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The Role of the Financial Services Authority in Handling Illegal Financial Technology Crimes That Result in Violence Against Women

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Abstract. *The evolution of civilization through information technology has also brought about changes in the world of financial services, including lending institutions. This is demonstrated by the presence of fintech. The advancement of the digital financial world, including fintech institutions in Indonesia, has not been matched by adequate legal policies regulating the implementation of online lending by fintech institutions. This has given rise to various problems, including the high number of criminal cases of domestic violence against women due to the impact of illegal fintech. This doctrinal article aims to address the urgent role of the Financial Services Authority (OJK) in handling financial technology crimes as an effort to prevent violence against women. Based on existing studies, it has been found that the Financial Services Authority (OJK), the party responsible for fintech criminal matters, has not been able to supervise and protect fintech users. This underpins the need for a formulation related to supervision and criminal law enforcement specifically against illegal financial technology institutions that commit actual unlawful acts. The law enforcement agency is the OJK, partnering with law enforcement agencies in the context of state primary constitutional organs and law enforcement agencies with the status of state auxiliary organs. Various existing problems ultimately result in cases of violence against women in the household, where either the husband or wife or both are involved in online loans, resulting in high emotional levels due to pressure from illegal online loans.*

Keywords: *Authority; Financial; Technology; Violence.*

1. Introduction

Advances in information and communication technology, coupled with the growing demand for lending institutions to support economic needs, have rapidly given rise to various breakthroughs in the digital financial services sector. One example is the emergence of financial technology institutions, often referred to as fintech. Fintech financial services institutions are essentially

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institutions engaged in the financial services sector. Fintech offers products in the form of financial services, with creative ideas and technological innovations, as well as modes of payment, remittance, fund intermediation, and investment activities oriented towards advances in information and communication technology.[1]

A fintech product frequently sought by most people is peer-to-peer lending, the practice or method of providing loans to individuals or businesses and, conversely, applying for loans to lenders, who connect lenders and investors online. Legally, this is demonstrated by the provisions of Article 1 number 6 of POJK No. 77/POJK.01/2016 concerning Information Technology-Based Lending Services, which states:

The Information Technology-Based Money Lending Service Provider, hereinafter referred to as the Provider, is an Indonesian legal entity that provides, manages, and operates Information Technology-Based Money Lending Services.

The provisions of POJK No. 77/POJK.01/2016 concerning Information Technology-Based Lending and Borrowing Services were then updated with Regulation of the Financial Services Authority of the Republic of Indonesia Number 10/Pojk.05/2022 concerning Information Technology-Based Joint Funding Services. Article 116 of Regulation of the Financial Services Authority of the Republic of Indonesia Number 10/Pojk.05/2022 concerning Information Technology-Based Joint Funding Services states that:

Information Technology-Based Money Lending Services as referred to in Financial Services Authority Regulation Number 77/POJK.01/2016 concerning Information Technology-Based Money Lending Services are declared as LPBBTI based on this Financial Services Authority Regulation.

Information Technology-Based Joint Funding Services or LPBBTI according to Article 1 paragraph (1) of the Regulation of the Financial Services Authority of the Republic of Indonesia Number 10 /Pojk.05/2022 concerning Information Technology-Based Joint Funding Services is the provision of financial services to bring together fund providers and fund recipients in carrying out conventional funding or based on sharia principles directly through an electronic system using the internet.

[1]Posma Sariguna Johnson Kennedy, "Challenges to Disruptive Threats from Financial Technology and the Role of Government in Responding to Them", Journal of the Indonesian Finance and Business Forum (FKBI), VI, 2017, p. 172.

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This information technology-based funding is implemented daily by fintech institutions in the online lending sector. The development of online lending is not without risks. The lack of legal regulations regarding fintech has led to various problems in online loan transactions between fintech institutions and fintech users. One such issue resulting from fintech crime is violence against women due to the inability to repay online loan debts.

