


Procedural Justice in the Criminal Enforcement of Illegal Online Lending through Electronic Evidence and Victim Protection

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Abstract

This study examines procedural justice in the criminal enforcement of illegal online lending through electronic evidence and victim protection. Illegal online lending does not merely raise issues of administration and consumer protection, but may also develop into a criminal offence when accompanied by threats, extortion, fraud, misuse of personal data, or dissemination of electronic information that harms victims. This study employs a normative legal research method using statutory, conceptual, case, and limited comparative approaches. The findings show that electronic evidence plays an important role in uncovering criminal acts related to illegal online lending because most perpetrators' conduct leaves digital traces, such as threatening messages, communication recordings, screenshots, transaction histories, application data, and bank account numbers. However, electronic evidence must be obtained, secured, verified, and submitted lawfully in order to possess evidentiary value in criminal proceedings. In addition, victim protection must be positioned as part of a fair criminal process, as victims often suffer economic losses, psychological pressure, social threats, and misuse of personal data. This study affirms that procedural justice is necessary to balance the interests of law enforcement, victim protection, and respect for the rights of suspects.

Keywords

illegal online lending, procedural justice, electronic evidence, victim protection, criminal procedural law.

Introduction

The development of financial technology has transformed the way society accesses financing services. Loans that were previously obtained largely through conventional financial institutions can now be accessed through digital applications in a fast, simple, and flexible manner.¹ Within the Indonesian legal framework, information technology-based lending services are regulated as Information Technology-Based Joint Funding Services.² The Financial Services Authority has issued Financial Services Authority Regulation Number 40 of 2024 concerning Information Technology-Based Joint Funding Services, which has been in force since 27 December 2024, as part of the strengthening of digital financial sector regulation.³

On the one hand, such ease of access provides benefits for people who need rapid financing. On the other hand, the growth of online lending has also created opportunities for abuse by operators that are unlicensed, non-transparent, and employ unlawful debt collection practices. Illegal online lending does not merely create administrative problems in the financial services sector, but may also develop into a criminal issue when accompanied by threats, intimidation, extortion,

¹ Hesti Ananta Wulandari dkk., “Peran Teknologi Finansial (Fintech) Dalam Meningkatkan Efisiensi Layanan Keuangan Di Indonesia,” *Menulis: Jurnal Penelitian Nusantara* 1, no. 5 (2025): 113–20, <https://doi.org/10.59435/menulis.v1i5.240>.

² Kalsum Fais (Universitas Muhammadiyah Yogyakarta), *Perlindungan Hukum Bagi Pengguna Layanan Pinjam Meminjam Uang Berbasis Teknologi Informasi*, 31 Januari 2021, <https://doi.org/http://dx.doi.org/10.31602/al-adl.v13i1.3939>.

³ Mark Lewis Seymour, “Essays on financial market regulatory frameworks and financial inclusion” (PhD Thesis, Stellenbosch: Stellenbosch University, 2026), <https://scholar.sun.ac.za/server/api/core/bitstreams/dc7fcec0-2630-44fd-abf2-4d8c720ecb27/content>.

fraud, dissemination of personal data, or psychological pressure against victims.⁴

The phenomenon of illegal online lending demonstrates a high level of urgency. The National Legal Development Agency recorded that throughout 2024 the Financial Services Authority's Task Force for the Eradication of Illegal Financial Activities received 16,231 complaints, of which 15,162 concerned illegal online lending. From January to March 2025, the Financial Services Authority also received 1,081 new complaints related to online lending, the majority of which originated from illegal online lending services without official licences. These data indicate that illegal online lending is no longer merely an individual problem between lenders and borrowers, but a legal issue with broad social consequences.⁵

In practice, victims of illegal online lending are often placed in a vulnerable position. They do not only suffer financial losses due to unreasonable interest rates or non-transparent lending schemes, but also face threats, digital harassment, dissemination of personal data, and social pressure. Misuse of personal data is a particularly important aspect because many illegal online lending applications request access to victims' contacts, galleries, locations, or personal information. In this context, Law Number 27 of 2022 concerning Personal Data Protection

⁴ Hans Dieter Seibel, "From Cheap Credit to Easy Money: How to Undermine Rural Finance and Development," dalam *Financial Landscapes Reconstructed* (Routledge, 1994).

