

## Identify Cases with the Topic of Online Loans in the Period 2020-2024 in Indonesia

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### ABSTRACT

**Objective:** This research investigates Supreme Court rulings in Indonesia concerning online loans from 2020 to 2024. **Method:** The analysis employs empirical methods with a legal research approach, integrating primary data from Supreme Court decisions and secondary data from legal regulations and journal literature. **Results:** Studied cases encompass civil and criminal classifications, emphasizing disputes in divorce cases and violations of information technology laws. Bibliometric analysis results highlight the complexity of addressing online loan cases in Indonesia within the contexts of justice, and law enforcement. **Novelty:** This research provides a comprehensive review of Supreme Court rulings on online loans in Indonesia over a recent five-year period, combining civil and criminal perspectives and employing bibliometric analysis to reveal the challenges in legal enforcement and justice.

## INTRODUCTION

Online loans have become a hot topic of discussion in Indonesia. The proliferation of online loans is driven by various factors, including the advantages of digital platforms, which offer an efficient and easily accessible application process, with fewer requirements compared to conventional financial institutions. In addition, the high demand for unsecured loans and urgent personal financial needs also contribute to the popularity of online loans. Along with the increase in online loan users, related cases have also risen, including defaults, non-performing loans, debtors failing to pay according to agreements, paying outside of agreements, and late payments. Nevertheless, online loans are indeed needed by the public. Special regulations are required to govern online loans in order to protect creditors and monitor online loan practices more strictly [1].

According to Databoks on online loan cases in Indonesia, the following is a description of information regarding online loans (pinjol) in Indonesia based on the Financial Services Authority (OJK) report in April 2024: In April 2024, the disbursement value of online loans domestically reached IDR 21.67 trillion, a decrease of 5% from the previous month, which recorded IDR 22.76 trillion. Despite this, the main issue faced is the high number of online loan users experiencing arrears or non-performing loans. Specifically, there were 2.25 million individual online loan users facing credit issues in April 2024. Of this number, 1.73 million entities experienced non-performing loans with total arrears reaching IDR 4.1 trillion. Meanwhile, 510.9 thousand entities were classified as bad loans with total arrears of IDR 1.3 trillion.

Based on OJK classification, credit is categorized as non-performing if payment is delayed between 30 to 90 days, while it is classified as bad if delayed for more than 90 days. Overall, entities with arrears accounted for about 13% of total individual online loan users in Indonesia. Although there was an increase in the value of bad loans throughout the first quarter of 2024, the ratio of bad online loans to total active loans remained relatively stable at 2.9%. Male borrowers dominate in terms of bad loans, with total arrears reaching IDR 746.3 billion, compared to female borrowers recording IDR 625.5 billion. Demographically, the age group 19–34 years is the most prone to bad loans, with total arrears reaching IDR 726.6 billion in March 2024, followed by the 35–54 years age group with arrears of IDR 550.4 billion, over 54 years with IDR 92.6 billion, and under 19 years with arrears of IDR 2.2 billion. Overall, this situation shows that although the online loan industry continues to grow, the biggest challenge faced is optimal credit risk management to reduce the level of non-performing loans and maintain financial market stability in the long term, as detailed in Figure 1.



**Figure 1.** Online Loan Disbursement Data in Indonesia.

Source: OJK [2]

In the practice of online lending, the public no longer needs to visit leasing companies or financial institutions to apply for a loan, pay installments, or settle their debts. Instead, they can simply access the process by filling out forms provided on devices such as smartphones, either via the Google Play Store for Android or Apple Store for iOS, or tablets at stages such as loan or credit applications, which include the debtor's personal information, repayment plans, and credit-related understanding on the website [3].

With fast application procedures, easy requirements, and convenience in execution, online loans have become one of the most popular financial products among the Indonesian public today. Other financial institutions, fintech companies, and banks also provide debt repayment through digital platforms that offer online assistance to those in need [4].

In conducting online lending transactions, both creditors and debtors must understand the validity of online loan agreements, which are governed by the same legal requirements as conventional agreements, as regulated in Article 1320 of the Civil Code, as well as the legal implications arising from a valid agreement, which becomes binding for the parties involved, according to Article 1338 of the Civil Code. In addition, regulations regarding online lending transactions are stipulated in the Financial Services Authority Regulation Number 77/POJK.01/2016 on Information Technology-Based Lending Services. Creditors must also ensure that online agreements comply with applicable legal requirements, including mutual consent between debtor and creditor, explanations of obligations and rights of the parties involved, and provisions regarding sanctions or actions in case of default [5].