The economic pressures caused by online loans (*Pinjol*) often lead to "femicide," or the murder of women. The Financial Services Authority (OJK) has not denied this phenomenon. The Chief Executive of the Supervisory Agency for Financial Services Business Conduct, Education, and Consumer Protection, Friderica Widyasari Dewi, said that debt traps caused by online loans (*Pinjol*) stem from a person's inability to manage their finances. This can also have a snowball effect on household life. The National Commission on Violence Against Women (Komnas Perempuan) recorded 290 cases of femicide over the past year. This is stated in the 2024 Femicide Monitoring Report. Komnas Perempuan Commissioner Siti Aminah revealed that one of the factors that often drives femicide is economic pressure due to debt or online loans (*Pinjol*). One case of murder of a woman due to *Pinjol* was carried out by Tarsum (50) who had the heart to mutilate his wife in Ciamis, West Java, because he was in debt. Another case occurred in Sumedang, West Java, last September, where a husband had the heart to kill his wife who refused to give him money to pay off an online gambling debt. For your information, femicide is a term for the phenomenon of murder of women carried out directly or indirectly because of their sex or gender which is driven by super priorities, even aggression against women.[2]

This problem arises from the lack of criminal regulations for perpetrators of crimes involving online loans or fintech. Addressing this issue requires the active involvement of the Financial Services Authority (OJK). The OJK's role in fintech criminal matters remains largely unknown to the public.The Financial Services Authority (OJK) noted that there were 3,903 public complaints regarding online loans, akaillegal loansfrom January 1 to May 29 2023. The highest number of complaints came in January 2023, namely 1,173 complaints. Then, in February 2023 the OJK received 636 similar complaints, in March 2023 there were 980 complaints, in April 2023 there were 694 complaints, and in May 2023 there were 420 complaints.[3]Data from the OJK itself

[2]CNBC Indonesia, "Loan sharks cause many women to suffer domestic violence and even femicide."https://www.cnbcindonesia.com/market/20241211122823-17-595027/akibat-pinjol-banyak-perempuan-terdampak-kdrt-hingga-femicide, accessed on May 12, 2026.
[3]Katadata Media Network,There have been 3.9 thousand complaints about illegal online loans since the beginning of 2023, accessed throughhttps://databoks.katadata.co.id/datapublish/2023/06/14/there-are-39-thousand-complaints-of-illegal-loan-loans-since-the-beginning-of-2023-this-is-the-monthly-trend, on May 12, 2023.

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shows that the OJK has not been optimal in preventing and supervising problematic fintech institutions, especially in terms of fintech crime.

2. Research methods

The type of research used in this study is doctrinal research, where the research conducted is research related to the analysis of the norms behind the text of statutory regulations, both juridically and philosophically.[4]This doctrinal research concept is the basis for selecting the theory in this article which consists of criminal law thinking about *Bijzondere To estanden* and Biomijuridika criminal law thinking. Term *bijzondere toestanden* first introduced by Lemaire in "Het Wetboek van Strafrecht voor Nederlandsch-Indie", in his writing Lemaire stated that "Afwijking van het Nederlandsche Wetboek van Strafrecht geschiedde hoofdzakelijk wanneer de bijzondere toestanden in Nederlandsch-Indie dit noodzakelijk maakten", which means "Deviations from the Dutch Criminal Code occurred mainly when special situations in the Dutch East Indies required it. The meaning of the word "*bijzondere toestanden"* is a special situation.[5] Biomijuridika is a legal thought by Barda Nawawi Arief, which emphasizes that national criminal law must refer to and explore divine knowledge, both from various religious teachings and from verses, signs, and examples of God's creation in nature. National criminal law, therefore, is a criminal law that is based on God. In a state that believes in God and whose justice is conducted "For the Sake of Justice Based on the One Almighty God," the development and enforcement of law must not only be based on "legal guidance" but also on "Divine Guidance."[6]

3. Results and Discussion

3.1. Criminal Construction in Fintech Criminal Cases

The special situation according to Lemaire is *"eeft de commissie niet allen gelet op de Europeesche maatschappij*, doc hook *rekening gehoden met de Inlandsche samen leving en de daar heersende toestanden."* This means that it is a special situation that not only takes into account European society, but also takes into account the indigenous people and the conditions that apply there, *"bijzondere toestanden" in Lemaire's explanation is "de in heemse samenleving en de daar heersende omstandigheden",* or indigenous people and the conditions that apply there, meaning that Lemaire wants to show through his observations related to the development of criminal law in the Colonial countries that the law does not always face the

[4]Sugiono, Quantitative, Qualitative and R&D Research Methods, Alfabeta, Bandung, 2009, p. 29.
[5]JE Sahetapy, Death Penalty in the Pancasila State, PT Citra Aditya Bakti, Bandung, 2007, p. 14.
[6]Muhammad Rustamaji, "Biomijuridika: Thoughts on God-Based Criminal Law from Barda Nawawi Arief", Undang: Jurnal Hukum, Vol. 2 No. 1 (2019), pp. 199-200.