⁵ Annisa Lutfiana dkk., *Pentingnya Literasi Keuangan Melalui Sosialisasi Peran Otoritas Jasa Keuangan (OJK) Dalam Upaya Pelindungan Masyarakat Terhadap Pinjaman Online (Pinjol) Ilegal Di Desa Rawajaya | Kampelmas*, 13 Maret 2024, <https://proceedings.uinsaizu.ac.id/index.php/kampelmas/article/view/945>.

is relevant because it provides the legal basis for protecting personal data in the digital sphere.⁶

The issue of illegal online lending cannot be resolved solely through administrative or consumer protection approaches. When elements of threats, extortion, digital fraud, defamation, unlawful access to personal data, or dissemination of electronic information are present, the matter enters the domain of criminal law. At this point, criminal procedural law plays an important role because criminal law enforcement depends not only on the existence of prohibitions or sanctions, but also on the ability of law enforcement authorities to lawfully prove the criminal conduct.⁷

The digital character of illegal online lending places electronic evidence at the centre of criminal proceedings. Evidence in illegal online lending cases may include short messages, WhatsApp conversations, call recordings, screenshots, transaction histories, recipient bank accounts, application data, metadata, IP addresses, and other digital traces related to the perpetrator's conduct. Law Number 1 of 2024, as the second amendment to the Electronic Information and Transactions Law, remains in force and constitutes one of the key legal bases governing electronic information, electronic documents, information technology, and electronic transactions.⁸

⁶ Tito Afrianto dan Ahmad Jamaludin, "Menyoroti Maraknya Penipuan Investasi Bodong di Era Digital dalam Bentuk Pinjaman Online Ilegal dengan Modus Pinjaman Cepat dan Bunga yang Rendah di Indonesia," *Jurnal Hukum Lex Generalis* 6, no. 7 (2025), <https://doi.org/10.56370/jhlg.v6i7.2070>.

⁷ Doni Kurniyanto dkk., "Perlindungan Hukum Bagi Resiko Konsumen Terhadap Praktik Pinjaman Online Ilegal," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 3 (2025): 2448–55, <https://doi.org/10.62976/ijjel.v3i3.1291>.

⁸ Manayra Aisha Putri Indradjaja dkk., "Analisis Penegakan Hukum Tindak Pidana Yang Dilakukan Dalam Lingkup Pinjaman Online Ilegal Di Indonesia," *Paulus Law Journal* 3, no. 2 (2022): 50–64.

However, electronic evidence cannot be treated simplistically. It must be obtained, secured, verified, and submitted in accordance with the principles of criminal procedural law. Issues such as authenticity, data integrity, chain of custody, screenshot validity, and the connection between electronic evidence and the perpetrator are significant challenges in the evidentiary process. If electronic evidence is not properly managed, criminal proceedings may lose evidentiary strength. Conversely, if evidence collection is carried out without regard to procedural rights, law enforcement may create new problems in the form of violations of due process of law.⁹

In addition to electronic evidence, victim protection is an important part of criminal enforcement against illegal online lending. Victims should not merely be positioned as complainants who submit evidence to law enforcement authorities. They require protection from further intimidation, dissemination of personal data, psychological pressure, and social threats that may continue during the legal process. Victim protection in illegal online lending cases must include protection of identity, digital security, recovery of losses, and proper access to criminal proceedings.¹⁰

In this context, procedural justice becomes an important foundation for analysing criminal enforcement against illegal online lending. Procedural justice emphasizes that justice is not measured solely by the imposition of punishment on perpetrators, but also by the quality of the legal process undertaken. Criminal proceedings must

⁹ Abu Thalhah Al Anshari dkk., “Kekuatan Pembuktian Rekaman Elektronik sebagai Kesaksian dalam Perspektif Hukum Pidana Indonesia,” *Sanskara Hukum dan HAM* 4, no. 02 (2025): 181–91, <https://doi.org/10.58812/shh.v4i02.698>.