Although online transactions offer advantages such as time efficiency and lower costs, they also carry risks that creditors must be aware of. One such risk is debtor default, which may include failure to pay, paying an amount different from the agreement, non-performing loans, and others. The impact of default or debtor's non-performance is primarily financial loss. If a debtor fails to pay, the creditor may lose part or all of the lent funds [6].

Some borrowers have been sanctioned by the Financial Services Authority due to being categorized under Default Rate (TWP) of 5%. According to OJK, TWP90 is the rate of failure or delay in fulfilling obligations for 90 days after the due date. Thus, even though online loan agreements are simple and often unsecured, many cases of default are still committed by individuals who borrow from lenders as the party providing the loan [7].

In civil law, the term "debt and receivable" describes the relationship between two parties, in which one party has the obligation to make a payment (debt) to another party entitled to receive it (receivable). In this context, the term refers to the financial relationship where there is a responsibility to repay the debt to the party with the right to receive payment. Debt is the obligation of a person to give something to another, whereas receivable is the right to receive something from another. This is a fundamental concept in financial transactions and civil law governing the rights and obligations between parties in an agreement.

Based on the indexing institution lens.org with the keyword "online loans," this topic is still underexplored from a legal perspective, as detailed in Figure 2.



**Figure 2.** lens.org Data for the Keyword “Online Loans” 2020–2024.

On the other hand, in the current research context discussing breaches of online debt agreements, Anisa Uswatun Hasanah and Sri Maharani Mardiananingrum (2023) in the Journal of Social Science Research with the title "Legal Protection for Creditors Due to Debtor Default in Sharia Online Loans (Study of PT Investree Radhika Jaya)" examined the legal protection provided to creditors in the context of Sharia-compliant online loans. The study focused on online lending platforms operating according to Sharia principles, such as Investree Syariah, which provides loan and repayment services in accordance with Sharia principles. In this context, the platform uses a wakalah bi al-ujrah contract, where participants entrust the company to manage their funds in exchange for a fee or ujah [8].

The second study by Asty Thania Dayanty and team (2021) in UNES Law Review titled "Legal Protection for Investors in Online Lending Agreements (Peer-to-Peer Lending) on the TaniFund Platform" focused on evaluating the responsibilities assigned to the parties involved in distributing loan facilities on TaniFund and the legal protections provided to investors. The study found that under TaniFund agreements, fund providers are considered lenders, while platform operators are not liable for transaction risks or potential interest losses resulting from borrower negligence [9].

The third study by Olga Sekar Anggun Hamidah and Wiwin Yulianingsih (2022) in \*Jurnal Hukum dan Dinamika Masyarakat\* titled "Legal Protection for Investors in Loan Facility Distribution Agreements Through Crowdfunding Defaults" focused on evaluating and gaining deeper understanding of the legal protection granted to investors in agreements distributing loan facilities on platforms such as TaniFund. The study concluded that agreements formed through loan-based crowdfunding platforms create significant legal obligations for the parties involved [10].

Based on the existing research, no studies have examined cases related to online loans in Indonesia between 2021-2024. This research aims to thoroughly explore several key aspects: first, what are the causes of cases related to online loans in Supreme Court decisions? Second, in which courts are online loan cases most frequently adjudicated according to Supreme Court rulings? [11].

This study aims to identify cases related to online loans decided by the Supreme Court of Indonesia between 2020-2024 with legally binding decisions. The main objective is to analyze and identify case patterns and factors influencing Supreme Court decisions regarding online loans during this period. This research is expected to provide in-depth understanding of the legal developments in Indonesia regarding online loans and contribute to evaluating policies and legal protections for borrowers and lenders in the context of digital financial services. Therefore, this study seeks to identify and analyze cases related to online loans in Supreme Court decisions in Indonesia during 2020-2024. The benefits of this research are significant, as analyzing existing cases can assist in mapping legal cases related to online loans in Indonesia during the 2020-2024 period [12].

## RESEARCH METHOD

This study uses an empirical method with a legal research approach. The primary data were obtained by collecting Supreme Court decisions with legally binding status from 2020 to 2024, using keywords such as "Online Loans," "Peer-to-Peer Lending," "Criminal," and "Civil." The secondary data include legal regulations and journal literature obtained from the indexing platform lens.org. The collected data were analyzed using bibliometric methods, by processing annual classifications according to the keywords, and then described to address online loan cases in Indonesia during 2020-2024. In this study, the researcher used examples from Supreme Court decisions, namely the 2021 Decision Number 604/Pdt.G/2021/PA.Dpk and Supreme Court Decision Number 438/Pid.Sus/2020/PN Jkt.Utr.

