



## Legal Protection for Consumers of Information Technology-Based Joint Funding Services

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**Abstract:** *Information Technology-Based Joint Funding Services (LPBBTI) is one of the innovations in the financial sector by utilizing technology that allows lenders and borrowers to carry out lending transactions without having to meet in person. The lending transaction mechanism is carried out through a system that has been provided by the Fintech Lending Organizer, either through an application or a website. The purpose of this study is to determine, understand and analyze legal protection for LPBBTI consumers. This research is classified as a type of normative legal research (legal research). The results of the study are that the number of people (consumers) accessing financial service products including LPBBTI does not mean that consumers already understand the product well. Regarding consumer protection in LPBBTI, it has been regulated in POJK Number 10 / POJK.05 / 2022, namely concerning consumer protection, transparency of organizers, billing and sanctions. To realize consumer protection, Organizers are required to apply the principles of: transparency, fair treatment, reliability, confidentiality and security of consumer data / information and handling complaints and resolving consumer disputes simply, quickly and at an affordable cost. Although POJK Number 40 of 2024 does not explicitly regulate consumer protection in one or more articles, the provisions contained therein implicitly guarantee consumer protection in the context of LPBBTI. Consumer protection is implemented in accordance with the Financial Services Authority Regulation concerning consumer protection in the financial services sector, namely POJK Number 22 of 2023 concerning Consumer and Community Protection in the Financial Services Sector.*

**Keywords :** Consumers, LPBBTI, Legal Protection

## **Introduction**

The financial services industry is one of the sectors that has been swept away by the flow of technological disruption. Many technology-based financial companies or financial technology (fintech) have emerged. Fintech does not only serve payments, loans or other financial services like traditional banking businesses. Fintech is more efficient because it is able to reduce operational costs. Fintech also serves more personally and reaches people who have not been able to access banking services at all. Including remote areas that are difficult for banks to reach.

The development of fintech in Indonesia is increasingly rampant. People from all walks of life need it to fulfill their respective financial needs. The presence of fintech in Indonesia is certainly inseparable from the development of increasingly modern technology. When compared to the past, customers had to visit a bank or financial company in person. Now, fintech has made it easier for customers to get financial services. Starting from opening an account, applying for a loan, developing funds, to simply transferring funds to another bank account.<sup>1</sup>

Finance companies always use technology to make business faster, safer, more productive, and more widely accessible. In today's era, finance companies are disrupting all the old financial models that have been adopted for a relatively long time.<sup>2</sup> For the first time, consumers can bypass or ignore the functions of banks, brokers and middlemen.

One of the services offered by the financing company is the Information Technology-Based Joint Funding Service (hereinafter referred to as LPBBTI). POJK Number 10 /POJK.05/2022 was declared no longer valid after the issuance of POJK Number 40 of 2024 concerning Information Technology-Based Joint Funding Services (LPBBTI) in December 2024.

Consumer protection law today has received quite a lot of attention because it concerns regulations to improve the welfare of society, not only society as consumers who receive protection, but business actors also have the same rights to receive protection, each has rights and obligations. The government plays a role in regulating,

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<sup>1</sup> Universitas Pignatelli Triputra, Perkembangan Fintech di Indonesia dan Dampak

<sup>2</sup> Ibid., hlm. 1

supervising and controlling others so that the goal of improving the welfare of society in general can be achieved.<sup>3</sup>

One of the major concerns is consumer protection in banking and non-bank financial services and other financial institutions. The importance of creating fair financial services is not only to provide protection to consumers but also to optimize the role and function of the financial sector for other purposes. As a form of protection for consumers of financial services institutions, OJK issued POJK Number 1/POJK.07/2013 concerning Consumer Protection in the Financial Services Sector.