¹⁰ Anshari dkk., “Kekuatan Pembuktian Rekaman Elektronik sebagai Kesaksian dalam Perspektif Hukum Pidana Indonesia.”

balance the state's interest in prosecuting offenders, the victim's interest in obtaining protection, and the suspect's right to fair treatment. Under this approach, criminal procedural law functions not merely as a formal procedure, but as an instrument to ensure that law enforcement is lawful, fair, and accountable.¹¹

Studies on illegal online lending have largely focused on consumer protection, supervision by the Financial Services Authority, the legality of operators, and administrative sanctions. Such studies are important, but they have not fully addressed the criminal procedural issues that arise in the handling of illegal online lending. The success of criminal enforcement depends significantly on how authorities lawfully prove digital conduct and how the justice system protects victims from continuing harm. This is where an academic gap exists, namely the relationship between illegal online lending, electronic evidence, victim protection, and procedural justice in criminal proceedings.¹²

The novelty of this article lies in its positioning of illegal online lending as a matter of digital criminal procedural law, rather than merely as a consumer protection issue or administrative violation. This article links electronic evidence and victim protection within a single framework of procedural justice. With this focus, criminal enforcement against illegal online lending is not only viewed from the perspective of prosecuting perpetrators, but also from the quality of the evidentiary

¹¹ Andri Kurniawan, "Rekonstruksi Regulasi Penyelidikan Dan Pengungkapan Pelaku Kejahatan Penipuan Online Berbasis Nilai Keadilan" (doctoral, Universitas Islam Sultan Agung, 2023), <https://repository.unissula.ac.id/30922/>.

¹² Soetardi Tri Cahyono dkk., *Reconstruction of Criminal Law against Cybercrime in The Indonesian Criminal Justice System: Rekonstruksi Hukum Pidana Terhadap Kejahatan Siber (Cyber Crime) Dalam Sistem Peradilan Pidana Indonesia* | *Dame Journal of Law*, 17 November 2025, <https://journals.yapilin.com/index.php/djh/article/view/6>.

process, the protection afforded to victims, and respect for the principle of due process of law.

Based on the foregoing discussion, this study aims to analyse procedural justice in the criminal enforcement of illegal online lending through electronic evidence and victim protection. This focus is important because illegal online lending constitutes a form of digital crime that requires lawful methods of proof, adequate victim protection, and balanced criminal proceedings. This study is expected to contribute to the development of criminal procedural law in the digital era, particularly in addressing criminal offences arising from the misuse of financial technology.

Method

This study employs a normative legal research method using statutory, conceptual, case, and limited comparative approaches. The statutory approach is used to examine regulations on criminal procedural law, electronic information, personal data protection, and information technology-based funding services. The conceptual approach is used to analyse procedural justice, due process of law, electronic evidence, and victim protection. The case approach is used to examine law enforcement practices and court decisions related to illegal online lending. The limited comparative approach is used to strengthen the relevance of the study within the context of global digital criminal law. Legal materials were collected through library research and analysed using a qualitative-prescriptive method.¹³

Result And Discussion

¹³ Yulia Audina Sukmawan dan Dwi Damayanti, *Metode Penelitian Hukum Normatif Dan Empiris Sebagai Strategi Penguatan Perspektif Kajian Ilmu Hukum* | *Notary Law Journal*, 18 Juli 2025, <https://notarylaw.journal.ulm.ac.id/index.php/nolaj/article/view/116>.

1. Procedural Justice in the Criminal Enforcement of Illegal Online Lending

Online lending is essentially part of the development of digital financial services. Within the Indonesian legal framework, information technology-based funding services have been regulated through Financial Services Authority Regulation Number 40 of 2024 concerning Information Technology-Based Joint Funding Services, which has been in force since 27 December 2024. This regulation demonstrates that information technology-based lending services may operate lawfully when they comply with licensing requirements, governance standards, transparency obligations, and user protection duties.

