

CRIMINAL ACCOUNTABILITY FOR ILLEGAL ONLINE LOANS THAT CONDUCT CRIME IN THE FORM OF PEER-TO-PEER LENDING IN THE COMMUNITY

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Abstract

There are many violations committed by illegal online lenders that are troubling the public, and are detrimental to the state because the state does not receive tax payments. The purpose of this study is to analyze and describe the accountability for criminal acts of illegal loan lenders who commit crimes in the form of Peer-to-peer lending to the community and to find out what precautions are being taken so that illegal lenders do not roam in Indonesia which results in the suffering of the Indonesian people. This research method uses a normative research type with the specifications of this research using normative juridical. Source of data in this study using secondary data. Data analysis in this study used descriptive qualitative method. The results of this study indicate that many perpetrators of illegal online loan providers commit violations of Indonesian government regulations, including Law Number 14 of 2008 on Public Information Disclosure Article 85 of the Population Administration Act, in addition to Article 17 letter (h), the Law Number 11 of 2008 Concerning Information and Information and Electronic Transactions Article 26 Paragraph (1) and (2), Article 51 paragraph (1) Jo Article 35 paragraph (1), Article 45 Paragraph (3), Article 45 B, KHUP (Kitab Criminal Law Act) in article 378 of the Criminal Code, Article 368 of the Criminal Code. So, the responsibility of the perpetrators of illegal online loan providers is to get sanctions for closing the company, imprisonment, as well as paying fines and providing compensation. Chairman of the OJK Board of Commissioners Wimboh Santoso said that his party had so far implemented various policies to eradicate illegal loans through the Investment Alert Task Force (SWI).

Keywords: Illegal Loans, Criminal Law, Illegal Loans Perpetrators

INTRODUCTION

One of the business models Currently developing rapidly in the era of technology in the financial sector is peer to peer (P2P) lending or information technology-based (online) lending services. Online loan services are a method of giving loans to borrowers (borrowers), both individuals and business entities and vice versa, borrowers can apply for loans to lenders. Online loan services connect lenders with borrowers online (Budiyanti, 2014). The development of financial service technology with familiar information technology is called Financial Technology or fintech. Fintech is the implementation and utilization of technology to improve banking and financial services, which are generally carried out by startup companies by utilizing the latest software, internet, communication and computer technologies (Kurnianingrum, 2021). Transactions through fintech are faster in making payments without having to meet face to face (Budiyanti, 2014).

It's no wonder that many people prefer to make loans online. People are increasingly making online loans, which has an impact on online lenders offering online loan services. So, the growth of online loans or known as loans is very fast, especially illegal online loans. Illegal online loans have the characteristics of not being registered and not applying for permission from the OJK, the application is not available on the Playstore/Appstore and there is no OJK logo, users install using APKs, use broadcast messages WhatsApp, SMS, tend to be very easy, and company addresses and contacts are not clear, not even there.

The rise of violations committed by online lending entities or illegal loans is troubling the public, and it is also detrimental to the country where the state will lose potential tax revenue. Especially during the Covid-19 pandemic, more and more illegal loans appeared and tended to increase in growth. This is because illegal loans take advantage of the economic difficulties of the people affected by the Covid-19 virus outbreak.

Based on data from the Financial Services Authority showing the number of illegal fintech from 2018 to September 2022, the OJK has taken action against 4,265 illegal loans. From this data, consumers complain about ways of billing that are not in accordance with the rules, namely by using third parties as debt collectors which are carried out by means of threats and terror. Some cases even tend to be cause for concern, as happened in February 2019, where a taxi driver hanged himself to death because he was in debt and was being chased by a debt collector. Furthermore, a housewife also committed suicide due to debt problems amounting to Rp. 500,000, - via illegal loans.