In order to realize a financial system that grows sustainably, stably, and is able to protect the interests of consumers and the community, it is necessary to encourage consumer protection in the financial services sector to create a reliable consumer protection system, increase consumer and community empowerment, and raise awareness of financial service business actors. The financial services sector, which is increasingly complex and dynamic in its development, requires strengthening regulations on consumer and community protection in the financial services sector. To address the complex and dynamic development of the financial services sector, POJK Number 1 / POJK.07 / 2013 concerning Consumer Protection in the Financial Services Sector is replaced by POJK Number 6 / POJK.07 / 2022 concerning Consumer and Community Protection in the Financial Services Sector.<sup>4</sup>

With the enactment of Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector, the authority of the Financial Services Authority has been strengthened in regulating and supervising consumer and community protection in the financial services sector to improve a reliable consumer protection system, increase consumer and community empowerment, and raise awareness of financial services business actors. There are developments in aspects of consumer and community protection in the financial services sector caused by the addition of consumer and community protection principles, the expansion of financial services business actors, and the digitalization of products and/or services in the financial

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<sup>3</sup> Celina Tri Siwi Kristiyanti, *Hukum Perlindungan Konsumen*, (Jakarta: Sinar Grafika, 2009), hlm. 1

<sup>4</sup> Lihat Penjelasan POJK Nomor 6 /POJK.07/2022 Tentang Perlindungan Konsumen dan Masyarakat di Sektor Jasa Keuangan

services sector, and the development of the increasingly complex and dynamic financial services industry, so that it is necessary to strengthen regulations regarding consumer and community protection in the financial services sector. POJK Number 6/POJK.07/2022 concerning Consumer and Community Protection in the Financial Services Sector has been replaced to adjust to developments in consumer and community protection with the issuance of POJK Number 22 of 2023 concerning Consumer and Community Protection in the Financial Services Sector. Consumer Protection in the Financial Services Sector by OJK is to protect the interests of consumers and/or the community through preventive measures through activities to increase financial literacy and inclusion. Complaints and dispute resolution services, regulations, inspections, eradication of illegal financial activities, supervision of the behavior of financial services business actors.

The rules regarding debt collection from recipients of funds in the Financial Services Authority Regulation Number 10 / POJK.05 / 2022 concerning Information Technology-Based Joint Funding Services are a reflection of the past, where financial service business actors in terms of debt collection were often carried out in ways that were contrary to the rules and norms that apply in society. Debt collection is carried out by using the services of debt collectors who behave rudely, use threats, violence and / or actions that are embarrassing to the Recipient of Funds, use physical or verbal pressure, and are carried out continuously which is disruptive if the debt collection uses communication media.

Based on this background, there is a problem that will be studied, namely how is the legal protection for Consumers of Information Technology-Based Joint Funding Services (LPBBTI).

### **Research Methods**

This research is classified as a type of normative legal research (legal research), namely research that examines legal regulations in a coherent legal system.<sup>5</sup> Abdulkadir Muhammad said, "normative legal research studies law that is

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<sup>5</sup> Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Edisi 1, Cet. V, PT RajaGrafindo Persada, Jakarta, 2001, hlm..23-24. Lihat juga Soerjono Soekanto dan Sri Mamudji, *Peranan dan Penggunaan Perpustakaan di Dalam Penelitian Hukum*, Pusat Dokumentasi Hukum Fakultas Hukum Indonesia, Jakarta, 1979, hlm.15

conceptualized as norms or rules that apply in society".<sup>6</sup> This research uses legal materials as its main source.

## **Results and Discussion**

### **Legal Aspects of Information Technology-Based Joint Funding Services (LPBBTI)**

Information Technology-Based Joint Funding Services (LPBBTI) are one of the innovations in the financial sector by utilizing technology that allows lenders and borrowers to carry out borrowing and lending transactions without having to meet in person. The borrowing and lending transaction mechanism is carried out through a system provided by the Fintech Lending Provider, either through an application or a website. LPBBTI was originally called the Information Technology-Based Money Lending Service (LPMUBTI) as regulated in POJK Number 77/POJK.01/2016. With the enactment of POJK Number 10/POJK.05/2022, the Information Technology-Based Money Lending Service (LPMUBTI) is called the Information Technology-Based Joint Funding Service (LPBBTI). POJK Number 10/POJK.05/2022 is declared no longer valid after the issuance of POJK Number 40 of 2024 concerning Information Technology-Based Joint Funding Services (LPBBTI) in December 2024.

