



# Protecting in Legal Perspective: A Study on Pornography Crimes within Online Loan Service Transactions

Mahmud Mulyadi<sup>1, a)</sup>, Rosmalinda Rosmalinda<sup>1, b)</sup>, Nabila Afifah Salwa<sup>1, c)</sup>, Liza Hafidzah Yusuf Rangkuti<sup>1, d)</sup>, Fahrizal. S. Siagian<sup>1, e)</sup>, and Farhans Mahendra Syam<sup>1, f)</sup>

<sup>1</sup>*Faculty of Law, Universitas Sumatera Utara, Indonesia*

<sup>a)</sup> Corresponding author: mahmud\_mulyadi@usu.ac.id

<sup>b)</sup> rosmalinda@usu.ac.id

<sup>c)</sup> nabilaaiffah@usu.ac.id

<sup>d)</sup> lizahafidzahyusuf@gmail.com

<sup>e)</sup> fahrizalsiagian@students.usu.ac.id

<sup>f)</sup> mahendrahans10@gmail.com

**Abstract.** There has been a continual rise in criminal cases involving the misuse and distribution of pornographic content linked to online lending service operations. Some forms of criminal violations shown including unauthorized access to clients' personal data, which is then used as a means of extortion. The most harmful and violates human rights in the case is distributing manipulated photos or videos into pornographic content when online Lender could not pay the loan. The study employs a normative-empirical method, focusing on the analysis of relevant laws and regulations, along with law enforcement practices in a city-Medan. It reviewed Indonesia laws, (a) the Electronic Information and Transactions Law (UU ITE), (b) the Criminal Code (KUHP), and (c) the Personal Data Protection Law (UU PDP), as well as the roles of institutions like the Financial Services Authority (OJK) and law enforcement agencies. As result, legal protection for victims of illegal online lending can be achieved through criminal proceedings for defamation, dissemination of immoral or pornographic content, and extortion against perpetrators. Furthermore, this study figure out the need for stronger regulations and effective preventive measures from the government and the Financial Services Authority (OJK), as well as the psychological and legal assistance for victims. As conclusion, although the legal framework is in place, the effectiveness of law enforcement and coordination between institutions remains a major obstacle to achieving comprehensive protection and recovery for customers who are victims. As recommendation, (a) the government's need to intervene the law concerning Law enforcement on online loan. (b) it is a must to have coordination to break the chain of operations and minimize losses to victims, on: (i) reporting mechanisms, (ii) digital investigations, and (iii) rapid blocking of illegal websites and applications.

**Keywords:** Legal Protection; Pornography Crime; Online Loan Services; Cybercrime Law; Digital Transactions.

## 1 Introduction

The development of information and communication technology has led to the emergence of various digital services, including online lending services (Pinjol) that provide easy access to finance for the public. However, behind this convenience lie illegal practices that threaten the privacy and safety of customers. This convenience also has the potential to be abused by irresponsible individuals for various crimes. Some of the illegal practices that have been reported include the distribution of pornographic content, which involves the misuse of customers' personal data by online lenders as a means of extortion.[1]

Online lenders commonly access customers' personal data, such as photos and contact information, without permission, which is then used as a means of blackmail by threatening to distribute manipulated pornographic content.

The criminal act of distributing pornographic content in the context of online lending services not only causes material harm to victims, but also violates existing legal norms. Although Indonesia has a legal framework governing electronic information and transactions, criminal law, and personal data protection, the implementation and enforcement of laws against these violations still face various obstacles. The lack of coordination between relevant agencies and weak regulations have had a negligible impact, so that victims often do not receive adequate protection.[2]

The distribution of pornographic content through online lending platforms constitutes a serious violation of human rights and legal norms as stipulated in the Electronic Information and Transactions Law (ITE Law), the Criminal Code, and the Personal Data Protection Law (PDP Law)[3] Perpetrators of online loan crimes not only cause financial harm but also have a profound psychological and social impact on victims. This practice demonstrates a systematic *modus operandi* in carrying out cybercrime in the digital era.

Lack of evidence is also caused by increasingly sophisticated *modus operandi*, with perpetrators using technology to conceal their identities and act anonymously. In addition, suboptimal capacity and technology within law enforcement agencies slow down the process of evidence gathering and investigation. This results in low rates of successful investigation and prosecution.[4]

Various laws and regulations such as the Electronic Information and Transaction Law (ITE Law), the Criminal Code (KUHP), and the Personal Data Protection Law (PDP Law) have been designed to regulate and protect the public from cybercrime[5], the enforcement of laws on online lending faces many obstacles. One of the main obstacles is the lack of strong evidence in the investigation process, preventing effective prosecution of perpetrators.

