

The Effectiveness Personal Data Protection of Financial Technology Consumers by Financial Services Authority in Islamic Law Perspective

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Abstract:

This research intends to describe the effectiveness of personal data protection of financial technology consumers by the Jakarta Financial Services Authority reviewed base on Islamic law. This research uses empirical legal research method with socio legal approach also data collection are interview and documentation study. The result of research clarify that the personal data protection of financial technology consumers by Jakarta Financial Services Authority through regulations, coaching, and socialization (preventive), also efforts to resolve disputes (respressive). The both are ineffective. There are no clear legal substance regarding the retention period of consumers' personal data storage and dispute resolution's flow to victims' losses. The legal substance that not comprehensive raises the role of Jakarta Financial Services Authority as legal structure does not function optimally, as many as 4,493 victims of personal data misuse on financial technology have not obtained legal certainty. Whereas users of financial technology have increasingly become a legal culture of Indonesian people. According to Islamic law, the personal data protection is a honor protection principle (*hifzh al-irdh*) *maqashid syariah* at the primary needs level (*dharuriyat*).

Keywords : *effectiveness; personal data protection; financial technology.*

Introduction

The Internet on Things (IoT) and Fintech melt into one another into a social trend that is popular among Indonesian people. Released by the Indonesian Internet Service Providers Association (APJII) stated that the survey results about penetration and behavior of internet users in 2018 increased by 10.12% compared to the previous year. This means that among Indonesia's population which is 264.16 million people consists of internet user that reaches 171.17 million.¹ The survey results indicate the level of community needs for the internet is very high, thus providing opportunities for companies through various applications to obtain maximum profit.

¹Indonesian Internet Service Providers Association Team, "Survei APJII Yang Ditunggu-tunggu Penetrasi Internet Indonesia 2018", *APJII Bulletin*, Issue 40,(May 2019), 1, BULETINAPJIIEDISI40Mei2019.pdf.

Generally, online lend applications provide standard agreements to prospective customers by only giving two offers, which are “agree” or “disagree”. This condition causes companies through online lend applications to abuse the situation (*misbruik van omstandigheden*) so that consumers in this case are in economic inequality are forced to give permission to applications to access personal data on one's own device, including when someone will apply for online lends.

With an application that is supported by the completeness of personal data, it is easy for someone to make various transactions. But departing from this makes personal data vulnerable to misuse by irresponsible persons. Misuse of data that is in the public spotlight is when online lend recipients experience bad credit or late payment, then some Fintech organizers do not hesitate to disseminate personal data in the form of names, personal photos to files that are considered as privacy to other parties including colleagues, coworkers, to the general public. Until the June 2019 period, 4,500 complaints were received by the Jakarta Legal Aid Institute regarding the misuse of personal data by fintech online lends.²

The Financial Services Authority (OJK), as an independent state institution, oversees all matters relating to the financial services sector. This is in accordance with the mandate of Law Number 21 of 2011 concerning the Financial Services Authority. One of the objectives of the establishment of the Financial Services Authority is to be able to protect the interests of consumers and society through the authority of regulation, supervision, inspection and investigation. Dissemination of consumer personal data is against the law. Crucial matters for all elements, especially the government in this case are represented by the Financial Services Authority to provide protection for personal data that contains the victim's privacy rights through repressive and preventive efforts. If this situation is not immediately addressed, it can potentially have a more fatal impact.

This research different with Masitoh Indriyani, Nilam Andaria Kusuma Sari, and Satria Unggul W.P research from the Law Faculty of Airlangga University with the title “*Perlindungan Privasi and Data Pribadi Konsumen Daring Pada Online Marketplace System*” published in the *Justitia Jurnal Hukum*, Faculty of the University Muhammadiyah Surabaya in 2017. Although the research has the same object of research in the form of privacy protection and personal data of consumers, but the difference is that the chosen variable is online on the online marketplace system while the Researcher focuses on protecting personal data from consumers of financial technology with the subject research of Financial Services Authority of Jakarta.³ Based on the issue above, this article has purpose to describe effectiveness of consumers personal data protection of financial technology by Financial Services Authority Jakarta and find out the concept of Islamic law to protecting consumers personal data againts the practice of financial technology.

