pekerja sosial, serta petugas layanan dan pengaduan. Para pendamping mengutamakan pendampingan untuk pemulihan psikologis, khususnya para korban perempuan yang mengalami trauma kekerasan. Peran kelompok advokasi diharapkan senantiasa memberikan pendampingan bagi konsumen perempuan yang dirugikan oleh pihak-pihak pinjaman online, utamanya pinjaman online ilegal yang melakukan pelanggaran. Pendampingan ini harus menekankan pada hak dan perlindungan perempuan sebagai konsumen.

<p>Posit Women as Victims</p>	<ul style="list-style-type: none"> • When women are looking for assistance, they should not be positioned as perpetrators (victim blaming). • Volunteer assistants, legal aid and social workers, must have a gender perspective and social inclusion point of view. • Include consumers' rights in the psychological recovery process.
<p>Victim Rights Guarantee</p>	<ul style="list-style-type: none"> • It is essential for advocacy groups to provide assistance to women victims who are disadvantaged by illegal online loan parties who commit violations.

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WOMEN

RISKS, AND CONSUMER PROTECTION IN ONLINE LENDING PLATFORMS IN INDONESIA:

A Study on the Multiple Vulnerabilities of Women as Users and
Its Impact to Gender-Based Violence



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