An important law enforcement challenge in prosecuting these crimes is the lack of sufficient evidence during the investigation process. These cyber and transnational crimes require complex investigative methods and technical expertise to gather digital evidence that is valid and admissible in court. Strengthening the capacity of law enforcement officials in digital investigations and improving reporting mechanisms that are easily accessible to victims are strategic steps that need to be taken.[6]

Therefore, this study entitled "Protecting in Legal Perspective: A Study on Pornography Crimes within Online Loan Service Transactions" specifically examines the legal perspective of protecting victims of pornography crimes in online loan service transactions to overcome the challenges of missing evidence and formulate comprehensive solutions.

## 2 Method

This study employs a normative legal research method, which is widely used in Indonesian criminal law scholarship, to examine statutory regulations such as the Electronic Information and Transactions Law, the Criminal Code, and the Personal Data Protection Law in relation to criminal offenses involving the dissemination of pornographic content within online lending practices. To complement the normative analysis and to capture the practical realities and enforcement challenges, this research also incorporates primary data obtained through focus group discussions with representatives from law enforcement agencies and legal aid organizations. The data were analyzed using a descriptive qualitative approach based on comprehensive library research.

## 3 Result and Discussion

### 3.1 The Phenomenon of Online Lending Service Among Community

Online loans are defined as loans, which are financial services that allow people to borrow money through digital platforms such as websites or mobile applications. The legality of online loan services in Indonesia is supervised and regulated by the Financial Services Authority (OJK). Legitimate loan products are marketed by companies that are officially registered and have valid licenses in accordance with OJK Regulations Number 10/POJK.05/2022 and Number 77/POJK.01/2016. Companies that operate legally are required to comply with applicable regulations, including those related to the protection of borrowers personal data and ensuring transparency in the lending and borrowing mechanism.[7] The main characteristics of online lending are an easy and fast application process (usually only requiring an ID card and some other personal data), fast disbursement of funds, usually within hours or even minutes, without collateral (no physical collateral such as house or vehicle certificates are required to obtain a loan), varying interest rates (depending on the borrower's risk profile and the online lending platform), and almost No. fees.

In addition to interest, there are administrative, late payment, and transfer fees.[8] Worsening economic conditions and the high standard of living of Indonesians have led to the phenomenon of online lending (pinjol). This is a complex issue involving various factors, ranging from lifestyle, economic conditions, financial literacy levels, to developments in digital technology and weaknesses in supervision by the authorities.[9]

Online loan applications have now become an unavoidable “necessity” for a number of individuals.[8] The increase in the number of online loan users among Gen Z and millennials is caused by the fear of missing out (FOMO) syndrome. After becoming a member of an online loan community, an online loan debtor will receive continuous offers via WhatsApp and SMS, which lead to illegal online loan application platforms. Additionally, it appears that these online loan borrowers will continue to be given incentives to quickly become obsessed with using online loans as the easiest solution to their financial problems.[10]

One of the main factors that cause people to become trapped in online loans is the need to pay off other existing debts. In addition, the economic background of the lower-middle class contributes to their dependence on these loans. The ease and speed of disbursement are significant attractions, encouraging the use of online loan services. Additional factors include the desire to maintain a consumptive lifestyle, urgent needs such as emergencies, and increasing economic pressures. The demand to purchase electronic goods, such as new smartphones, as well as education costs are also dominant reasons for people to use online loans. Generally, low literacy regarding the mechanisms, risks, and consequences of online loans exacerbates this condition, increasing the potential risk of becoming trapped in unpayable debt.[11]

Accessibility, convenience, and lifestyle factors are the main reasons for using online loans, especially for consumption and emergencies. Although some customers understand the terms and risks involved, many struggle with high interest rates, late fees, and potential abuse of personal data. The impact of online loans is not only financial, but also causes psychological stress and anxiety, as well as social conflicts within families and communities. Some individuals manage their debt obligations through personal income, but many choose risky strategies, such as “digging a hole to fill another hole,” which can worsen their financial condition [7]. The detailed data regarding this analysis can be found in the Figure 1.