Method

This type of research uses legal empirical research or in other terms called field research. This study aims to determine the extent of the function of law in the

²Sakina Rakhma Diah Setiawan, " Per Juni 2019, LBH Jakarta Terima 4.500 Aduan Soal Pinjaman Online fintech," <https://money.kompas.com/read/2019/07/29/154700526/per-juni-2019-lbh-jakarta-terima-4.500-aduan-soal-pinjaman-fintech>, accessed on 5th August 2019 at 10.15 PM.

³Masitoh Indriyani, “Perlindungan Privasi dan Data Pribadi Konsumen Daring Pada *Online Marketplace System*,” *Justitia Jurnal Hukum*, no 2, (October 2017);194, [Justitia/article/view/1152](https://www.justitia.com/article/view/1152).

community. The realization of this research is directed at the effectiveness of the prevailing laws and regulations, especially the regulation of Financial Services Authority relating to the effectiveness of personal data protection for Fintech consumers by the Financial Services Authority based on Islamic Law. So the results (output) of this legal empirical research in the form of recommendations related to whether or not effective implementation of law in general against the reality of the legal community (*Sen*).

This research uses socio legal approach was carried out through: *Frist*, identification of social problems related to the rise of public complaints related to the spread and misuse of personal data online fintech consumer lends received by the Jakarta Legal Aid Institute; *Second*, understand the causes of violations committed by online fintech lend providers in the collection, storage and management of their personal data; and *third*, understand the lack of supervision and government efforts, especially the Financial Services Authority institutions in dealing with issues of reliability and security of personal data Fintech consumers in the digital and big data era.

As for the location of research in; (1) Head office of the Financial Services Authority in Soemitro Djojohadikusumo Building, 2-4 Lapangan Banteng Selatan Street, Pasar Baru, Sawah Besar, Central Jakarta City, the Special Capital Region of Jakarta 10710; (2) Jakarta Legal Aid Institute in 74 Pangeran Diponegoro Street, Pegangsaan, Menteng, Central Jakarta, 10320; And (3) PT. Anda Aguna Nusantara in Citylofts Sudirman 22nd Floors, 2216 Unit, 121 K.H. Mas Mansyur Street, Tanahabang, Central Jakarta, 10250.

Generally, the data sources presented in this study consist of primary data, secondary data, and tertiary data.⁴ Primary data is basic data obtained directly (interview) with resource persons who have qualifications in the Jakarta Financial Services Authority, the Jakarta Legal Aid Institute, and the “Danamart” financial technology lending provider. Whereas. Secondary data obtained from literature material that supports primary data sources, there are: General Data Protection Regulation (GDPR), regulations of Financial Services Authority, “Perlindungan Hukum Bagi Rakyat” book by Philipus M. Hadjon, “Aliran Hukum Kritis” book by Munir Fuady, and “On Legal Development” journal by Lawrence M. Friedman. As for tertiary data, for example legal dictionary, newspapers, and internet.⁵

Data collection method are interview and documentation study. The researcher uses semi-structured interview technique with the informants id est: (1) Mr. Bagus as Financial Services Sector Research Department; (2) Ms. Yenny Silvia Sari Sirait as lawyer of Jakarta Legal Aid Institute; (3) Mr. Darda Adnan Pritama as Managing Director of “Danamart” fintech lending provider; (4) Initial SA as the victim of “Akulaku” fintech lending; and (5) (4) Initial SA as the victim of “Kredit Pintar” fintech lending UA. Documentation study serves to collect data in the form of manifestations of important records relating to the problem under study so that comprehensive, valid and scientific data are found.

After a number of data has been collected, the next procedure the researcher undertakes is managing information or data that is still categorized as raw data⁶ Raw data is a characteristic of elements or interview notes and documentation studies conducted at the data collection stage as described above. Data processing is performed

⁴ Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: UI-Press, 1986), 11.

⁵ Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum*, (Jakarta: PT. RajaGrafindo Persada, 2006), 31-32.

⁶ Abuzar Asra and Pugu Bondro Irawan (eds), *Metode Penelitian Survei*, (Bogor: IN Media, 2016), 170.

to convert raw data into mature data that is ready to be presented as a solution to the legal issues about misuse personal data of financial technology. The solution obtained through analysis qualitative base on legal protection theory, effectiveness theory and Islamic law.

Finding and Result

Effectiveness Consumers Personal Data Protection of Financial Technology by Financial Services Authority Jakarta

Legal protection for consumers of financial technology carried out by the Jakarta Financial Services Authority can be grouped into a means of preventive legal protection and a means of repressive legal protection. Preventive legal protection is intended to protect the personal data of fintech consumers as an interception function so that the data is not misused by irresponsible parties. Prevention is based on aspects are: (1) Regulation; (2) Coaching; (3) Socialization, and; (4) Complaints services.