Problems arise when online lending services are operated illegally, without licences, without transparency, and through practices that violate the law. Illegal online lending may develop into a criminal case when it involves threats, extortion, fraud, dissemination of personal data, defamation, or misuse of electronic information. Within the current Indonesian criminal law context, the analysis of criminal conduct must take into account the development of national criminal law, including Law Number 1 of 2023 concerning the Criminal Code and Law Number 1 of 2026 concerning Criminal Penalty Adjustments, which relate to the adjustment of criminal provisions outside the Criminal Code.

Nevertheless, law enforcement against illegal online lending must not be directed solely toward punishing perpetrators. From the perspective of procedural justice, criminal proceedings must ensure a balance between the state's interest in prosecuting crime, the victim's interest in obtaining protection, and the suspect's

right to a fair legal process. Procedural justice rejects law enforcement that is oriented only toward the final outcome while disregarding the legality of the evidentiary process.

From the perspective of criminal procedural law, the Criminal Procedure Code under Law Number 8 of 1981 remains an important foundation for investigation, prosecution, trial examination, and proof in criminal cases. Therefore, the criminal enforcement of illegal online lending must remain subject to procedural principles, including the legality of investigative actions, respect for the rights of suspects, lawful examination of evidence, and objective judicial reasoning.

The legal analysis indicates that illegal online lending must be understood as a digital criminal offence requiring careful criminal proceedings. If authorities pursue perpetrators without observing the legality of evidence collection, the criminal process may be challenged. Conversely, if the legal process is overly formalistic and insensitive to the victim's position, the victim may suffer renewed harm. Therefore, procedural justice serves as the basis for balancing criminal enforcement, electronic evidence, and victim protection.

2. Electronic Evidence in Illegal Online Lending Cases

Electronic evidence is central to the criminal enforcement of illegal online lending. The character of this crime differs from conventional offences because many of its legal events occur in the digital sphere. Threats may be sent through electronic messages, debt collection may be conducted through applications, dissemination of personal data may occur through social media or telephone contacts, and financial transactions may be traced through bank accounts or digital wallets.

In illegal online lending cases, the evidence that commonly arises may include WhatsApp messages, SMS messages, voice recordings, screenshots, transaction histories, bank account data, application data, IP addresses, metadata, and evidence of access to victims' contacts or galleries. Such evidence may serve as the basis for establishing the relationship among the perpetrator, the victim, the application, and the criminal conduct. However, electronic evidence cannot be treated simplistically because it can be altered, falsified, cropped, or removed from its original context.

Normatively, Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law constitutes one of the key legal bases for regulating electronic information and electronic transactions. This law has been in force since 2 January 2024 and relates to the digital legal sphere, including the use of electronic information in law enforcement. Therefore, proof in illegal online lending cases must pay attention to the validity of electronic information, the authenticity of electronic documents, and the relationship between electronic evidence and the elements of the criminal offence.

The criminal procedural analysis lies in how electronic evidence is obtained, secured, examined, and submitted at trial. Electronic evidence must possess integrity, meaning that the data submitted must not have been altered from its original form. Such evidence must also possess relevance, meaning that it must be directly related to the charged conduct. In addition, attention must be given to the chain of custody so that it is clear who obtained the evidence, how it was stored, and how it was tested.

In the theory of criminal proof, evidence does not merely function as an attachment to the case file, but as the basis upon which judges form their conviction. Therefore, screenshots of threats, recordings of conversations, or transfer histories are not sufficient if merely attached. Law enforcement authorities must ensure that such evidence can be verified through devices, accounts, phone numbers, servers, witnesses, or digital forensic experts.

Another issue arises when electronic evidence is obtained from the victim's device. Victims are often the parties who preserve initial evidence, such as screenshots of threats or recordings of debt collection. In such circumstances, law enforcement authorities must assist victims in securing evidence without damaging data integrity. If evidence is submitted only in the form of cropped images without further examination, its evidentiary strength may be weakened.

