

Law Enforcement Against Foreign Nationals as Perpetrators of Online Lending

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Abstract

Purpose: This study analyzes the legal regulation of foreign nationals within the Indonesian legal system and the sanctions imposed on them as perpetrators of online lending activities.

Research Methodology: This research employs a normative legal approach using statutory, conceptual, and case analyses. Legal materials are examined qualitatively through literature review and deductive reasoning.

Results: The findings show that foreign nationals are recognized as legal subjects under the principle of territorial jurisdiction and are subject to Indonesian law when conducting legal acts within its territory. Sanctions for involvement in online lending may include civil liability for breach of contract and unlawful acts under the Civil Code, criminal penalties, and administrative measures such as immigration sanctions.

Conclusions: Indonesian positive law provides a sufficient legal framework to impose civil, criminal, and administrative sanctions on foreign nationals engaged in online lending. However, enforcement remains limited by practical constraints.

Limitations: This study focuses on existing regulations and court decisions and does not examine international legal cooperation mechanisms in depth.

Contributions: This study contributes to the literature by offering an integrated analysis of the legal position of foreign nationals in Indonesia's online lending regulation.

Keywords: *Cross-Border Enforcement, Fintech Regulation, Foreign Nationals, Law Enforcement, Online Lending*

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1. Introduction

The development of financial technology has transformed the global financial services landscape, one of which is through the emergence of online lending services. Ease of access, fast processes, and minimal administrative requirements make online lending an instant solution for emergency financial needs (Kadariah, 2023; Susanti, Muliani, Nilwana, Ahmad, & Rasyid, 2024). Along with digital transformation, financial transactions are increasingly conducted through electronic systems using digital signatures to legitimize contracts (Pemayun & Dewi, 2025). However, behind this convenience, online lending practices also give rise to various legal issues, particularly related to consumer protection (Kumalasari & Sari, 2026). Standard clauses are often unilaterally drafted by providers, creating an imbalance of rights and obligations between parties. This condition is exacerbated by the low level of public legal literacy regarding the contents of electronic contracts, which makes consumers vulnerable to harmful practices (Kumalasari & Sari, 2026). Legal issues in online lending become increasingly complex when involving foreign nationals residing in Indonesia (Fauzi & Manalu, 2022; Sidiq & Setiawan, 2022), including tourists who run out of funds during their vacation, either as debtors or as actors or controllers of illegal online lending platforms.

Their involvement raises interconnected issues across immigration, criminal, civil, and consumer protection law. These problems arise not only when foreign nationals act as debtors but also as operators of illegal online lending platforms. One concrete example is reflected in Decision Number 525/Pid.Sus/2020/PN Jkt.Utr, where a foreign national from the People's Republic of China was proven legally and convincingly to have committed a criminal act of trading services not in accordance with the promised terms as regulated in Article 62 paragraph (1) in conjunction with Article 8 paragraph (1) letter f of the Consumer Protection Law. In that case, the defendant was sentenced to one year of imprisonment.

A similar case is also seen in Decision Number 524/Pid.Sus/2020/PN Jkt.Utr, which involved another foreign national in the operation of an online lending company engaging in misleading practices and violating consumer protection norms. These cases confirm that such activities extend beyond immigration violations and trigger criminal and consumer protection consequences. On the other hand, in the civil context, disputes in online lending are also reflected in breach of contract lawsuits filed by fintech companies against debtors, as seen in Determination Number 401/Pdt.G/2021/PN.JKT.SEL and Determination Number 400/Pdt.G/2021/PN Jkt.Sel. Although involving domestic parties, these cases illustrate civil mechanisms that can also apply to foreign nationals where jurisdiction exists. Cases involving foreign nationals above show the existence of unlawful practices, such as fraud in electronic transactions that harm consumers and require optimal law enforcement ([Noval, Nofrial, & Nurkhotijah, 2022](#)).

In addition, the characteristics of online lending based on electronic systems make it vulnerable to various forms of cybercrime. Digital technology facilitates transactions but also enables fraud, data manipulation, and misuse of electronic systems ([Noval et al., 2022](#)). The transnational nature of cybercrime poses serious challenges in terms of evidence, jurisdiction, and international cooperation in law enforcement ([R. Duha, 2024](#)). This becomes critical when foreign perpetrators leave Indonesia, weakening enforcement. On the other hand, online lending practices are also closely related to personal data protection issues. In the loan application process, users are required to provide various sensitive personal data, such as identity, financial information, and access to electronic devices. Given its high economic value, personal data is prone to misuse without adequate protection. Personal data protection is part of the fundamental right to privacy and is an important element in maintaining individual freedom and dignity in the digital era ([Yunanda, Wiranata, Agustin, Rohaini, & Zazili, 2024](#)). Although Indonesia has enacted a Personal Data Protection Law, enforcement remains limited ([A. Duha, 2024](#)). Cross-border involvement further complicates potential data misuse.