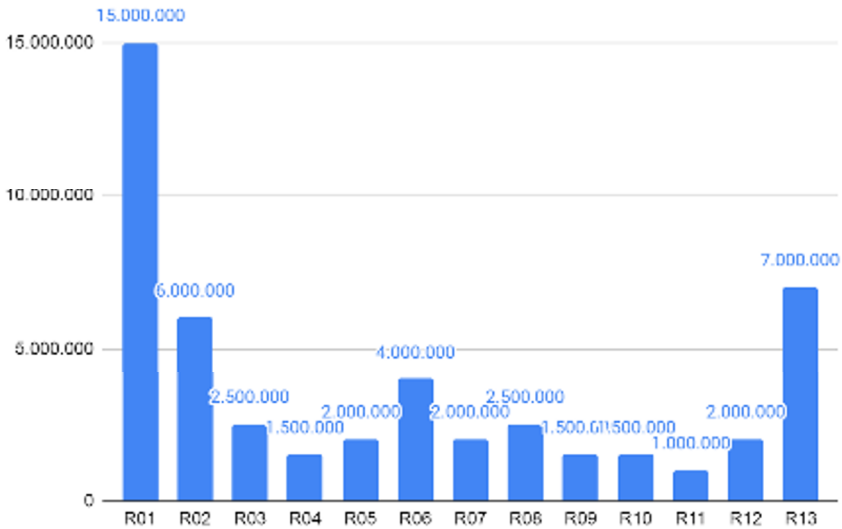


FIGURE 1. The amount of loans of respondents from Simpang Selayang District

The results of interviews conducted by the research team involving a number of respondents from the Simpang Selayang sub-district community in Medan who were involved in online loan cases showed significant variations in the nominal amount of loans applied for. From the data collected, Respondent 01 recorded the highest loan amount,

which was IDR 15,000,000. This figure marks the top position in the list of the largest loans applied for by the research participants. Meanwhile, Respondent 13 was in second place with a loan amount of IDR 7,000,000, which shows a considerable gap compared to the largest loan. However, this figure still reflects a significant borrowing trend among respondents. In general, the majority of respondents chose to borrow more moderate amounts. On average, the most commonly requested loan amounts were in the range of IDR 1,000,000 to IDR 2,500,000. This range shows that most people tend to take out small to medium-sized loans, perhaps to meet daily needs or needs that do not require large amounts of funding. This data provides a clear picture of people's borrowing patterns, with the majority choosing more affordable amounts. These findings are important for understanding people's borrowing behavior.

The main reason why so many people become victims of online loans, especially illegal ones, is that they don't know much about online loan regulations. Many ordinary people do not understand the difference between official and unlicensed online loan services, do not understand their rights and responsibilities as borrowers, find it difficult to assess reasonable interest rates, do not understand the digital contracts they agree to, and do not know how to report cases of violent debt collectors who violate the law.[12]

The negative impact of online loans is that consumers are unable to pay their loans after the loan period ends, so the collection process is transferred to a third party in the form of a debt collector. Debt collectors generally make direct visits to consumers' homes or workplaces based on registration data, with the aim of motivating debt repayment. Through access to the IMEI of registered mobile phones, they obtain sensitive information such as social media data, personal photo galleries, e-commerce accounts, transportation applications, and email. As a result, consumers experience extreme psychological pressure in the form of repeated phone calls without time limits, verbal threats via phone or SMS, and cyberbullying through the dissemination of personal data and images to all contacts. This phenomenon exacerbates the vulnerability of low-income communities with low legal knowledge.[13]

### **3.2 Legal Provisions in Handling the Criminal Offense of Distributing Pornographic Content Related to Online Loan Services**

The advancement of financial technology, especially online lending services (Pinjol), has brought easier access to credit, but it has also given rise to legal and social risks. Online lending contributes to financial inclusion by providing access to financing for individuals in remote areas or those who are unbanked, who were previously restricted by the limitations of conventional banking services. The flexibility of using funds from these loans allows borrowers to allocate them according to their personal or business priorities.[14] Simplified application procedures and quick disbursement make this instrument the preferred option for the majority of the population, especially those in the lowest economic categories.

Although providing various benefits, online loans also pose significant negative risks that should be watched out for. The main problem that often arises is the extreme interest rates applied by a number of platforms, which can even be exploitative, thereby overburdening the debtor's ability to pay. The accumulation of progressive interest can turn a small initial loan into a massive financial burden that is difficult to manage. This situation often traps borrowers in a cycle of continuous debt, where late payments trigger additional penalties and fees that increase the total amount owed. As a result, borrowers find themselves trapped in increasingly high-risk economic conditions[15], potentially undermining their long-term welfare stability. In addition, the issue of personal data protection is a major concern, as unregistered platforms tend to misuse borrowers' sensitive information. Although the Financial Services Authority (OJK) has implemented regulations for transparency and security, some providers still neglect these standards, causing material and psychological harm to consumers. Even more concerning is the proliferation of illegal online loans that operate without clear oversight. These illegal online loans are usually not registered with the OJK, and often disregard expected transparency standards. These illegal loan providers often use very aggressive tactics to collect debts, including verbal threats or harassment of borrowers.

A crucial issue that is causing concern is the spread of pornography by illegal online lenders as a method of intimidation and debt collection. This action not only violates privacy rights and personal data protection, but is also a serious criminal offense.