According to the Director of the Special Criminal Investigation Unit (Dirreskrim) of the Central Java Regional Police, Kombes Johanson Ronald Simamora, who reported the victim to the Central Java Regional Police, there were 34 names of illegal loan applications in Central Java. Victims of illegal online loans like the case in Wonogiri, a mother who committed suicide because she couldn't pay, she borrowed again in another application to cover her debt. Billed again, owed again until there were 10 applications that billed, so that the person concerned could not stand it and then committed suicide.

Other victims of illegal loans are promised low interest with a loan duration of only one month. Previously, the victim was willing to agree to the contact number data, so that the photo in the cellphone gallery was accessed by the loan application. This illegal loan company sends SMS to victims. That funds of Rp. 2.3 million and Rp. 1.3 million have been sent. Victim checked into savings; it was nil. Three days later, the debt collector of the illegal loan called the victim to say it was due. If you don't pay, I will send your photo to all WA contacts that you are a fraud, he explained. In fact, if the victim does not make a payment, he will be threatened with editing his photo to make it vulgar or the photo to become a very similar pornographic photo, so that the victim feels embarrassed. This includes extortion, threats, and immoral content. These cases show that loans do not provide benefits to the community and harm the community

The loan mode is to get customers by spreading SMS offering money lending services online under the guise of savings and loan cooperatives, with the lure of long tenors and low interest rates. This was deliberately done by taking advantage of the situation/condition of the community which did require funds during the Covid-19 pandemic. Another mode is to transfer a certain amount of money to people who do not make loans (Sofyan, 2016) Almost all illegal loan sharks are Chinese (foreigners) (Sofyan, 2016).

Many people complain about reporting these cases because people feel cheated by online loans. The case could not be resolved privately and reached a criminal action. This shows that illegal online loan business actors commit many criminal acts that are detrimental to the borrower. Crime is a basic understanding in criminal law. Crime is a juridical understanding, with the term "evil act" or "crime (crime or Verbrechen or misdood) (Rochmani, 2017), evil deeds here can include, fraud, making threats, extortion etc.

Indonesian law in the criminal law of the ITE Law Article 27 paragraph (4) regarding extortion and/or threats with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah) or Article 29 regarding threats of violence or intimidation directed at individuals with a maximum imprisonment of 4 (four) years and/or a maximum fine of Rp. 750,000,000.00 (seven hundred and fifty million rupiah). Article 32 paragraph (1) of the ITE Law, sharing personal data can be subject to

imprisonment for a maximum of 8 (eight) years and/or a fine of up to Rp. 2,000,000,000 (two billion rupiahs). While related to the Criminal Code, The Criminal Code which regulates threats, disclosure of secrets, humiliation and persecution which is the guideline for settlement through legal channels (Rochmani, 2020).

RESEARCH METHODS

This article was written using normative juridical research, namely research that aims to provide a detailed, systematic and comprehensive description of all the main issues that are the object of research. Data analysis in this study used descriptive qualitative method. This normative legal research or literature includes (Soekanto, 1985) source of data in this study using secondary data.

RESULTS AND DISCUSSION

Based on the results of research conducted by researchers in the field: Results of case research conducted with the Semarang Polrestabes, data included in online loan cases include misuse of documents and cases of fraud and extortion. Online loan case data as described below:

The case experienced by stevani Nadia Herawati as reported in the investigation. Stevani on Saturday 18 December 2021 was visited by the Akulaku application decolettor who came to his house on Jl. Ronggowarsito beautiful depo village block B no 7 rt 003 rw 003 Mijen kelurahan Kec. East Semarang City of Semarang. To collect loans in the Akulaku application of 4,664,000. Stevani has never applied for a loan through Akulaku Paylatter. On July 24, 2021, Stevani reported to Polrestabes that a photo of him holding an ID card was used to apply for Akulaku paylaters via Indihome wifi.

The case stated that stevani as the respondent said that a photo of himself with his KTP was used to make a loan, the application for Akulaku was 4,664.00. even though he did not make a loan and was visited by a decolettor.