First, regulation. Peer to peer lending services are subject to the Regulation of Financial Services Authority No. 77/POJK.01/2016 concerning Information Technology-Based Money Lending Services. The regulation has not specifically regulated the protection of personal data including the retention period of consumers' personal data storage by fintech providers. There needs to be guarantees and supervision regarding the retention period of fintech consumer digital transaction traces by the Financial Services Authority. At least the authority is able to uphold the consumer's "right to be forgotten." In addition, the prohibition of taking personal data except for camera data, microphones, and location (CEMILAN) is not set forth in the form of regulations. But only made in the form of directorate policies and Financial Services Authority Press Release Number SP 18/DHMS/OJK/V/2019, meaning that there are no binding forces and strict sanctions of the rules. This allows online lend fintech free to still access the consumer's internal storage memory.

Second, coaching. Through monthly reports, quarterly reports, semester reports, the Financial Services Authority can conduct supervision as well as guidance for registered fintech organizers. As for through patrols in collaboration with the Ministry of Communication and Information, the Financial Services Authority is also able to provide guidance for fintech with illegal status in order to take care of registration as stated in Article 7 of the Regulation of Financial Services Authority Number 77/POJK.01/2016 concerning Information Technology-Based Money Lending Services which reads "The organizer must submit registration and licensing to FSA."

Third, socialization with the rampant case of online fintech lending, the Financial Services Authority periodically provides information to the public regarding which fintech are registered with the Financial Services Authority and announces illegal fintech accounts that have been blocked. The aim is for the public to be more careful in making transactions. Until December 13th, 2019, peer to peer lending registered with the Financial Services Authority reached 144 platforms. And *fourth*, complaints service at <http://konsumen.ojk.go.id/form> complaint or telephone 157 (toll free). Complaint services are formed based on Regulation of Financial Services Authority Number 18/POJK.07/2018 about Consumer Complaints Services at Financial Services Sector. "Complaints are expressions of consumer dissatisfaction both verbally or in writing

caused by the existence of losses and/or potential material, reasonable and direct losses to consumers due to non-fulfillment of agreements and/ or financial transaction documents that have been agreed upon.”⁷

Repressive legal protection are a means carried out by the Financial Services Authority to provide dispute resolution efforts to consumers after the misuse of personal data via litigation and non-litigation. The Financial Services Authority has only implemented three types of punishments as one of repressive legal protection tools, namely suspension of peer to peer lending activities, deletion or blocking of illegal peer to peer lending accounts, and revocation of peer to peer lending licenses that abuse personal data. The purpose of giving legal punishment is for fintech actors to be able to provide a deterrent effect so that they are then able to comply with applicable regulations. While compensation in the form of fines for victims who have experienced material or immaterial losses has not been reserved, bearing in mind there are no regulations regarding compensation for victims

The Financial Services Authority only accepts dispute resolution for misuse of personal data on consumers by registered online lend fintech. According to the researcher there are inconsistencies in the rules whereby the Financial Services Authority can block fintech online lends that have not been registered, but do not serve consumer complaints due to misuse of fintech personal data. Which have not been registered yet. In the Regulation of Financial Services Authority Number 77/POJK.01/2016 concerning Information Technology-Based Money Lending Services, there is no mention of the authority of the authority to block unregistered fintech.