## RESULTS AND DISCUSSION

### A. Analysis of Supreme Court Decisions on Online Loan Cases from 2020-2024

From 2020 to 2024, the Supreme Court of Indonesia issued several influential decisions in cases involving online loans. Some of these decisions have permanent legal force and significantly affect regulations and practices related to online loans in Indonesia. Firstly, the Supreme Court has established several important legal principles concerning online loans. One of these is the obligation of online loan companies to comply with existing debtor protection provisions. These decisions include the duty to provide clear and transparent information to potential debtors regarding interest rates, administrative fees, and other terms and conditions. Additionally, in several cases, the Supreme Court has emphasized that aggressive or unlawful debt collection practices may be subject to criminal sanctions. This aims to protect debtors from unethical practices or violations of their rights [13]. Detailed information can be seen in Table 1.

**Table 1.** Supreme Court Decisions on Online Loan Cases from 2020-2024.

| No | Classification | Number of Cases Registered | Number of Cases Resolved | Number of Decisions |
|----|----------------|----------------------------|--------------------------|---------------------|
| 1  | 2020           | 4                          | 4                        | 4                   |
| 2  | 2021           | 11                         | 9                        | 9                   |
| 3  | 2022           | 3                          | 3                        | 3                   |

|   |      |   |   |   |
|---|------|---|---|---|
| 4 | 2023 | 0 | 0 | 0 |
| 5 | 2024 | 2 | 2 | 2 |

In the period from 2020 to 2024, the Supreme Court of Indonesia handled cases related to online loans. In 2020, a total of 4 cases were registered, all of which were decided by the Supreme Court. In 2021, the number of registered cases increased to 11, with 9 of these being decided. In 2022, the number of registered cases decreased to 3, all of which were decided. During 2023, no new cases were registered, and therefore no decisions were issued. In 2024, 2 new cases were registered, both of which were decided. Overall, from 2020 to 2024, the Supreme Court processed a total of 20 registered online loan cases, issuing 18 decisions.

#### **B. Analysis of Case Classification in Supreme Court Decisions on Online Loans from 2020–2024**

The classification analysis of Supreme Court decisions related to online loans from 2020 to 2024 shows significant variation in the types of cases brought to court. In the divorce category, there was an increase in cases involving disputes over debt obligations between divorcing couples related to online loans taken during marriage. In the civil category, the Supreme Court faced challenges in handling disputes between lenders and borrowers concerning contract disagreements and compliance with consumer protection laws. Religious civil cases often considered aspects of Sharia law related to online loans, focusing on adherence to Islamic financial principles [14].

In the special criminal category, the Supreme Court played an important role in addressing criminal acts such as fraud and money laundering related to online loan practices. Finally, general criminal cases involved the misuse of online loan services, such as fraud or other legal violations involving lenders and borrowers [15]. This analysis highlights the legal complexity faced by the Supreme Court in balancing consumer protection, law enforcement, and the sustainability of the online lending industry in Indonesia. Detailed information can be seen in Table 2.

**Table 2.** Classification Data of Supreme Court Decisions Involving Online Loan Cases from 2020–2024.

| No | Classification   | 2020 | 2021 | 2022 | 2023 | 2024 |
|----|------------------|------|------|------|------|------|
| 1  | ITE              | 1    | 0    | 1    | 0    | 0    |
| 2  | Divorce          | 3    | 7    | 2    | 0    | 2    |
| 3  | Civil            | 0    | 1    | 0    | 0    | 0    |
| 4  | Islamic Civil    | 3    | 7    | 2    | 0    | 2    |
| 5  | Special Criminal | 1    | 0    | 1    | 0    | 0    |
| 6  | General Criminal | 0    | 1    | 0    | 0    | 0    |

From 2020 to 2024, the Supreme Court faced several cases related to online loans classified into several main legal categories. Based on available data, the most frequent classification was divorce, with a total of 14 cases during this period, followed by

religious civil cases with 14 cases as well. These cases illustrate various legal aspects involved in resolving disputes related to online loans.

One of the Supreme Court decisions with permanent legal force was in 2021, Case Number 604/Pdt.G/2021/PA.Dpk, where Plaintiff Indah Triharyani sued Defendant Iyan Yandi. The case involved the Plaintiff feeling burdened by the Defendant's failure to provide support for her and their child. The Defendant appeared negligent in family matters, frequently dishonest in financial issues, and had multiple online loans (pinjol). The ruling was as follows: the Defendant, who was officially summoned, did not appear. The Court granted the Plaintiff's claim by default (*verstek*), issuing a *talak satu ba'in sughra* against the Defendant, and ordered the Plaintiff to pay court fees of Rp.350,000.00.