The case that happened to sister Afifah Muflihati (27) an honorary teacher in Semarang Regency, Afifah was entangled in debt from various loan applications that were allegedly illegal and suffered hundreds of millions of rupiah in losses. In fact, initially Afifah only intended to borrow Rp. 3.7 million because of the pressing need to make a living during the pandemic. However, after a few days, Afifah was billed with multiple interest rates until her debt swelled to Rp. 206.3 million. at that time Afifah received offers from various types of loan applications, numbering in the hundreds. Afifah also received terror and threats from collectors because she was unable to pay off her increasingly suffocating debts. In fact, personal data on Afifah's cell phone has been shared with the public because it can be easily accessed by borrowers. Afifah felt scared and finally reported it to the authorities.

The second case shows that Afifah Muflihati borrowed Rp. 3.7 million, then to be able to repay the loan, Sister Afifah made another loan for 20 illegal online loan loans and finally got a bill of 206.3 million in her billing. Sister Afifah was terrorized and threats besides that because Afifah's sister has not been able to make payments her personal data on her cellphone is spread to the public.

Accountability for Criminal Acts of Illegal Pinjol Actors who commit Crimes in the form of Peer-to-Peer Lending to the Community and Penalties for Violating Illegal Online Loan Organizers

Based on the case above, the perpetrators of online loan crimes are subject to the following sanctions in accordance with the applicable laws:

Falsification of documents by online lenders includes violations of Article 51 paragraph (1) in conjunction with Article 35 paragraph (1) of RI Law No. 11 of 2008 concerning Information and Electronic Transactions. "Every person intentionally and without rights or unlawfully manipulates, creates, changes, deletes, destroys Electronic Information and/or Electronic Documents with the aim that the Electronic Information and/or Electronic Documents are considered as if the data is authentic, shall be punished with a crime maximum imprisonment of 12 (twelve) years and/or a maximum fine of Rp. 12,000,000,000.00 (twelve billion rupiah).

Article 378 of the Criminal Code Whoever with the intent to unlawfully benefit himself or others, by using a false name or false dignity, with deception, or a series of lies, incites other people to hand over goods to him, or to give debts or write off debts is threatened for fraud with a maximum imprisonment of four years. Then the sanctions given by the online lender who did document falsification shall be subject to imprisonment for a maximum of 12 (twelve) years and/or a fine of a maximum of Rp. 12,000,000,000.00 (twelve billion rupiah). Fraud Article 378 of the Criminal Code with a maximum imprisonment of four years.

Law Number 11 of 2008 concerning Information and Information and Electronic Transactions

Article 45 Paragraph (3)

Everyone who intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that contain insults and/or defamation as referred to in Article 27 Paragraph (3) shall be punished with imprisonment of maximum 4 (four) years and/or a maximum fine of Rp. 750,000,000.00 (seven hundred and fifty million rupiah).

Article 45 B

Any person who intentionally and without rights sends Electronic Information and/or Electronic Documents containing threats of violence or intimidation aimed at personally as referred to in Article 29 shall be subject to imprisonment for a maximum of 4 (four) years and/or a fine of a maximum Rp. 750,000,000.00 (seven hundred and fifty million rupiah).

KHUP (Book of Criminal Law)**Article 368 of the Criminal Code**

Whoever, with the intent to unlawfully benefit himself or another person, forces someone by force or threat of violence to give something, which is wholly or partly owned by that person or another person, or to make a debt or write off a debt, is threatened with extortion, with a maximum imprisonment of nine years.

Article 369 of the Criminal Code

Whoever with the intent to unlawfully benefit himself or a person, with the threat of disclosing a secret, forces a person to give something that is wholly or partly owned by that person or another person, or to make a debt or write off a receivable, shall be punished by a maximum imprisonment of four years. This crime is not prosecuted except on the complaint of the person affected by the crime.

Article 310 of the Criminal Code

- (1) Any person who deliberately attacks the honor or reputation of a person by accusing him of something, with clear intentions so that it becomes public knowledge, is threatened with defamation, by a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiahs.