In its development, POJK Number 10/POJK.05/2022 needs to be adjusted in order to follow up on the mandate of Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector, harmonization with Law Number 1 of 2024 concerning the Second Amendment to Law 11 of 2008 concerning Information and Electronic Transactions, and strengthening regulations including adjustments to the maximum funding limit, adjustments to the provisions on the mechanism for granting approval for changes in ownership, credit scoring regulations, regulations regarding transparency of write-offs, and supervision mechanisms.<sup>7</sup>

Article 1 number 1 of POJK Number 10 /POJK.05/2022 in conjunction with Article 1 number 1 of POJK Number 40 of 2024 states that what is meant by Information Technology-Based Joint Funding Services, hereinafter abbreviated as

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<sup>6</sup> Abdulkadir Muhammad, *Hukum dan Penelitian Hukum*, (Bandung: PT Citra Aditya Bakti, 2004), hlm. 51

<sup>7</sup> Lihat Penjelasan Umum POJK Nomor 40 Tahun 2024 tentang Layanan Pendanaan Bersama Berbasis Teknologi Informasi

LPBBTI, is the provision of financial services to bring together fund providers and fund recipients in carrying out conventional funding or based on sharia principles directly through an electronic system using the internet.

In POJK Number 40 of 2024 it is only referred to as Akad. Electronic System is a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, send, and/or distribute electronic information in the field of financial services.<sup>8</sup>

### **Legal Protection for Consumers in Industrial Technology-Based Joint Funding Services (LPBBTI)**

Consumer Protection involves many aspects. One of them is the legal aspect. There is an impression that various legal studies/research on consumer protection feel utopian, even the economic policies pursued by the New Order really ignore consumer interests.<sup>9</sup> Economic disparities harm various parties involved in economic activities. It is the Indonesian people who are none other than consumers who are most disadvantaged.<sup>10</sup>

In his speech, UI Professor Erman Rajagukguk explained that in Indonesia, economic growth and income equality can be implemented simultaneously. If we want three levels of development to be carried out simultaneously, Indonesian legal culture must be able to accommodate such goals. We must have laws, legal institutions and legal professions, which are able to maintain national integration and unity, can encourage the growth of trade and industry, and function to advance social justice, human welfare, fair distribution of rights and privileges, duties and burdens. National unity, economic growth and social welfare must be reflected in every decision-making. In achieving these goals, legal reforms, legal institutions and the legal profession are needed. Comprehensive development must pay attention to human rights, both are not in opposing positions and thus development will be able to attract public

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<sup>8</sup> Pasal 1 angka 6 POJK Nomor 10 /POJK.05/2022 Tentang Layanan Pendanaan Bersama Berbasis Teknologi Informasi juncto Pasal 1 angka 6 POJK Nomor 40 Tahun 2024 Tentang Layanan Pendanaan Bersama Berbasis Teknologi Informasi

<sup>9</sup> Yusuf Shofie, *Perlindungan Konsumen dan Instrumen-Instrumen Hukumnya*, (Bandung:PT Citra Aditya Bakti, 2003), hlm.ix

<sup>10</sup> Yusuf Shofie, *Ibid.*, hlm. 1

participation. This is increasingly important because our nation is in an era of globalization, meaning it must compete with other nations.<sup>11</sup>

Consumer protection law today has received quite a lot of attention because it concerns regulations to improve the welfare of society, not only society as consumers who receive protection, but business actors also have the same rights to receive protection, each has rights and obligations. The government plays a role in regulating, supervising and controlling others so that the goal of improving the welfare of society in general can be achieved.<sup>12</sup>

This important role can be realized if financial services are based on the principles of transparent, fair, and accountable implementation. In this case, Adam J. Levitin argues that consumer protection in the financial services sector currently involves a mixture of disclosure requirements, supervision, prohibitions on certain products and practices, and law enforcement actions. The core of all of this is transparency.<sup>13</sup> He further stated that:

*The basic conceit of consumer financial services regulation is that the market is the best guarantor of consumer protection. Markets rely on information. If all material information is readily available to consumers in a form they can easily process, then consumers will be able to make intelligent, informed decisions, which will presumably maximize consumer welfare and discipline product and practice offerings.*

Principles of Consumer and Community Protection in the Financial Services Sector after the enactment of Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector, among others:<sup>14</sup>

1. Adequate Education prioritizes educational values and actions including the role of PUSK in providing understanding to the community and consumers.