Divorce cases involving online loans often relate to financial disputes affecting the continuity of the marriage. Meanwhile, religious civil cases are frequently associated with financial obligations connected to online loans within the context of Islamic family law in Indonesia [14].

On a lower scale, cases involving Electronic Information and Transactions (ITE) and special criminal cases also appeared, though in smaller numbers. These classifications indicate legal violations in the use of information technology related to online loans, often involving crimes such as fraud or dissemination of false information.

### C. Court Analysis in Deciding Online Loan Cases from 2020–2024

The court analysis of cases related to online loans from 2020 to 2024 recorded several significant legal trends and issues. Detailed information can be seen in Table 3.

**Table 3.** Court Data in Deciding Online Loan Cases from 2020–2024.

| No | Court             | Case Classification     | Number of Decisions |
|----|-------------------|-------------------------|---------------------|
| 1  | PN JAKARTA UTARA  | ITE<br>Special Criminal | 2                   |
| 2  | PT BANDUNG        | Criminal                | 1                   |
| 3  | PA MAKASSAR       | Divorce Civil           | 1                   |
| 4  | PA BENGKULU       | Divorce Civil           | 1                   |
| 5  | PTA BANDUNG       | Divorce Civil           | 1                   |
| 6  | PA GARUT          | Divorce Civil           | 1                   |
| 7  | PA BEKASI         | Divorce Civil           | 1                   |
| 8  | PA SURAKARTA      | Divorce Civil           | 1                   |
| 9  | PA MOJOKERTO      | Divorce Civil           | 1                   |
| 10 | PA JAMBI          | Divorce Civil           | 1                   |
| 11 | PA TANJUNG KARANG | Divorce Civil           | 1                   |
| 12 | PA MUNGKID        | Divorce Civil           | 1                   |
| 13 | PN DEPOK          | Civil                   | 1                   |
| 14 | PA CIBINONG       | Divorce Civil           | 1                   |
| 15 | PA TIGARAKSA      | Divorce Civil           | 1                   |

|    |                  |               |   |
|----|------------------|---------------|---|
| 16 | PA KAB<br>MALANG | Divorce Civil | 1 |
| 17 | PA DEPOK         | Divorce Civil | 1 |

Between 2020 and 2024, data from various courts in Indonesia show a diverse pattern of decisions in cases related to online loans. North Jakarta District Court stood out with two rulings related to Information and Electronic Technology (ITE) crimes, reflecting the complexity of cases concerning digital security and privacy in today's era, as well as special criminal cases. For example, in Case Number 438/Pid.Sus/2020/PN Jkt.Utr, defendant DEDE SUPARDI bin H. SUPRIADI was legally found guilty of committing a criminal act by distributing, transmitting, or making accessible electronic information and/or electronic documents containing threats or extortion, as regulated under Article 27 paragraph (4) in conjunction with Article 45 paragraph (4) of Law No. 19 of 2016 on Amendments to Law No. 11 of 2008 on Electronic Information and Transactions.

This was followed by the Bandung High Court, which issued one criminal ruling, indicating a focus on handling criminal cases at the appellate level. In civil matters, divorce cases dominated, becoming the main concern in various Religious Courts and District Courts across regions. Religious Courts in Makassar, Bengkulu, and several courts in West Java, Central Java, and East Java each handled one divorce case. This reflects the high number of divorces, which continues to be a major focus in civil law across different regions of Indonesia.

Overall, civil courts, especially Religious Courts and certain District Courts, played a dominant role in handling divorce cases, highlighting significant social challenges related to household stability and other civil matters in society. Nevertheless, ITE cases also indicate a growing trend in complexity and the need for justice in the field of information technology in the continuously evolving digital era.

## CONCLUSION

**Fundamental Finding :** From 2020 to 2024, the Supreme Court of Indonesia issued several important rulings related to online loans, handling various types of cases. In 2021, there was a significant increase in cases related to online loans. Divorce cases dominated the civil law classification, reflecting financial disputes between spouses that affected the continuity of the marriage. **Implication :** Meanwhile, the North Jakarta District Court handled the highest number of online loan cases, particularly involving ITE (Information and Electronic Transactions) and special criminal cases, indicating the regional judicial burden and the importance of targeted legal enforcement in areas with high case concentrations. **Limitation :** The discussion is limited to Supreme Court rulings and specific courts, without analyzing the underlying social, economic, or technological factors that may influence the increase in online loan cases. **Future Research :** Future research could explore the causes behind the surge in online loan cases, the effectiveness

of legal remedies, and regional disparities in case handling to inform policy improvements and judicial management strategies.

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