In the Regulatory, Licensing, and Supervision Director's Letter Number S-72/NB.213/2019 regarding restrictions on access to personal data on the mobile phones of virtual loan service users, it is emphasized that companies are only permitted to access the camera, location, and microphone. Apart from these three types of access, all other forms of access are prohibited.[16]

Based on a CNN Indonesia report, illegal online loan services in Tangerang used pornographic content as a means of threatening debtors, causing victims to experience severe stress. Police have identified that the debt collection company is spreading obscene material through social media platforms to intimidate borrowers. Head of Public

Relations for the Metro Jaya Regional Police, Kombes Yusri Yunus, added that in addition to pornographic content, debt collectors are also using various other forms of threats to force debt repayment.[17]

Therefore, illegal online lending practices that cause significant material and immaterial losses must not be tolerated. Users often become victims of terror, intimidation, humiliation, and threats that cause discomfort and fear. Therefore, in addition to stopping their operations and blocking illegal online lending sites and applications, the application of criminal law is urgently needed in this situation.[18]

The perception of pornography as a form of social deviance is greatly influenced by the moral values that prevail in a society. The interpretation of pornography cannot be separated from the standards of decency embraced by that community. In countries that embrace liberal perspectives and emphasize individual freedom, the practice of pornography is generally not treated as deviant behavior or a criminal offense. This difference is an important characteristic in the process of criminalizing pornography in Indonesia, which shows that national regulations still rely heavily on the close relationship between social moral norms and legal provisions.[19] Pornography crimes can be classified as crimes from a legal perspective. From a legal perspective, a crime is simply understood as any act that is prohibited by law, punishable by criminal sanctions, and fulfills the elements of unlawfulness. Thus, all criminal acts regulated in the Criminal Code, various special criminal laws, and sectoral laws containing provisions on punishment can be categorized as crimes from a legal perspective.[20]

Criminal law as an *ultimum remedium* is often applied in judicial practice to deal with crimes when no other adequate or effective legal remedies are available. In this regard, Sudarto argues that crime is “suffering purposely inflicted upon certain individuals based on certain criteria”.[18]

Article 407 of Law Number 1 of 2023 concerning the Criminal Code, Part One, Part XV on Indecent Acts, stipulates that any person who produces, creates, reproduces, duplicates, disseminates, broadcasts, imports, exports, offers, sells, rents, or provides pornographic material shall be subject to criminal sanctions in the form of imprisonment for a minimum of six months to a maximum of ten years, or a fine ranging from category IV to category VI.[21]

Crimes against sexual morality, as regulated in this law, are closely related to ethical aspects, so that the determination of the limits of sexual morality is relative and highly dependent on the norms that apply in society. According to Article 406 letter a, indecent acts include acts that display nudity, genitals, or sexual activities that are contrary to generally accepted social values.[21]

Article 4 paragraph (1) of Law No. 44 of 2008 on Pornography prohibits any individual from producing, creating, reproducing, duplicating, distributing, broadcasting, importing, exporting, offering, trading, providing, or renting pornographic material that clearly displays indecent content and is not suitable for public consumption. This provision affirms efforts to protect morality and the public interest in the realm of communication and information. Violations of these norms are punishable by criminal sanctions in the form of imprisonment for a minimum of six months to a maximum of twelve years, as well as fines of at least Rp250,000,000.00 to Rp6,000,000,000.00, reflecting the preventive and repressive principles of criminal law to prevent and crack down on the distribution of pornographic material.[22]

The crime of pornography has a relatively simple formulation because conceptually it consists of only two main elements, namely the element of action and the element of object, both of which are the focus of the law in its application. The correlation of Article 29 and Article 4 paragraph (1) of Law Number 44 of 2008 on Pornography indicates that these two elements are interrelated in forming a complete criminal act normatively.[22]

Criminal acts include those actively practiced by offenders, such as the production, creation, duplication, distribution, broadcasting, import, export, offering, trading, leasing, and providing of pornographic material. This element emphasizes the active aspect of acts that are legally accountable as criminal offenses.[22]

Meanwhile, the object element refers to the pornographic material itself, which clearly contains certain content, including sexual intercourse (including sexual deviance), sexual violence, masturbation, nudity or displays of the body that emphasize intimate parts, and pornography involving children. This object element is at the core of the legal prohibition because it contains content that is considered to be destructive to public decency and morals.[22]

Accordingly, criminal acts of pornography can be understood as a combination of the perpetrator's actions and the nature of the material being distributed, both of which must be fulfilled in order to be subject to criminal sanctions. This normative approach makes it easier for law enforcement officials to assess whether an act fulfills the elements of a criminal offense, while also providing a clear legal basis for efforts to protect the public from the distribution of pornographic material, especially in the context of digital and online services.