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<sup>11</sup> Erman Rajagukguk, Peranan Hukum dalam Pembangunan Pada Era Globalisasi: Implikasi Bagi Pendidikan Hukum di Indonesia, Pidato Pengukuhan Jabatan Guru Besar UI, 4 Januari 1997 dalam Celina Tri Siwi Kristiyanti, Op.Cit, hlm. 14-15

<sup>12</sup> Celina Tri Siwi Kristiyanti, Op.Cit, hlm. 1

<sup>13</sup> Adam J. Levitin, "The Consumer Financial Protection Agency", Research Paper No.1447082 August 2009, Georgetown Law Faculty Working Papers dalam J. Widiyantoro dkk, Hukum Perlindungan Konsumen Jasa Keuangan di Era Orotitas Jasa keuangan, (Yogyakarta: Cahaya Puspa Atmajaya, 2023), hlm. 35

<sup>14</sup> Sarwin Kiko H. Napitupulu, Deputi Direktur Pelayanan Konsumen dan Pemeriksaan Pengaduan IKNB, Workshop Stakeholder Keuangan Digital Dalam Merumuskan Masukan Untuk Penyusunan Panduan Bagi Konsumen Keuangan Digital Fintech P2P Lending, Lembaga Konsumen Yogyakarta, 22 Agustus 2024

2. Openness and Transparency of Product and/or Service Information. Prioritizes clarity, accuracy, honesty, and non-misleading of information regarding products and/or services, both before, during, and after the products and/or services are used.
3. Healthy Competition. Emphasizes PUSK actions to ensure compliance with Consumer Protection provisions based on the provisions of laws and regulations in the financial sector.
4. Protection of Consumer Assets, Privacy, and Data. Emphasizes the certainty of procedures, mechanisms, and systems to provide protection guarantees, maintain confidentiality and security of financial assets managed by PUSK, privacy, data and/or Consumer information, and use in accordance with the interests and purposes agreed to by the Consumer.
5. Enforcement of Compliance. emphasizes PUSK's actions to ensure compliance with Consumer Protection provisions based on the provisions of laws and regulations in the financial sector.
6. Fair Treatment and Responsible Business Conduct. Prioritizes fair, non-discriminatory, and responsible actions from PUSK in conducting business.
7. Effective and Efficient Handling of Complaints and Dispute Resolution. Fulfillment of Consumer rights in submitting complaints and resolving disputes.

The results of the 2024 National Financial Literacy and Inclusion Survey (SNLIK) show that the financial literacy index of the Indonesian population is 65.43%, while the financial inclusion index is 75.02%. The 2024 SNLIK also measures the level of sharia financial literacy and inclusion: The sharia financial literacy index of the Indonesian population is 39.11%. Meanwhile, the sharia financial inclusion index is 12.88%. Indonesia's Digital Literacy Index in 2020 was 3.46/5.0, in 2021 it was 3.49/5.0, in 2022 it was 3.54/5.0 and in 2023 it was 3.65/5.0.<sup>15</sup>

For that reason, digital financial literacy is very important in the context of financial service products, especially Fintech lending, because it helps consumers understand the benefits and risks associated with these financial products. With good