same general conditions as the law in the Netherlands, but often there is also an imbalance in the law with the real conditions of the development of society that cannot be determined in general, but becomes something that Lemaire calls *bijzondere toestanden*.[7]Criminal acts committed through fraud or unlawful acts using fintech are carried out using information and communication technology related to financial services institutions, and are carried out by someone who has fintech technology capabilities, and through a modus operandi of the act in the cyberspace. This shows that criminal acts through fintech are crimes that cannot be equated with traditional and general crimes that can be committed by anyone without adequate information and communication technology capabilities and skills. In addition, fintech crimes can only be committed through digital media. Therefore, their enforcement requires special (extraordinary) law enforcement methods that are also different from law enforcement for conventional general crimes.

Criminal acts as referred to in a fintech criminal agreement are different from criminal fraud, this is because fintech acts begin with a digital agreement agreed to by fintech service users, so that proving the existence of a criminal act of fraud is not easy, this becomes more complicated because there are no criminal provisions regulated in laws and regulations related to fintech.

Fintech This is a civil act that emerged as a new legal act with new methods and consequences. This is because fintech agreements arose from the economic needs of society, where the agreements and laws used as the basis are digital civil law. Furthermore, fintech does not recognize collateral, either movable or immovable. Proof of the existence of an agreement is demonstrated by digital documents that specifically regulate loans between fintech providers and fintech users.

The debt agreement contract in the Republic of Indonesia Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions is not stated to be a debt agreement or fintech loan agreement, considering that the electronic contract agreement in the Republic of Indonesia Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions is still broad, and the fintech contract is a special digital contract that contains different legal principles for capital loans, of course, with digital agreements in general.

Regarding criminal offenses in cases of providing fintech services, the electronic criminal offenses that frequently occur are:

[7]JE Sahetapy, loc, cit.

1) The crime of accessing digital transaction user information unlawfully or without permission;

2) The crime of disseminating personal data of digital transaction users unlawfully or without permission;

3) The crime of threats through electronic means;

4) The crime of false news related to information about product goods and services in electronic transactions.

Fintech-related offenses as special crimes where the modus operandi is carried out specifically through means related to fintech have not been regulated as a separate legal regulation. This can result in the ambiguity in proving the existence of offenses in a series of fintech agreements, considering that the willingness of fintech service users can obscure an unlawful act where in a fintech agreement that is detrimental to the service user after the willingness of the user will be considered not an unlawful act because the service user agrees to various clauses of the fintech agreement electronically that are detrimental to him, this occurs as a result of the lack of understanding of fintech service users regarding the use of digital-based fintech services. Another aspect of the case of offenses in fintech agreements is offenses related to fraud which are also difficult to prove because there is an agreement agreed to by the fintech service user, therefore it must first be proven that there is abuse of civil circumstances as a way to prove the existence of unlawful acts which can ultimately be drawn into the criminal area, this becomes complicated because it must go through the use of digital media.

3.2. The Role of the OJK in Eradicating Illegal Fintech Institutions That Result in Violence Against Women

Technological advances have given rise to a new approach to the development of forms and methods of financial services. This is demonstrated by the shift in the model, from where financial companies primarily offered their services door-to-door or manually through their marketing agents, to the current emergence of online platforms. Financial technology companies have clearly increased consumer absorption in the capital and financial services sector. However, legal policies in the financial services sector have not been able to keep pace with the development of financial services models that have advanced significantly with advances in information and communication technology. This situation has resulted in various problems in the use of financial services institutions. Various losses resulting from the lack of

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consumer protection in online capital lending are common.[8]One of the problems arising from the impact of the existence of illegal fintech is the high number of cases of violence against women, especially in the household.

The economic pressures caused by online loans (*Pinjol*) often lead to "femicide," or the murder of women. The Financial Services Authority (OJK) has not denied this phenomenon. The Chief Executive of the Supervisory Agency for Financial Services Business Conduct, Education, and Consumer Protection, Friderica Widyasari Dewi, said that debt traps caused by online loans (*Pinjol*) stem from a person's inability to manage their finances. This can also have a snowball effect on household life. The National Commission on Violence Against Women (Komnas Perempuan) recorded 290 cases of femicide over the past year. This is stated in the 2024 Femicide Monitoring Report. Komnas Perempuan Commissioner Siti Aminah revealed that one of the factors that often drives femicide is economic pressure due to debt or online loans (*Pinjol*). One case of murder of a woman due to *Pinjol* was carried out by Tarsum (50) who had the heart to mutilate his wife in Ciamis, West Java, because he was in debt. Another case occurred in Sumedang, West Java, last September, where a husband had the heart to kill his wife who refused to give him money to pay off an online gambling debt. For your information, femicide is a term for the phenomenon of murder of women carried out directly or indirectly because of their sex or gender which is driven by super priorities, even aggression against women.[9]