Based on Law Number 11 of 2008 as amended by Law Number 1 of 2024 concerning Electronic Information and Transactions (ITE Law), legal subjects include individuals, legal entities, and business entities. Since online loan service providers are required to be legal entities, they are subject to criminal provisions in the ITE Law. The relevant criminal crimes covered by the law consist of:[23]

- 1) Article 27 paragraph (1) of the ITE Law: "Every person who intentionally and without rights broadcasts, displays, distributes, transmits, and/or makes accessible Electronic Information and/or Electronic Documents that contain content that violates public decency".
- 2) Article 45 paragraph (1) of the ITE Law: Every person who intentionally and without rights broadcasts, displays, distributes, transmits, and/or makes accessible Electronic Information and/or Electronic Documents that contain content that violates public decency as referred to in Article 27 paragraph (1) shall be punished with imprisonment of up to 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)".

Based on the terms of Article 27 paragraph (1) in relation to Article 45 paragraph (1) of the Electronic Information and Transactions Law (ITE Law), criminal acts in the scope of electronic information that violate decency can be analyzed through two main elements, namely subjective and objective.

The subjective aspect refers to the perpetrator's intent in committing the act and the absence of legal rights or authority to do so. This means that the perpetrator knew the consequences of their actions and still went ahead with them without any legal basis to justify them. In other words, the act was done consciously and unlawfully, thus meeting the criteria for criminal liability.[3]

Objective aspects include the types of prohibited acts, such as broadcasting, exhibiting, distributing, transmitting, or making electronic information accessible to other parties. The content in question is material that violates decency, such as nudity, genitals, or sexual activities that are contrary to local social values and norms. Broadcasting includes transmitting, distributing, or making electronic information accessible; exhibiting means displaying content to the public or certain parties; distributing refers to dissemination to many parties; while transmitting refers to sending to a specific party. Meanwhile, making accessible includes all other actions that enable the content to be known by other parties or the public.[3]

The interaction between these subjective and objective elements forms the basis for legal assessment in determining whether an act constitutes digital pornography. Thus, analysis of these two elements not only explains the prohibited acts, but also provides a clear legal framework for law enforcement officials in assessing the criminal liability of perpetrators in the digital realm.

This law functions as *lex specialis*, which specifically regulates the use of the internet as a medium for disseminating information. The development of digital technology has indeed facilitated access to and distribution of data, but on the other hand, it has opened up opportunities for the dissemination of content that violates moral norms, including online pornography. Individuals with certain technical capabilities can quickly duplicate and disseminate such material, thereby causing significant negative impacts on the public interest and the privacy rights of the community.[24]

The Pornography Law and the Electronic Information and Transactions Law (ITE Law) have different regulatory focuses even though both regulate content that violates public decency. The Pornography Law specifically outlines the types of material that are prohibited from being disseminated, including sexual intercourse, sexual violence, masturbation, nudity, genitals, and child pornography, thus emphasizing the material or content aspect. On the other hand, the ITE Law places greater emphasis on the technical mechanisms of content distribution through electronic systems, using terms such as broadcasting, exhibiting, distributing, transmitting, and/or making electronic information or electronic documents accessible to the public. It shows that the Pornography Law focuses on decency and moral protection, while the ITE Law focuses on technical and procedural aspects in enforcing laws against the spread of indecent content in the digital world. So, these two regulations are complementary, with the ITE Law acting as a means to crack down on the spread of content that's already been categorized as prohibited by the Pornography Law.

The integration of these three regulations forms a complementary legal framework for handling crimes of indecency and pornography, whereby Article 407 provides strict sanctions for violations, the Pornography Law outlines prohibited material, and the ITE Law explains law enforcement procedures in the digital world. This approach enables law enforcement officials to assess criminal liability comprehensively, both in terms of content and distribution methods, thereby ensuring optimal protection of morality and public interests.

### 3.3 Access to Legal Justice for Victims of Online Loans

The issue of debt collector practices by illegal online lenders raises legal concerns, particularly when collection efforts involve creating a sense of terror through electronic systems, causing customers to feel threatened or pressured. This becomes more serious when accompanied by actions that violate public decency, such as sexual harassment and the dissemination of pornographic content, which fall under the category of criminal offenses and are punishable under the Electronic Information and Transactions Law (ITE Law). The ITE Law stipulates that anyone who intentionally

and without authorization distributes, transmits, or makes accessible electronic information or electronic documents containing indecent content may be subject to criminal sanctions.[25]

On the other side, the weak protection for victims of illegal debt collection is a serious and ironic problem, because in principle the law should provide equal protection for all members of society. Legal protection is the right of every legal subject, reflecting the function of law in ensuring justice, certainty, and benefits for society.[25]

In practice, law enforcement against perpetrators of pornography distribution still faces various obstacles, both in terms of technical aspects of evidence, limitations of digital forensics facilities, and low levels of public legal awareness. The investigation process for digital pornography requires special competencies, including the ability to trace IP addresses, recover deleted data, and analyze metadata. In addition, a permissive culture towards sexually explicit material in some communities also hinders the effectiveness of law enforcement efforts. Many perpetrators argue that the content they distribute is only intended as “entertainment” or “jokes,” without understanding the legal implications of their actions.[26]