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<sup>15</sup> Purnawan Kristanto, Literasi Digital Untuk Perlindungan Konsumen Pinjol, Workshop Stakeholder Keuangan Digital Dalam Merumuskan Masukan Untuk Penyusunan Panduan Bagi Konsumen Keuangan Digital Fintech P2P Lending, Lembaga Konsumen Yogyakarta, 22 Agustus 2024



literacy, users can make wiser decisions, avoid fraud, and utilize services optimally. In addition, digital financial literacy is also important to protect consumers from illegal lending practices and increase financial inclusion.<sup>16</sup>

This is also needed so that consumers of financial services, especially LPBBTI, can know some risks and can anticipate them. Some risks that need to be watched out for include:<sup>17</sup>

1. Default Risk, the possibility that the borrower will not be able to repay the loan.
2. Mismanagement Risk; borrowing for consumption, impulsive buying, or digging a hole to cover a hole.
3. Data Security Risk; potential misuse of personal data by irresponsible parties.
4. Fraud Risk; the existence of illegal fintech lending platforms that are not registered with the OJK.

For this reason, several strategies are needed for Digital Financial Consumer Protection, both carried out by the Government, LPBBTI Organizers and Users, and Consumer Institutions. The government can do:<sup>18</sup>

1. Strict supervision and regulation;
2. Increasing digital financial literacy by including it in the curriculum from an early age;
3. Providing fast and cheap consumer complaint channels and dispute mechanisms;
4. Ensuring that producers provide honest information. Information uses simple and easy-to-understand language in all communications and educational materials;
5. Providing strict sanctions for platforms that violate the rules to protect consumers;
6. Creating a sense of security in society by eradicating illegal online loans.

Meanwhile, LPBBTI organizers are expected to be able to do the following:<sup>19</sup>

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<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid*

<sup>18</sup> *Ibid*

<sup>19</sup> *Ibid*

1. Increase transparency in the lending mechanism (Informed Consent)
2. Develop a mobile application that provides information and education about digital financial literacy and LPBBTI. Including installment simulations.
3. Use chatbots and AI technology to answer user questions about LPBBTI risks in real-time.
4. Provide responsive and solution-oriented complaint channels and mechanisms
5. Maintain consumer data security
6. Implement Corporate Social Responsibility.

Article 100 paragraph (1) of POJK Number 10 /POJK.05/2022 states that in order to realize consumer protection, Organizers are required to apply the principles of: a. transparency; b. fair treatment; c. reliability; d. confidentiality and security of consumer data/information; and e. handling complaints and resolving consumer disputes in a simple, fast, and affordable manner. Consumer protection is implemented in accordance with the Financial Services Authority Regulation concerning consumer protection in the financial services sector, namely POJK Number 22 of 2023 concerning Consumer and Community Protection in the Financial Services Sector.

Regarding transparency from the organizer, it is regulated in Article 101 of POJK Number 10 /POJK.05/2022 concerning Information Technology-Based Joint Funding Services. Article 101 paragraph (1) of Financial Services Authority Regulation Number 10 /POJK.05/2022 states that the Organizer is required to clearly state the name of the Organizer at the head office, offices other than the head office, and the Electronic System.

Article 101 paragraph (4) of the Financial Services Authority Regulation Number 10/POJK.05/2022 states that Funding Performance contains at least information:

- a. value of Funding disbursed;
- b. number of Fund Providers;
- c. number of Fund Recipients; and
- d. payment success rate.

Regarding the payment success rate in the Explanation of Article 101 paragraph (4) letter d of the Financial Services Authority Regulation Number 10 / POJK.05 / 2022

concerning Information Technology-Based Joint Funding Services, it is stated that the calculation of the payment success rate (TKB), namely:

$$\text{TKB90} = 100\% - \text{TWP90}.$$

$$\text{TWP90} = \frac{\text{Posisi akhir wanprestasi di atas 90 hari}}{\text{Total posisi akhir}} \times 100\%$$

TKB90 is a measure of the level of success of the Organizer. LPBBTI in facilitating the settlement of Funding obligations within a period of up to 90 (ninety) days from the due date. TWP90 is a measure of the level of default or negligence in settling obligations stated in the Funding agreement above 90 (ninety) days from the due date. Article 101 paragraph (5) of POJK Number 10 / POJK.05 / 2022 states that Information related to funding performance, namely the value of Funding distributed, the number of Fund Providers, the number of Fund Recipients, is submitted since carrying out business activities, in the current year and in the form of the final position.