The conclusions obtained in the second case are the sanctions given by online lenders including: Law Number 11 of 2008 concerning Information and Information and Electronic Transactions. Defamation in Article 45 Paragraph (3) shall be punished with imprisonment for a maximum of 4 (four) years and/or a maximum fine of Rp. 750,000,000.00 (seven hundred and fifty million rupiah).

Threats in Article 45 B shall be punished with imprisonment for a maximum of 4 (four) years and/or a maximum fine of Rp. 750,000,000.00 (seven hundred and fifty million rupiah).

KHUP (Book of Criminal Law). Article 368 of the Criminal Code of violence or threats of violence is a maximum imprisonment of nine years, Article 369 of the Criminal Code threatens to reveal secrets, a maximum of four years in prison, Article 310 of the Criminal Code (4) deliberately attacks a person's honor or good name, a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiahs. A criminal sanction (punishment), can be defined as a misery or suffering inflicted on a person who has committed an act prohibited by criminal law.

The sanctions carried out by perpetrators of online loan providers are contrary to government regulations that have been stipulated, including:

1. Laws of the republic Indonesia**a) Law Number 14 of 2008 Public Information Disclosure**

Article 85 of the Population Administration Law, in addition to that also Article 17 letter (h) of Law Number 14 of 2008 which states that public information that is exempt from being required to be disclosed, namely: history and conditions of family members, history of conditions and treatment, medical treatment a person's physical and psychological condition, financial condition, assets, income, and a person's bank account, evaluation results in relation to a person's capabilities, intellect, and recommendations for abilities, and/or records concerning a person's personality related to the activities of formal education units and educational units non-formal.

b) Law Number 11 of 2008 Concerning Information and Information and Electronic Transactions:**Article 26 Paragraph (1) and (2):**

- (1) Unless otherwise stipulated by laws and regulations, the use of any information through electronic media concerning a person's personal data must be carried out with the consent of the person concerned.
- (2) Every Person whose rights are violated as referred to in Paragraph (1) may file a claim for losses incurred under this Law.

2. KHUP (Book of Criminal Law)**a) Article 378 of the Criminal Code**

Whosoever with the intent to unlawfully benefit himself or another person, by using a false name or false prestige, by trickery, or a series of lies, incites another person to hand over something to him, or to give him a debt or write off a receivable, is threatened with fraud by maximum imprisonment of four years.

b) Article 368 of the Criminal Code

Whoever, with the intent to unlawfully benefit himself or another person, forces someone by force or threat of violence to give something, which is wholly or partly owned by that person or

another person, or to make a debt or write off a debt, is threatened with extortion, with a maximum imprisonment of nine years.

c) Article 369 of the Criminal Code

Whoever with the intent to unlawfully benefit himself or a person, with the threat of disclosing a secret, forces a person to give something that is wholly or partly owned by that person or another person, or to make a debt or write off a receivable, shall be punished by a maximum imprisonment of four years. This crime is not prosecuted except on the complaint of the person affected by the crime.

d) Article 310 of the Criminal Code

(1) Any person who deliberately attacks the honor or reputation of a person by accusing him of something, with clear intentions so that it becomes public knowledge, is threatened with defamation, by a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiahs.

(2) If this is done in writing or with an image that is broadcast, shown or posted in public, the person who is guilty of written defamation shall be punished by a maximum penalty of one year and four months or a maximum fine of four thousand five hundred rupiahs.

(3) It does not constitute defamation or written defamation if the act is clearly done in the public interest or because one is forced to defend oneself.

Analysis of the criminal responsibility of perpetrators of illegal online loan providers

Criminal liability is a rule regarding how to treat anyone who violates the norms, morals, religion, and laws that exist in that society. In the concept of criminal responsibility basically returns to the understanding of punishment for perpetrators of criminal acts. The perpetrators of loans in the preparation of this thesis are companies that provide online loan application services that are not registered with the OJK. The form of accountability for criminal acts of illegal borrowers who extort customers is subject to a maximum prison sentence of 4 (four) years.