Based on the case above, it is clear that the role of the Financial Services Authority in Indonesia is still not effective. The Financial Services Authority (OJK) quantitatively recorded that there were 3,903 public complaints regarding online loans, akail legal loansfrom January 1 to May 29 2023. The highest number of complaints came in January 2023, namely 1,173 complaints. Then, in February 2023 the OJK received 636 similar complaints, in March 2023 there were 980 complaints, in April 2023 there were 694 complaints, and in May 2023 there were 420 complaints.[10]Various fintech cases that have occurred in society to date have not received serious attention from the OJK.

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[8]Ferry Hendro Basuki and Hartina Husein, "Swot Analysis of Financial Technology in the Banking World in Ambon City (Survey on Banks in Ambon City)", Manis Journal, Volume 2, Number 1, 2018, p. 65.

[9]CNBC Indonesia, "Loan sharks cause many women to suffer domestic violence and even femicide."https://www.cnbcindonesia.com/market/20241211122823-17-595027/akibat-pinjol-banyak-perempuan-terdampak-kdrt-hingga-femicide, accessed on May 12, 2026.

[10]Katadata Media Network,There have been 3.9 thousand complaints about illegal online loans since the beginning of 2023, accessed throughhttps://databoks.katadata.co.id/datapublish/2023/06/14/there-are-39-thousand-complaints-of-illegal-loan-loans-since-the-beginning-of-2023-this-is-the-monthly-trend, on May 12, 2023.

Based on the various explanations above, it is clear that the development of financial technology implementation does not conform to sound ethical principles when drafting agreements. Although contract law recognizes the principle of freedom of contract, an agreement must also adhere to sound ethical principles. One of the requirements for a valid agreement is the requirement that the agreement be for a lawful purpose. In other words, an agreement must be clear and not conflict with current law.

Looking at the various cases above, it's clear that current financial technology agreements aren't implemented through a clear e-contract mechanism, and debtors don't fully and clearly understand proper financial technology agreements. This is clearly evident. The Financial Services Authority (OJK)'s task of regulating and supervising financial services activities in the banking sector, capital market sector, and non-bank financial industry sector has not been realized in general, while specifically supervising the non-bank financial industry, which includes fintech institutions, it can be said that the OJK's task has not yet shown results, especially in terms of supporting the eradication of illegal fintech.[11]It was known together after birth Law of the Republic of Indonesia Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector, OJK is no longer just a supervisory institution for various online loan or fintech providers. Article 1 paragraph (1) of the fourth part regarding the regulation of OJK Law of the Republic of Indonesia Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector states that "the Financial Services Authority is an independent state institution that has the functions, duties, and authority to regulate, supervise, inspect, and investigate as referred to in this Law."

Article 48B of the Republic of Indonesia Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector also states that:

(1)The Financial Services Authority has the authority to determine whether to commence, not commence, or terminate investigations into criminal acts in the financial services sector.

(2)Before determining the commencement of the investigation as referred to in paragraph (1), the Financial Services Authority shall conduct an investigation into alleged criminal acts in the financial services sector.

(3)At the investigation stage as referred to in paragraph (2), the party suspected of committing a crime in the financial services sector can submit an application to the Financial Services Authority for resolution of violations of laws and regulations in the financial services sector.

[11]https://ojk.go.id/id/tentang-ojk/pages/tugas-dan-fungsi.aspx, accessed May 12, 2023.

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(4) The Financial Services Authority shall assess the application for resolution of violations as referred to in paragraph (3) and calculate the value of the loss due to the violation.

(5) In assessing requests for settlement of violations and calculating the value of losses due to violations as referred to in paragraph (4), the Financial Services Authority shall consider at least:

a. whether or not there is a settlement for losses arising from criminal acts;

b. transaction value and/or loss value due to violation; and

impact on the financial services sector, LJK, and/or the interests of customers, financiers or investors, and/or society.

(6) If the Financial Services Authority approves the request for settlement of the violation, the party submitting the request for settlement of the violation is obliged to implement the agreement, including paying compensation.

(7) If the agreement as referred to in paragraph (6) has been fully fulfilled by the party submitting the request for resolution of the violation, the Financial Services Authority will stop the investigation.