Legal protection is an important aspect and is expected by victims of crime as a form of compensation for the suffering they have experienced. In general, the legal protection provided by the state has two characteristics, namely a preventive nature (prohibited) and a punitive nature (sanction). The presence of state institutions that have the authority to enforce the law, such as the police, courts, and prosecutors, is a tangible manifestation of this legal protection.[15]

In the context of protecting communities affected by illegal fintech practices, there are two types of measures that are implemented. First, preventive measures, which aim to prevent problems from arising in the future and reflect the government's efforts to exercise caution. Second, repressive measures, which are taken to resolve problems or disputes that have already occurred, generally through the courts.[15]

The mechanism for proving and holding perpetrators of pornography crimes legally accountable is regulated in Law Number 1 of 2024 concerning Electronic Information and Transactions (ITE Law) and involves a series of important steps to enforce the law while protecting victims. The proofing process is carried out in several stages. First, the victim or the authorities must collect digital evidence supporting the existence of pornographic content, such as photos or videos that have been distributed without permission. This evidence can be in the form of screenshots, file metadata, or communication records related to the distribution of such content. In addition, the evidence must also confirm that the distribution of content was carried out without the victim's consent, which is a crucial element in pornography crimes.[27]

Next, the authorities must conduct an investigation to find and identify the perpetrator. This stage usually involves digital forensic analysis to trace the perpetrator's electronic footprints, such as IP addresses or social media accounts used. The purpose of this legal process is to gather sufficient evidence to prove that the perpetrator committed the crime intentionally and without permission.[27]

Based on the results of a Focus Group Discussion (FGD) held by the research team with the police, it was revealed that cases of online lending (pinjol) containing pornography are often handled by the North Sumatra Regional Police. However, the rate of disclosure of pinjol cases in this region is still relatively low. This is due to several limitations, both in terms of human resources and equipment. In particular, investigators at the North Sumatra Regional Police have not received special training to handle pinjol cases, while the available equipment is also limited. This is exacerbated by the fact that technology-based pinjol crimes are complex in nature, with servers located overseas on average, making them difficult to access. Based on information from the police, most illegal online lending companies operate from countries such as China, Cambodia, the Philippines, and Thailand.

Another obstacle is the disguised identity of the perpetrators. They use fake names, overseas phone numbers, and devices known as SIMBOX to cover their digital tracks. According to the Director of Cyber Crime, his office always provides support to police chiefs and police stations handling cyber crime cases, especially in terms of equipment and expertise. The investigation process is carried out in a coordinated manner, where the police station can work with IT and ITE experts from the central level, for example from Jakarta, to handle cases that are specific and require technical expertise.

The Medan District Prosecutor's Office said that handling cases related to online loans faces a number of obstacles. One of them is the legal nature of the loan itself, which is essentially civil in terms of being an agreement between two parties, namely the lender and the borrower. However, in the context of online loans, cases tend to be more complex and general in nature, as many people are more interested in using online loans than loans that are specifically supervised by the Financial Services Authority (OJK).

The implementation of the ITE Law faces various challenges. Revenge pornographic content is often created and distributed through various digital platforms, making the process of gathering evidence and enforcing the law more

complex. Therefore, effective mechanisms are needed for monitoring, evidence gathering, and law enforcement, so that perpetrators can be held legally accountable and victims receive adequate protection.[27]

Legal protection for victims of digital pornography distribution crimes is actually regulated in various regulations, including the provision of identity protection and free legal aid services. However, its implementation is still limited and does not reach all victims comprehensively. Especially for women and children, reporting cases is often hampered by concerns about the disclosure of their identities or the lack of legal counsel who understand the context of digital crime. Law enforcement's limited knowledge of digital forensics is also a challenge, even though digital traces are crucial evidence in proving violations. Not all victim reports are followed up optimally, mainly due to the limited number of human resources with expertise in information technology. As a result, the handling of cases involving the distribution of digital pornographic content has not been as successful as expected.[28]

Strict and consistent law enforcement is anticipated to cultivate a sense of security and order within society. Criminal accountability for unlawful acts perpetrated by operators of illegal online lending schemes serves as a pivotal enforcement mechanism, delivering a deterrent effect to prevent recidivism.[15] Legal awareness reflects an individual's comprehension of prevailing legal rules, encompassing both prescribed behaviors and prohibitions. Prioritizing others' interests, fostering mutual respect, and refraining from harming third parties constitute essential aspects of fulfilling legal obligations.[15]

#### 4 Conclusion

The phenomenon of illegal online lending (pinjol) in Indonesia exemplifies a multifaceted socio-legal crisis, particularly affecting lower-income communities. The accessibility of quick funds positions pinjol as an expedient solution for daily needs, debt repayment, or sustaining consumptive lifestyles. However, low financial and legal literacy traps numerous borrowers in cycles of repeated debt, rendering them vulnerable to illicit practices such as aggressive debt collection, misuse of personal data, and intimidation via digital pornography.