According to Hart, the concepts of crime and criminal responsibility are very different, this can be seen from the existence of different regulatory structures. Hart argued that "primary laws setting standards for behavior and secondary laws specifying what officials must or may do when they are broken". So, it can be seen that, the separation between primary legal rules which contain rules about behavior, and secondary legal rules which determine what must or may be done for those who violate these rules. Accountability is defined by the existence of a relationship between the facts that have become a requirement and what legal consequences have been required. A person can be held criminally liable, if that person has committed a crime. Moeljatno said, "it is impossible for a person to be held accountable (convicted) if he has not committed a criminal act".

Thus, the criminal responsibility depends on what crime he has committed. A person can be subject to criminal liability, if the person has committed a crime. According to the Criminal Code, it does not regulate the notion of criminal responsibility, but it contains rules related to responsibility, namely in Article 44 paragraph (1) of the Criminal Code, which reads "Whoever commits an act for which he cannot be held accountable, because his soul is disabled." in growing (gebrekkige ontwikkeling) or disturbed due to illness (ziekelijke storing), will not be punished.

Based on Article 44 paragraph (1), Moeljatno concludes that for the ability to be responsible there must be:

1. The ability to discriminate between good and bad actions, which are in accordance with the rule of law and which are against the law
2. The ability to determine his will according to his conviction about good and bad actions.

In the ability to be responsible, it can be seen in the factor of reason, namely whether the actor distinguishes between actions that are permissible and which are not. In addition, it is also seen from the feelings or will of the perpetrator, namely whether the actor can adjust his behavior according to his awareness which is permissible or not.

So, a perpetrator who commits a crime even though it is legally and convincingly proven to have committed a crime, will not be punished, because his soul is disabled in development, or is disturbed due to an illness. This means that a person can be held accountable for his actions if: The maker's thinking ability allows him to control his thoughts, which allows him to determine his actions, therefore, he can understand the meaning and consequences of his actions And because of that, he can determine his will according to with his opinion.

Perpetrators of criminal acts whose mental development is disabled or disturbed due to an illness, the examining judge may request in his decision that the perpetrator be admitted to a mental hospital. Sudarto explained that, in order for a person to have an aspect of criminal responsibility, in the sense of being punished by the maker, there are several conditions that must be met, namely:

- a. There is a criminal act committed by the manufacturer
- b. There is an element of error in the form of intentional or negligence

- c. There is a manufacturer who is able to be responsible
- d. No excuses

The position as maker and nature of corporate criminal responsibility, there are three models of corporate responsibility as follows:

1. The corporate management as the maker and administrator is responsible. The model at this stage still accepts the principle of "society/university delinquere non potest" (legal entities cannot commit criminal acts). This principle actually applied in the past century to all Continental European countries. This is in line with individual criminal law opinions from the classical school that was in effect at that time and then also from the modern school in criminal law.
2. The corporation as maker and manager is responsible in this model the corporation as maker and manager is responsible, so it is emphasized that the corporation may be the maker. The management is appointed as the responsible person who is seen as being done by the corporation is what is done by the corporate equipment. According to the authority based on the articles of association. A crime committed by a corporation is a crime committed by a certain person as an administrator of that legal entity. The nature of the act that makes it a crime is "onpersoonlijk". The person who leads the corporation is criminally responsible, regardless of whether he knows or not about the commission of the act.
3. The corporation as maker and also as responsible in this model the corporation as maker and also as responsible is motivated by paying attention to the development of the corporation itself, namely that it turns out that for certain offenses, just stipulating the management as those who can be punished is apparently not enough. In economic delicts it is not impossible that the fines imposed as punishment on management are compared to the profits that have been received by the corporation by carrying out these actions, or the losses incurred in society, or those accompanied by its rivals, those profits and/or losses is greater than the fine imposed as a crime. The sentencing of the management does not provide sufficient guarantees that the corporation will not once again commit acts that have been prohibited by the law. It turns out that the punishment of the management is not enough to carry out repression against offenses committed by or with a corporation. Therefore, it is also necessary to make it possible to criminalize corporations and administrators, or only administrators (Farid, 1995).

