SKRIPSI

PERTANGGUNGJAWABAN PIDANA DIREKSI PERUSAHAAN *FINTECH PEER TO PEER LENDING* TERHADAP PRAKTIK PENAGIHAN DISERTAI PENGANCAMAN OLEH *DEBT COLLECTOR*

Diajukan untuk Memenuhi Persyaratan Memperoleh Gelar Sarjana Hukum di Fakultas Hukum Universitas Andalas

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(Nurhaliza Tanjung, 2210112018, Hukum Pidana, Fakultas Hukum, Universitas Andalas, 89 Halaman, 2026)

ABSTRAK

Fintech peer to peer lending merupakan bentuk perkembangan teknologi di bidang keuangan yang memudahkan masyarakat untuk melakukan kegiatan pinjam meminjam uang secara online. Namun, dibalik kemudahan tersebut, seringkali terjadi praktik penagihan disertai pengacaman yang dilakukan oleh *debt collector* kepada nasabah yang memiliki tunggakan. Hal ini tidak dapat langsung dipandang sebagai tindakan individual *debt collector*, sebab *debt collector* hanya pelaksana dalam mekanisme operasional yang dikelola oleh direksi. Adapun rumusan masalah yang diangkat dalam penelitian ini adalah 1) bagaimana pertanggungjawaban pidana direksi perusahaan fintech peer to peer lending terhadap praktik penagihan disertai pengancaman oleh debt collector dalam perspektif hukum pidana? 2) bagaimana pola keterlibatan direksi perusahaan *fintech peer to peer lending* dalam membentuk pertanggungjawaban pidana secara pribadi terhadap penagihan disertai pengancaman oleh *debt collector*? Kesimpulan penelitian yaitu: 1) direksi dapat dibebankan pertanggungjawaban pidana terhadap tindakan *debt colector* yang melakukan tindak pidana pengancaman dalam penagihan apabila memenuhi Pasal penyertaan yang diatur dalam Pasal 20 Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana. 2) Berdasarkan hasil analisis terhadap tiga putusan, ditemukan adanya 3 (tiga) pola keterlibatan direksi perusahaan *fntech peer to peer lending* terhadap tindak pidana pengancaman yang dilakukan oleh *debt collector* yaitu pola keterlibatan direksi melalui perintah secara langsung, pola keterlibatan direksi melalu media komunikasi dan pola keterlibatan direksi melalui penyediaan sarana

Kata Kunci: Pertanggungjawaban Pidana Direksi, *Fintech Peer to Peer lending, debt collector*, penagihan disertai pengancaman

Skripsi ini telah dipertahankan di depan Tim Penguji dan dinyatakan lulus pada 20 Juli 2026.

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CRIMINAL LIABILITY OF THE BOARD OF DIRECTORS OF FINTECH PEER TO PEER LENDING COMPANIES FOR COLLECTION PRACTICES ACCOMPANIED BY THREATS BY DEBT COLLECTORS

(Nurhaliza Tanjung, 2210112018, Criminal Law, Faculty of Law, Andalas University, 89 Pages, 2026)

ABSTRACT

Peer-to-peer fintech lending is a form of technological development in the financial sector that makes it easier for people to engage in borrowing and lending money online. However, behind this convenience, there are often practices of debt collection accompanied by criminal acts of threats carried out by debt collectors toward customers who have outstanding debts. This cannot be directly viewed as the actions of individual debt collectors, as debt collectors are only executors within operational mechanisms managed by the board of directors. The research questions rais ed in this study are: 1) how is the criminal liability of the board of directors of a peer-to-peer lending fintech company for debt collection practices accompanied by threats by debt collectors? 2) how is crirninial liability attributed to the directors of a peer to peer lending fintech company regarding debt collection oractices involving threats by debt collectors, from the perspective of criminal law? The conclusion of the study is: 1) The directors can be held criminally liable for the actions of debt collectors who commit criminal threats in collection if they meet the participation article stipulated in Article 20 of Law Number 1 of 2023 concerning the Criminal Code. 2) Based on the analysis of three decisions, it was found that there are 3 (three) patterns of involvement of the directors of peer-to-peer lending fintech companies in criminal acts of threats committed by debt collectors, namely the pattern of directors' involvement through direct orders, patterns of board involvement through communication media and the pattern of directors' involvement through the provision of facilities.

Keywords: Criminal Liability of the Board of Directors, Peer-to-peer fintech lending, Debt collector, Collection Accompanied by Threats.

This minor thesis has been successfully defended and regarded to graduate by July 20th, 2026.

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