(8) Compensation as referred to in paragraph (6) is the right of the injured party and does not constitute income of the Financial Services Authority.

(9) In addition to compensation as referred to in paragraph (8), the Financial Services Authority may determine administrative measures in the form of imposing administrative sanctions on parties suspected of committing criminal acts in the financial services sector.

(10) Administrative sanctions as referred to in paragraph (9) include:

a. written warning;

b. restrictions on products and/or services and/or business activities in part or in whole;

c. freezing of products and/or services and/or business activities in part or in whole;

d. dismissal of management;

e. administrative fines;

f. revocation of product and/or service permits;

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g. revocation of business permit; and/or

h. other administrative sanctions determined by the Financial Services Authority.

(11) In terms of:

a. The Financial Services Authority does not approve the request for settlement of the violation; or

b. If the party submitting the request for settlement of the violation does not fulfill some or all of the agreement as referred to in paragraph (6), the Financial Services Authority has the authority to proceed to the investigation stage.

(12) The provisions as referred to in paragraphs (1) to (11) are carried out in accordance with the characteristics of each financial services sector.

(13) Further provisions regarding the procedures for resolving violations and requests for resolution of violations as referred to in paragraphs (1) to (11) are regulated in the Financial Services Authority Regulations.

The provisions as referred to in Article 1 paragraph (1) of the fourth part regarding the regulation of the OJK in the Republic of Indonesia Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector which was then strengthened by Article 1 paragraph (6) of the Republic of Indonesia Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector and also the existence of Article 48B of the Republic of Indonesia Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector. Clearly shows that the OJK currently also has a law enforcement function in the area of investigating cases of financial service providers. So the OJK should not be able to wait for complaints first from fintech users before taking law enforcement action against fintech that commits crimes and harms the public. The less than optimal mechanism in law enforcement in this fintech case ultimately resulted in the OJK being sued in 2018 by the online loan victims' union. At that time, the loan shark victims who felt that their personal data was being spread, experienced harassment, and threats during collection and experienced fraud because the amount of the loan was not comparable to the amount of debt repayment, through consolidation carried out by the Indonesian Legal Aid Institute, felt that the OJK had not carried out its obligations and duties as mandated by law, as a result of which LBH and the victims would

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file a lawsuit against the OJK.[12]Currently, the role of the OJK as a law enforcer in the fintech legal sector is not yet clearly visible. The various data above show that illegal fintech institutions that cause many losses to the public have not been handled clearly and properly.

Barda Nawawi's Biomijuridika thinking basically aims to realize a just criminal policy with an approach to social and religious moral values, and in the dimensions of the embodiment of Pancasila in the concept of criminal law policy.[13]The role of the Financial Services Authority (OJK) as a law enforcer in the field of fintech law has not been clearly visible. The various data above show that illegal fintech institutions that have caused many losses to the public have not been handled clearly and properly. This situation is clearly far from the aspect of balance or harmony in guaranteeing protection and fulfillment of basic rights related to self-protection from threats and protection of legally owned property. Therefore, the minimal role of the OJK in protecting the public from criminal acts through fintech has clearly violated the basic concept of legal values according to the Biomijurudika approach, which is none other than the value of God as the epicenter in the formation of legal regulations that are capable of being just as intended by Barda Nawawi as the embodiment of the value of the Almighty God in the form of complete Legal Justice.

4. Conclusion

The increasing demand for affordable loans, supported by technology, making it easier for people to access loans to meet their economic needs, has made fintech a digital financial institution increasingly in demand. However, this lack of clarity and effective user oversight and protection is lacking. The Financial Services Authority (OJK), the party responsible for fintech criminal matters, has not been able to adequately supervise and protect fintech users. This underscores the need for a specific criminal law oversight and enforcement action against illegal financial technology institutions that commit actual unlawful acts. The OJK, in partnership with law enforcement agencies acting as state primary constitutional organs and law enforcement agencies acting as state auxiliary organs, is crucial. These various issues ultimately lead to cases of domestic violence against women, where either the husband or wife, or both, are involved in online lending, resulting in high emotional distress due to pressure from illegal lenders.

[12]Tempo, Online Loan Victims in Indonesia Sue OJK Over Personal Data Dissemination, accessed viahttps://www.tempo.co/abc/3282/online-loan-victim-in-indonesia-sues-ojk-because-personal-data-is-spread, on May 12, 2023

[13]Muhammad Rustamaji, op., cit.

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