Criminal liability within the corporation may not be imposed using the articles stipulated in the Criminal Code because criminal acts committed by humans and crimes committed by corporations have different characteristics (Wahyuni, 2017). The Criminal Code (KUHP) currently does not adhere to or recognize corporations as subjects of criminal acts, but developments in law outside the Criminal Code in the form of special criminal act laws have adhered to the principle of corporations as subjects of crime, this has consequences for which responsibility is imposed. corporate crime against victims of corporate crime. These developments also affect the development of corporate criminal responsibility in terms of corporate crime. Laws and regulations that adhere to the corporate principle as the subject of a crime are listed in Law Number 32 of 2009 concerning Environmental Protection and Management (Sudaryono, 2017).

Law Number 32 of 2009 concerning Environmental Protection and Management. The formulation of a corporation as a subject of a criminal act is contained in Article 116, which states:

- (1) If an environmental crime is committed by, for, or on behalf of a business entity, criminal charges and criminal sanctions will be imposed on:
 - a. Business entity; and/or
 - b. The person giving the order to commit the crime or the person acting as the activity leader in the crime.
- (2) If the environmental crime as referred to in paragraph (1) is committed by a person, based on a work relationship or based on another relationship acting within the scope of the business entity's work, criminal sanctions are imposed on the giver of the order or the leader in the said crime regardless of whether the crime is committed alone or together.

The conclusion obtained is that the perpetrators of illegal online loan providers are responsible, the government has the right to close companies, and impose criminal sanctions on perpetrators of illegal online loan providers, both managers and investors who support funds to commit criminal crimes through illegal online loans.

The Impact of Illegal Online Loans

Illegal online loan business actors in their implementation lack transparency in providing information on the benefits and risks of the products offered so that consumers often do not understand the mechanism for calculating service fees and interest which impact on the nominal loan disbursed and the amount that must be returned. Consumers also do not know that providers charge fees for repayment of loans before maturity or for cancellation of loan applications. The impacts that arise on consumers of online loans, especially illegal online loans:

- a. Interest is too high.
- b. Billing is done not only to consumers but also emergency contacts included by consumers.
- c. Threats can be in the form of fraud, slander, as well as sexual harassment.
- d. Consumer personal data is disseminated.
- e. The contact of the borrower is disseminated regarding loan information accompanied by a photo of the borrower.
- f. All access to borrowers is taken.
- g. There is no clarity regarding the contact and location of the office of the online loan application service provider.
- h. The admin fee is also unclear.
- i. Interest continues to rise, while the application changes name without notification to the borrower.
- j. The borrower has paid for the loan but the loan is not deleted or lost because it is not entered into the system.
- k. When the loan repayment is due, applications in the Appstore/Playstore cannot be opened or even lost.
- l. Loan collection is done by different people.
- m. Data from the KTP is used by online loan application businesses to apply for loans in other applications (Moeljatno, 1983).

Prevention is being done so that illegal loans do not roam in Indonesia which results in the suffering of the Indonesian people

The efforts made by the Government to prevent illegal online loans from roaming in Indonesia are:

- 1) Chairman of the OJK Board of Commissioners Wimboh Santoso said that his party had so far implemented various policies to eradicate illegal loans through the Investment Alert Task Force (SWI), including running various education programs for the public to use fintech lending registered or licensed at the OJK and preventing the public from taking advantage of illegal loans. This Chairman of the OJK Board of Commissioners Wimboh stated:
We appreciate the efforts that have been made by all other SWI members, including carrying out cyber patrols, routinely blocking websites and illegal loan applications, controlling savings and loan cooperatives that offer online loans to the public, banning payment gateways, and carrying out the process law against illegal borrowing.
- 2) The Minister of Cooperatives and Small and Medium Enterprises, Teten Masduki emphasized that the existence of illegal lending activities on behalf of/under the guise of Savings and Loans Cooperatives (KSP) could worsen the image of cooperatives. For this reason, the Ministry of Cooperatives and Small and Medium Enterprises has collaborated with SWI to stop illegal online lending business activities in the name/impersonation of the KSP.
- 3) National Police Chief Gen. Listyo Sigit Prabowo said that in the period from 2018 to 2021, his party had carried out 14 enforcement of illegal online loan laws with various modus operandi that were detrimental to society. Following up on this, guidelines are needed for the parties to carry out cooperation in order to protect the public from offering illegal online loans and strengthen efforts to eradicate illegal online loans. The Chief of Police also stated:

"This joint statement is a manifestation of the presence of the state in the midst of society in order to provide a sense of security for the community, especially for those who are experiencing economic pressure due to the COVID-19 pandemic."

Prevention Data Analysis carried out so that illegal loans do not roam in Indonesia which results in the suffering of the Indonesian people

In order to increase public awareness of illegal online loan offers and strengthen efforts to eradicate illegal online loans, as well as based on the Memorandum of Understanding on the Coordination of Prevention and Handling of Alleged Unlawful Acts in the Field of Public Fund Collection and Investment Management, the Financial Services Authority, Bank Indonesia, the Republic of Indonesia National Police Indonesia, the Ministry of Communication and Information of the Republic of Indonesia, and the Ministry of Cooperatives and Small and Medium Enterprises of the Republic of Indonesia submitted the Joint Statement as follows:

1. Prevention
 - a. Strengthen financial literacy and carry out an active and comprehensive communication program to increase public awareness of illegal online loan offers.
 - b. Strengthen education programs for the public to increase caution in making online loans and safeguarding personal data.
 - c. Strengthen cooperation between authorities and application developers to prevent the spread of illegal online loans through applications and cell phone service providers to disseminate information on public awareness of illegal online loan offers.

- d. Prohibit banks, non-bank Payment Service Providers (PJP), aggregators and cooperatives from cooperating with or facilitating illegal online loans, and must adhere to the principle of knowing your customer in accordance with applicable laws and regulations.
2. Handling of Community Complaints
 - a. Open access to public complaints.
 - b. Follow up on public complaints in accordance with the authority of each Ministry/Institution and/or report to the Indonesian National Police for legal proceedings
3. Law enforcement
 - a. Carry out legal proceedings against perpetrators of illegal online loans according to the authority of each Ministry/Institution.
 - b. Carry out international cooperation in the context of eradicating cross-country illegal online loan operations.

Based on this description, the Government of Indonesia starting from Bank Indonesia, OJK, Ministry of Communication and Information of the Republic of Indonesia, Ministry of Cooperatives and Small and Medium Enterprises of the Republic of Indonesia and Law Enforcement have made various efforts to prevent illegal loans from roaming, and have been applied in the field so that people you don't need to be afraid if you experience illegal online loans which is detrimental because the Government has provided a forum for complaints.

CONCLUSION

Liability for Criminal Acts of Illegal Borrowers who commit Crimes in the Form of Peer-to-Peer Lending in the Community is to accept sanctions for closing companies, imprisonment, paying fines and compensation. As well as providing criminal penalties for administrators and investors who support funds to commit criminal crimes through illegal online loans.

The prevention that is being done so that illegal loans do not roam in Indonesia which results in the suffering of the Indonesian people is that the Ministry of Cooperatives and Small and Medium Enterprises of the Republic of Indonesia and Law Enforcement have made various efforts to prevent illegal loans from roaming, and have been applied in the field so that people do not need to be afraid if they experience loans. illegal online which is detrimental because the Government has provided a forum for complaints. Chairman of the OJK Board of Commissioners Wimboh Santoso said that his party had so far implemented various policies to eradicate illegal loans through the Investment Alert Task Force (SWI), including running various education programs for the public to use fintech lending registered or licensed at OJK. The Ministry of Cooperatives and Small and Medium Enterprises has collaborated with the Investment Alert Task Force to stop illegal online lending businesses acting in the name of KSP.

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