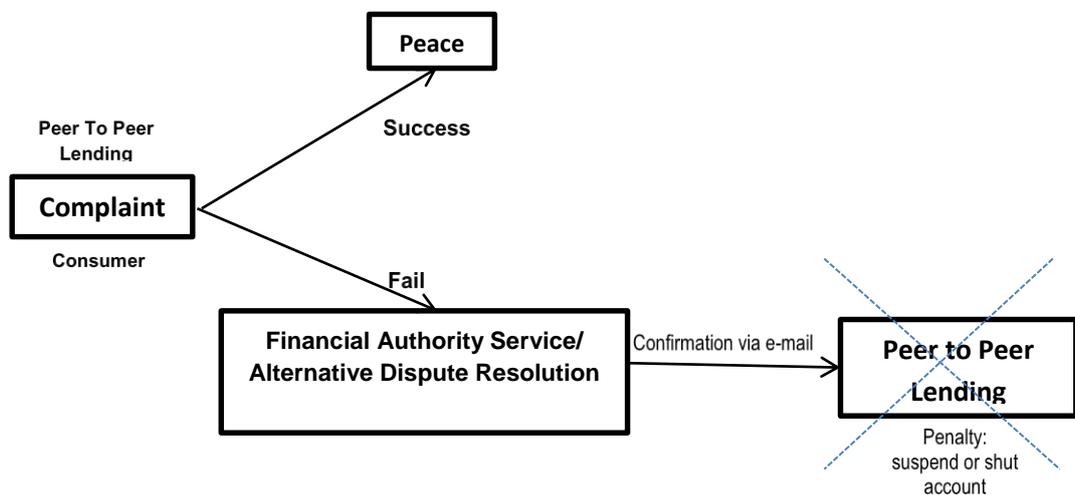


Chart 1 : Flow of Personal Data Misuse Settlement Dispute

In addition, the Financial Services Authority claimed not to accept complaints from the public regarding the misuse of personal data. This is different from the issue underlying the existence of this study which is reinforced by the explanation of the Jakarta Legal Aid Institute that the data shows that of 4,500 complaints, only 7 victims

⁷ Article 1 paragraph (6) Regulation of the Financial Services Authority Number 18/POJK.07/2018 concerning Consumer Complaint Services in the Financial Services Sector.

took legal action. A total of 4,493 did not obtain legal certainty regarding the enforcement of their personal rights.

Table 1 : Personal Data Protection Disputes at The Jakarta Legal Aid Institute

No	Disputes Settlement	Victims	Information
1	Litigation	2	Processing in Central Jakarta District Court
2	Non-Litigation (Mediation)	4	Compensation of IDR 150,000,000
3	Police report	1	Not responded
Total victims		7	

Whereas the principle of legal protection for consumers to obtain benefits, justice, balance, security and safety and legal certainty.⁸ That is due to the distrust of the Jakarta Legal Aid Institute to the Financial Services Authority which is unable to show the flow of dispute resolution of the victims, given the Financial Services Authority Regulation Number 77/POJK.01/2016 concerning Information Technology-Based Money Lending Services does not cover the flow of settlement disputes over personal data protection.

Based on the theory of effectiveness put forward by Lawrence M. Friedman. Law protection of personal data consumers of financial technology is able to be implemented well if it meets three components. These components are the legal substance, legal structure and legal culture. Researchers assess the application of personal data protection laws less effective, because the component of legal substance is Regulation of the Financial Services Authority Number 77/POJK.01/2016 concerning Information Technology-Based Money Lending Services, which is not comprehensive. Starting from the procedure of collecting and deleting personal data to the resolution of disputes if misuse of personal data has not been specifically regulated. The impact of the above problems creates a recht vacuum that causes the Financial Services Authority as a legal structure to be unclear in providing legal certainty for victims. While protecting personal data of fintech consumers online lends is very important to be regulated strictly considering the cultural component of the Indonesian people using online lend services is very mushroomed. As of November 27th, 2019, the total number of people making online lends was 15,986,723 entities and 62,171,978 borrower accounts.⁹

Personal Data Protection of Financial Services Authority in Islamic Law Perspective

Personal data or information is an intangible asset that contains a person's image, reputation and dignity. When consumers provide personal data to online lend providers, consumers actually give trust to online lend providers to keep their secrets. So that there

⁸ Article 2 of Law Number 8 of 1999 concerning Consumer Protection.

⁹ Directorate of Regulation, Licensing and Supervision of Fintech, "Perkembangan Fintech Lending", <https://www.ojk.go.id/en/kanal/iknb/data-danstatistik/fintech/Documents/Statistik-%20Oktober-%202019.pdf>, accessed on December 26th, 2019 at 5.30 PM.

arises a right to be kept privacy or confidentiality. Personal data and privacy are closely related to one's individual rights. The right is related to the inherent dignity, glory and dignity of the human person, the absolute right that Allah SWT gives to each descendant of Adam 'alaihi salam. This rights in Al-Qur'an verse:¹⁰

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا

“And we have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with (definite) preference.”