Consumer Protection in POJK Number 40 of 2024, which regulates Information Technology-Based Joint Funding Services (LPBBTI), is not directly regulated in certain articles regarding explicit consumer protection. However, this POJK contains provisions that implicitly guarantee consumer protection in the context of LPBBTI. POJK Number 40 of 2024 focuses on aspects that support consumer protection, such as:

1. LPBBTI Organizer

POJK Number 40 of 2024 stipulates provisions regarding LPBBTI organizers, including business license requirements, operational procedures, and obligations that must be fulfilled to protect consumers from detrimental practices.

2. Clear Information

POJK Number 40 of 2024 emphasizes the importance of transparency of information to consumers, both regarding funding products, existing risks, and dispute resolution mechanisms.

2. Risk Prevention

POJK Number 40 of 2024 regulates the prevention of risks that may occur in LPBBTI, such as the risk of default, investment risk, and other risks that may harm consumers.

### 3. Dispute Resolution System

POJK Number 40 of 2024 establishes a dispute resolution mechanism between consumers and LPBBTI organizers, which is expected to provide legal certainty and protection for consumers.

### 4. Organizer's Obligations

POJK Number 40 of 2024 also regulates the obligations of LPBBTI organizers to maintain the security of consumer data, apply the principle of prudence in operations, and take preventive measures to prevent losses for consumers.

Thus, although POJK Number 40 of 2024 does not explicitly regulate consumer protection in one or more articles, the provisions contained therein implicitly guarantee consumer protection in the context of LPBBTI.

In POJK Number 40 of 2024 there is only one article that regulates consumer protection, namely in CHAPTER XV concerning Consumer and Community Protection, Article 179, which reads:

- (1) The organizer applies the principle of consumer and community protection in the implementation of business in accordance with the provisions of laws and regulations regarding consumer and community protection in the financial services sector.
- (2) The mechanism and procedures for implementing the principle of consumer and community protection as referred to in paragraph (1) are implemented in accordance with the Financial Services Authority Regulation regarding consumer and community protection in the financial services sector.

Based on Article 179 paragraph (2) of POJK Number 40 of 2024, the mechanism and procedures for implementing the principle of consumer and community protection are implemented in accordance with the Financial Services Authority Regulation concerning consumer and community protection in the financial services sector, namely POJK Number 22 of 2023 concerning Consumer and Community Protection in the Financial Services Sector.

## **Conclusion**

Information Technology-Based Joint Funding Services (LPBBTI) is one of the innovations in the financial sector by utilizing technology that allows lenders and borrowers to carry out borrowing and lending transactions without having to meet in person. The borrowing and lending transaction mechanism is carried out through a system provided by the Fintech Lending Organizer, either through an application or a website. LPBBTI was originally called the Information Technology-Based Money Lending Service (LPMUBTI) as regulated in POJK Number 77/POJK.01/2016. With the enactment of POJK Number 10/POJK.05/2022, the Information Technology-Based Money Lending Service (LPMUBTI) is called the Information Technology-Based Joint Funding Service (LPBBTI).

The LPBBTI business model is different from other financial services sectors, where the Organizer only acts as an intermediary, and cannot act as a party that collects third party funds or take risks on loans provided by the Fund Provider to the Fund Recipient, has quite high risks. In addition, the LPBBTI business model that uses complex utilization of Information Technology also contributes to quite high risk exposure.

To realize consumer protection, the Organizer is required to apply the principles of transparency, fair treatment, reliability, confidentiality and security of consumer data/information, as well as handling complaints and resolving consumer disputes in a simple, fast and affordable manner. Consumer protection is implemented in accordance with the Financial Services Authority Regulation concerning consumer protection in the financial services sector, namely POJK Number 22 of 2023 concerning Consumer and Community Protection in the Financial Services Sector.

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