Legally, the dissemination of obscene content constitutes a grave criminal offense under the Electronic Information and Transactions Law (UU ITE), the Pornography Law (UU Pornografi), and the Criminal Code (KUHP). Nevertheless, law enforcement encounters significant obstacles, including the complexity of digital evidence, offshore pinjol servers, and perpetrators' obfuscated identities. Optimal victim protection thus necessitates enhanced public legal and financial literacy, stringent oversight of service providers, and bolstered law enforcement capacity to impose criminal accountability on both individuals and corporations.

This phenomenon underscores that strengthening education, regulation, and enforcement is pivotal to mitigating risks, safeguarding public morality, and ensuring societal welfare especially for economically disadvantaged groups against the snares of illegal lending.

#### Acknowledgments

Its very gratitude to the Master of Law Study Program at Universitas Sumatera Utara (USU) for the financial support and funding facilities provided during the implementation of this research. This research on the Analysis of Criminal Acts Caused by Online Loans in Simpang Selayang Subdistrict in 2025 could be completed thanks to that support.

#### References

1. Hartati, R.; Ralang, S. PERLINDUNGAN HUKUM KONSUMEN NASABAH PINJAMAN ONLINE ILEGAL (PINJOL ILEGAL) Oleh. *Jurnal Hukum Kenotariatan* 2022, 4.
2. Mulyani, D.; Yuni Pawestri, A. Kewenangan Otoritas Jasa Keuangan Dalam Mencegah Pengajuan Pinjaman Online Menggunakan Data Orang Lain Secara Ilegal Akses. *Indonesian Journal of Law and Justice* 2025, 3, 16, doi:10.47134/ijlj.v3i1.4822.
3. Nur, F. *Aspek Hukum Pidana Dalam Penyebaran Konten Pornografi Di Platform Digital*; 2025; Vol. 5;
4. Putu, W.; Aryana, S.; Cokorda, C.; Swetasoma, G.; Madeartana, I.; Chandra, M.H.P.; Kayuan, K. *TINDAK PIDANA DI LUAR KUHP TEORI, REGULASI, DAN PRAKTIK*;
5. Chazawi, A.; Ferdian, A. *Tindak Pidana Informasi Dan Transaksi Elektronik Ed. Revisi*; I.; Media Nusa Creative: Malang, 2015;