Dissemination of personal data without the knowledge of its owner is the same as entering a house without the permission of its master. The house is a place of rest and a place where someone keeps the secrets of the household.¹¹ Allah SWT said:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا وَتُسَلِّمُوا عَلَى أَهْلِهَا فَلِذَا لَكُمْ خَيْرٌ لَكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

“O you who have believed, do not enter houses other than your own houses until you ascertain welcome and greet their inhabitants. That is best for you, perhaps you will be reminded”

Whereas when consumers have given trust (in the form of permission) to online fintech lend providers to access their personal data (as personal secrets) which includes their reputation and honor, then that trust cannot be betrayed. Imam An-Nawawi in the book *Riyadhus Shalihin* defines treason as an attempt to deceive someone when trusted.¹² The Prophet Muhammad SAW said:¹³

وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْمُسْلِمُ أَخُو الْمُسْلِمِ لَا يَخُونُهُ وَلَا يَكْذِبُهُ وَلَا يَحْدُلُهُ, كُلُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ حَرَامٌ عَرَضُهُ وَمَالُهُ وَدَمُهُ، التَّقْوَى هَهُنَا، بِحَسَبِ امْرِئٍ مِنَ الشَّرِّ أَنْ يَحْقِرَ أَخَاهُ الْمُسْلِمَ (رواه الترمذي وقال: حديث حسن)

“From Abu Hurairah Rafhiyallahu Anhu, he said: "The Prophet sallallahu Alaihi wa Sallam said, 'fellow Muskim are brothers, fellow Muslims must not betray, deceive and humiliate them, fellow Muslims harass their honor, wealth and blood, God is here (while Muslims are brothers, fellow Muslims must not betray, deceive and humiliate them, fellow Muslims harass their honor, property and blood, God is here (while Muslims) pointing at his chest). Someone is considered bad enough if he insults his brother who is Muslim, "(Tirmidhi narrated and he said" This hadith is hasan)"¹⁴

The above hadith says it is unlawful to disturb someone's honor and glory. Quoted by Mujaid Kumkelo (eds), according to Ash-Shiddiqy human glory based on the word of

¹⁰QS. al-Isra [17]: 70.

¹¹Ahmad Kosasih, *HAM dalam Perspektif Islam*, (Jakarta: Salemba Diniyag, 2003), 72.

¹²Syaikh Muhammad Al-Utsaimin, *Syarah Riyadus Shalihin*, Trans. By Munirul Abidin, (Mesir: Daar Al-Bahirah-Iskandariyah, 2001), 1018.

¹³Syaikh al-Islamy Muhyiddin Abi Zakariya Yahya bin Syaraf An-Nawawy, *Riyadhus Shalihin*, (Bandung: Syarkatu Ma'arif, w.y), 131.

¹⁴Syaikh Muhammad Al-Utsaimin, *Syarah Riyadus Shalihin*, Trans. By Munirul Abidin, 1017-1018.

God is classified into three types namely; *First*, personal death (*karamah fardiyah*) is the maintenance of the meaning of material and material personality (*maddi*) of humans. *Second*, the glory of society (*karamah ijtimai'iyah*) is the full guarantee of human equality. And *third*, political glory (*karamah siyasah*) is the form of the caliph on earth, then humans are given the right to choose and be chosen (political rights).¹⁵ Departing from this, of course, violations of privacy rights are acts that are contrary to the objectives of Islamic law (*maqashid syariah*). Some *fuqaha* define *maqashid syariah* in general, it is beneficial for humans to take care of their *dharuriyat* needs and perfect their *hajiyat* and *tahsiniyat* needs”¹⁶

The objectives of Islamic law consist of *dharuriyat* levels (primary needs), *hajiyat* levels (secondary needs), and *tahsiniyat* levels (tertiary needs).¹⁷ According to Imam al-Syatibi quoted by Nurhayati and Ali Imran Sinaga, the needs of *dharuriyat* (primary) consist of *dharuriyat al-khams* namely protection of religion (*hifzh al-din*), protection of the soul (*hifzh al-'aql*), protection of offspring (*hifzh al-nasl*), protection of property (*hifzh al-mal*).¹⁸ The scholars added the principle of protection of honor (*hifzh al-irdh*) as a necessity of *dharuriyat*, this opinion was supported by scholars such as Al-Qarafi, Ahmad Al-Raisun and Yusuf Qardhawi.¹⁹

The fulfillment of *dharuriyat* must take precedence because it involves the rights of the people as a form of fulfilling the benefit of the existence of Islamic law. According to Amir Syarifuddin, the benefit is divided into two forms namely; *First*, realize the benefits, goodness and pleasure for humans; and *second*, prevent people from damage and badness.²⁰ The rule of fiqh states:

دَرءُ الْمَفَاسِدِ أَوْلَى مِنْ جَلْبِ الْمَصَالِحِ

“Avoiding danger (*mudarat*) must take precedence over achieving benefits (benefit)”

Dissemination of personal data is a form of damage (*mafsadat*) to the protection of honor (*hifzh al-irdh*) which causes danger. Danger that arises in the form of loss of dignity and dignity of a person, even can result in the destruction of *dharuriyat al-khams* because starting from self-esteem as the basic rights of someone who is missing. As for when there is a danger in the form of dissemination of personal data, then the danger must be eliminated either through policy or other efforts. This is as *dharar's* rule states:

الضَّرَرُ يُزَالُ

“The danger must be eliminated”

This rule consists of two laws, namely: (1) Must not endanger others, meaning that a prohibition against someone to commit wrongdoing by endangering the lives, dignity and property of others which absolutely has an adverse effect even if it comes from permissible acts (*mubah*); (2) Prohibition of replying to danger with danger but the loss

¹⁵Mujaid Kumkelo and Moh. Anas Kholis (eds), *Fiqh HAM*, (Malang: Setara Press, 2015), 44.

¹⁶Harun al-Rasyid, *Fikih Korupsi*, (Jakarta: Kencana, 2016), 62.

¹⁷Ika Yunia Fauzia and Abdul Kadir Riyadi, *Prinsip Dasar Ekonomi Islam Perspektif Maqashid al-Syari'ah*, (Jakarta: Kencana, 2014), 74.

¹⁸Nurhayati and Ali Imran Sinaga, *Fiqh dan Ushul Fiqh*, (Jakarta: Kencana, 2018), 76.

¹⁹Syaikh Yusuf Al-Qardhawi, *Fiqh Maqashid Syariah*, Trans. By Arif Munandar Riswanto, (Jakarta: Pustaka Al-Kautsar, 2007), 27.

²⁰Amir Syarifuddin, *Ushul Fiqh Jilid 2*, Cet.6 (Jakarta: Kencana, 2011), 222.

caused by danger due to someone's actions must be resolved by way of complaints to get a fair judge's decision.²¹ Therefore, there is a need for the role of the Financial Services Authority as an independent institution representing the government. Law enforcement and strict rules for the protection of personal data of consumers of financial technology are very much needed considering that the protection contains benefits for the public interest. As explained in the rules of fiqh, namely:

تَصَرَّفُ الْإِمَامُ عَلَى الرَّاعِيَةِ مَنْوُطٌ بِالْمَصْلَحَةِ

“The policy of the authority holder (leader) towards the people must be based on benefit”

Based on the above rules, danger on the distribution of personal data must be eliminated. Protection of personal data must be protected by all parties, both fintech customers peer to peer lending, fintech organizers, and the government. The way to resolve the interpretations arising from the dissemination of personal data is through complaints to the judge (in this case the government) in order to obtain guarantees for civil rights (personal rights) in the form of the right to justice in law and the right to obtain security and safety of the people.

Conclusion

Personal data protection of financial technology consumers by Financial Services Authority Jakarta consists preventive legal protection and repressive legal protection. In terms of effectiveness, personal data protection of financial technology consumers by Financial Services Authority Jakarta is still ineffective because the legal substance (regulation) is the Financial Services Authority Regulation Number 77/ POJK.01/2016 concerning Information Technology-Based Money Lending Services from the retention period to the dispute resolution scheme for victims whose data is disseminated. The weakness of the legal substance has caused the elements of the legal structure (law enforcement), in this case the Financial Services Authority Jakarta cannot perform its functions optimally. As for the community (as an element of legal culture) Indonesia is increasingly conducting online lend transactions (peer to peer lending).

According to Islamic law, personal data contained the glory, honor and dignity of someone who should not be disturbed. As for when financial technology consumers give trust (permission) to online lend providers to access their personal data, then that trust cannot be betrayed. When interpretations occur in the form of misuse of data, there will be danger (*mudharat*) in the form of damage to one's honor and dignity (*hifz al-irdh*) whereas Islamic law is as much as possible to provide benefit to humans. As for some scholars, the protection of honor (*hifz al-irdh*) is part of *maqashid syariah* at the level of *dharuriyat* (primary need) besides protection of religion, soul, reason, descent and wealth (*dharuriyat al-khams*), because honor is closely related to basic human rights. So, the personal data of financial technology consumers must be protected by all elements of society both from consumers, fintech providers, and the government.

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