Based on this analysis, electronic evidence in illegal online lending cases must be directed toward two interests. On the one hand, electronic evidence must be sufficiently strong to prove the criminal conduct. On the other hand, the process of obtaining such evidence must not violate the principle of due process of law. In this way, electronic evidence can support lawful law enforcement, rather than merely rapid enforcement.

3. Victim Protection as Part of a Fair Criminal Process

Victim protection is an important component of criminal enforcement against illegal online lending. Victims in these cases often suffer more than financial loss. They may experience threats, harassment, shame, psychological pressure, reputational damage, and fear arising from the dissemination of personal data.

Therefore, victims should not be treated merely as sources of information or complainants, but as parties who require protection throughout the criminal process.

One of the main issues in illegal online lending is the misuse of personal data. Many victims experience pressure because their personal data, family contacts, photos, or employment information are used as instruments of intimidation. In this context, Law Number 27 of 2022 concerning Personal Data Protection is highly relevant because it positions personal data protection as part of the right to personal self-protection.

Victim protection in illegal online lending cases must cover several aspects. Victims' identities must be protected so that they do not experience further pressure. Their personal data must be safeguarded to prevent wider dissemination during the examination process. Victims also require a safe space to provide statements, submit evidence, and participate in legal proceedings without intimidation from perpetrators or debt collection networks. Under victim protection theory, criminal proceedings must not be centred solely on perpetrators. The criminal justice system must provide an adequate place for victims, particularly when victims are in a vulnerable position. In illegal online lending cases, victims' vulnerability arises from economic pressure, fear, lack of legal knowledge, and the risk of repeated dissemination of personal data.

The legal analysis demonstrates that victim protection must be positioned as part of procedural justice. A fair criminal process does not only mean that suspects obtain the right to defence, but also that victims receive adequate protection. If victims are afraid to report, reluctant to submit evidence, or withdraw reports due

to intimidation, criminal enforcement will be weakened. Therefore, victim protection also functions to strengthen the evidentiary process.

Victim protection is also directly connected to electronic evidence. Much of the initial evidence is held by victims, such as threatening messages, transfer records, bank account numbers, conversation recordings, and screenshots. If victims are not protected, such evidence may be lost, withheld, or not used optimally. By providing protection to victims, law enforcement authorities not only safeguard victims' rights but also maintain the quality of evidence in the case.

Therefore, the criminal enforcement of illegal online lending must be constructed through a model that connects electronic evidence and victim protection. Electronic evidence strengthens the basis for criminal liability, while victim protection ensures that the legal process does not intensify the victim's suffering. Both must proceed together so that procedural justice is genuinely present in the handling of illegal online lending.

Conclusion

Criminal enforcement against illegal online lending must be understood as part of digital criminal procedural law. The problem of illegal online lending is not only related to administrative violations or consumer protection, but may also develop into a criminal offence when threats, extortion, fraud, misuse of personal data, or dissemination of electronic information harmful to victims are present. Electronic evidence constitutes an essential element in criminal proceedings concerning illegal online lending because most perpetrators' conduct leaves digital traces. Threatening messages,

communication recordings, screenshots, transaction histories, application data, bank account numbers, and other digital traces may be used to prove the relationship among the perpetrator, the victim, and the criminal conduct. However, electronic evidence must be obtained, secured, verified, and submitted lawfully so that it possesses evidentiary value and does not violate the principle of due process of law.

Victim protection must also form part of a fair criminal process. Victims of illegal online lending often suffer economic losses, psychological pressure, social threats, and misuse of personal data. Therefore, victims should not merely be positioned as complainants, but must be protected in terms of their identity, security, personal data, and right to access justice.

Procedural justice serves as an important foundation for balancing the interests of law enforcement, victim protection, and the rights of suspects. A fair criminal process is not aimed solely at punishing perpetrators, but also at ensuring that evidence is obtained and examined lawfully, victims receive protection, and all stages of law enforcement proceed in accordance with the principles of criminal procedural law. Within this framework, the handling of illegal online lending can provide stronger legal certainty, justice, and protection for society.

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