6. Al-Ulamai, U.A.; Karnadi, R.D.; Harahap, A.; Maskur, A. Tantangan Penegakan Hukum Terhadap Kejahatan Siber Pada Era Digital Di Jawa Tengah. *Jurnal Serambi Hukum* 2025, 18.
7. Azhim, I.K.; Natalia, L.; Izzati, S.N.; Kencana, L.; Rizka, F. Dampak Sosial Ekonomi Dari Penggunaan Pinjaman Online Maqāṣid Al-Syari'ah. *Al-Fiqh: Journal of Islamic Studies* 2025, 3, 101–125, doi:10.59996/al-fiqh.v3i2.791.
8. Amos, V.; Papalangi, N. PINJAMAN ONLINE: PERILAKU MASYARAKAT DALAM MENGHADAPI FEAR OF MISSING OUT (FOMO). *Jurnal Manajemen dan Bisnis Jayakarta* 2024, 6.
9. Randhy, M.; Nurhandayani, P.; Pratama, A.; Sari, K.E. Pengaruh Budaya Hukum Terhadap Praktik Pinjaman Online Ilegal Di Indonesia. *Jurnal Hukum Staatrechts* 2024, 2, 95–106, doi:10.30997/almujtamae.v4i2.15143.
10. Irfan, M.; Asyari, H. Permasalahan Hukum Pinjaman Online Bagi Warga Desa Terdidik Di Desa Sasake Kecamatan Praya Tengah Kabupaten Lombok Tenga. *Jurnal Kompilasi Hukum* 2024, 9, doi:10.29303/jkh.v9i1.168.
11. Reswan, Y.; Wahyuni, P.; Muhammadiyah Bengkulu, U.; Ekonomi dan Bisnis, F. SOSIALISASI DAMPAK DAN BAHAYA PINJAMAN ONLINE DI DESA BANDUNG AYU. *Jurnal Ilmiah Mahasiswa Kuliah Kerja Nyata (JIMAKUKERTA)* 2024, 4, 55–62.
12. Christiawan, R.; Widyaningrum, T.; Widjaja, G.; Sekartaji, R.R.H.T. Penuluhan Hukum Kepada Masyarakat Mengenai Pinjaman Online Sebagai Debitor. *Societas Jurnal Pengabdian Masyarakat Hukum* 2023, 2, 63–71.
13. Sartika, K.D.; Larasati, D. Literature Review: Dampak Fenomena Pinjaman Online Ilegal Di Indonesia. *Innovative: Journal Of Social Science Research* 2023, 3.
14. Bisthomi, I.; Irawan, J.D.; Qisti, L. Peran Financial Technology Peer-To-Peer (P2p) Lending Dalam Peran Financial Technology Peer-To-Peer (P2p) Lending Dalam Mendukung Pengembangan Umkm Studi Kasus : Kampong Batik Mendukung Pengembangan Umkm Studi Kasus : Kampong Batik Laweyan. *Technology and Economics Law Journal Technology and Economics Law Journal* 2025, 4, 543–559.
15. Nasrani Rakinaung, V.; Tirta Koesoemo, A.; Bawole, H.Y.A. PERLINDUNGAN HUKUM TERHADAP KORBAN DESK COLLECTOR FINANCIAL TECHNOLOGY ILEGAL SERTA PERTANGGUNGJAWABAN PIDANA. *Lex Administratum* 2023, 11.
16. Aprilia, D. Pertanggungjawaban Pidana Penyelenggara Aplikasi Virtual Loan Dalam Penagihan Pinjaman Online Dengan Ancaman, Asusila Dan Pornografi. *Jurist-Diction* 2021, 4, 2299, doi:10.20473/jd.v4i6.31847.
17. CNN Indonesia Pinjol Ilegal Ancam Sebar Konten Porno Hingga Korban Stres.
18. Hikmawati, P. Implementation of Criminal Law in Handling Illegal Online Lenders Cases. *Law Division Info Singkat* 2021, 13, 1–6.
19. Sulisty, F.; Manap, N. Pornography and Sexual Crimes towards Children in Indonesia: A Judicial Approach. *Brawijaya Law Journal* 2018, 5, 261–270, doi:10.21776/ub.blj.2018.005.02.09.
20. Santoso, T. *Kriminologi Suatu Pengantar*; Rajawali Pers: Depok, 2025;
21. Karunia, A.R.; Darmadi, A.N.; Sunika, H.L.; Sutiyo, M.A.R.; Sellamita, S. Mengurai Kejahatan Tindak Pidana Kesusilaan Dalam Kompleksitas Hukum Di Indonesia Ditinjau Dari Kitab Undang-Undang Hukum Pidana Nasional, Undang-Undang Perlindungan Anak, Dan Undang-Undang Informasi Transaksi Dan Elektronik. *Jurnal Lentera Ilmu* 2024, 1, 28–40.
22. Nadhira, M.S.; Nazwa, A.M. Tindak Pidana Tertentu Erotika (Pornografi). *Media Hukum Indonesia (MHI)* 2025, 3, 335–342.
23. **UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 1 TAHUN 2024 TENTANG PERUBAHAN KEDUA ATAS UNDANG-UNDANG NOMOR 11 TAHUN 2008 TENTANG INFORMASI DAN TRANSAKSI ELEKTRONIK**; <https://peraturan.bpk.go.id/details/274494/uu-no-1-tahun-2024>; Indonesia, 2024;
24. Yudhistira, F.A.; Puspitosari, H. Penegakan Hukum Terhadap Pelaku Pembuat Dapat Diaksesnya Website Bermuatan Asusila Dan Pornografi Anak. *Rawang Rencang: Jurnal Hukum Lex Generalis* 2025, 6, 1–19.
25. Novridasati, W.; Armsyah Aspek Hukum Pidana Penagihan Utang Pinjaman Online Ilegal Oleh Desk Collector Yang Menyebarkan Konten Pornografi Berdasarkan Undang-Undang Informasi Dan Transaksi Elektronik. *Jurnal Hukum dan Bisnis (Selisik)* 2022, 8, 62–73, doi:10.35814/selisik.v8i2.4485.
26. Rizki, M.; Harahap, I.; Pardede, R. Penerapan Hukum Terhadap Pelaku Penyebaran Konten Pornografi. *Collegium Studiosum Journal* 2025, 8, 265–276.
27. Tusa'diyah, H.; Fahririn Proses Pembuktian Dalam Tindak Pidana Pornografi Balas Dendam (Revenge Porn) Di Media Sosial Menurut Undang-Undang Nomor 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik. *Van Java Law Journal* 2024, 1, 80–95.

28. Rangkuti, P.R.; Hasanah, M.D.; Rahmadani, M.S.; Lubis, N.B.R.P.; Naya, N.P. Perlindungan Hukum Bagi Korban Tindak Pidana ITE Dalam Kasus Penyebaran Konten Pornografi Digital. *Referendum : Jurnal Hukum Perdata dan Pidana* 2025, 2, 144–155.

**Open Access** This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