Furthermore, the development of digital technology also brings broad implications in various legal aspects, including intellectual property protection and regulation of new technologies ([Dzikir, 2024](#)). It increases the risk of technology-based violations, requiring adaptive legal frameworks ([Manurung, 2022](#)). Even technological developments such as artificial intelligence show regulatory gaps at the global level, which can lead to legal uncertainty and weak protection mechanisms ([Gaho, 2024](#)). From a contract law perspective, online lending relationships are formed through electronic contracts. The principle of freedom of contract allows all parties, including foreign nationals, to participate. However, unequal bargaining power limits its practical application ([Kumalasari & Sari, 2026](#); [M. D. M. Putri, Kosasih, & Putra, 2025](#)).

Normatively, foreign nationals in Indonesia are regulated under Law Number 6 of 2011 concerning Immigration, which requires compliance with national law. In online lending, default may constitute a civil breach and, in certain cases, a criminal act involving fraud or bad faith ([Ivanets, 2024](#); [Umam, Adi, Pratama, & Hidayatullah, 2025](#); [Wijaya, Kursiswanti, & Liwa, 2025](#)). On the other hand, online lending operations are supervised by the Financial Services Authority through OJK Regulation Number 10/POJK.05/2022 concerning Information Technology-Based Co-Funding Services. This regulation governs the legal relationship between lenders, borrowers, and platform providers ([Rimadona, 2022](#)), but it does not explicitly regulate the position of foreign nationals as borrowers, particularly regarding cross-border law enforcement mechanisms in cases of default.

In addition, aspects of consumer protection and the validity of electronic contracts are also based on Law Number 8 of 1999 concerning Consumer Protection and Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016. However, these legal instruments are still oriented toward domestic legal subjects and therefore do not provide adequate legal certainty when the debtor comes from outside Indonesian nationality. From a civil law perspective, the relationship between borrowers and online lending providers is built through binding electronic contracts ([Hatta, Susanto, & Narsudin, 2025](#); [I. H. Putri, 2024](#); [Susanto, Fautanu, & Hasibuan, 2023](#); [Valieva & Zalilova, 2024](#)). The principle of freedom of contract allows anyone, including foreign nationals, to become a party to an agreement as long as the legal requirements for a valid contract are fulfilled. However, this contractual binding faces serious challenges when one party is outside national jurisdiction, raising issues regarding the effectiveness of enforcing the rights and obligations of the parties ([Linarelli, 2015](#); [Saleh & Al Amr, 2023](#)).

From an immigration law perspective, the presence of foreign nationals in Indonesian territory is essentially temporary and limited by the type of residence permit they hold ([Amirullah, Handayati, & Prawesthi, 2025](#); [Mila, Monteiro, & Lamataro, 2025](#); [Pigayanti, Saputra, & Suryana, 2023](#); [Supramono, 2014](#)). Therefore, any legal activities carried out by foreign nationals should align with the purpose of their residence permit. When foreign nationals with visit status engage in legal acts that result in long-term financial consequences, questions arise regarding the limits of the state's authority to control and regulate such activities. Meanwhile, criminal law and cyber law provide a basis for prosecuting acts involving fraud, data manipulation, or misuse of electronic systems ([Mustikajati & Sulistyanta, 2024](#); [Rady & Elsakka, 2024](#); [Saputra & Firmansyah, 2023](#); [Waluyo & Sara, 2022](#)). However, the application of criminal sanctions against foreign nationals as perpetrators of online lending still faces practical obstacles, especially when the individuals have returned to their home countries. This condition indicates that cross-border enforcement mechanisms remain a weak point in the national law enforcement system.

The absence of specific regulations regarding foreign nationals as borrowers in fintech regulations also impacts weak risk mitigation by platform providers. Although prudential principles and know your customer are required, there is no explicit obligation to integrate verification of foreign nationals' immigration status in the loan approval process. This has the potential to cause losses not only to lenders but also to the state in maintaining legal order. So far, research on online lending in Indonesia has mostly focused on consumer protection ([Arvante, 2022](#); [Syahputri et al., 2025](#); [Syarifah & Saly, 2023](#)), the legality of fintech providers ([Halizah & Mardikaningsih, 2024](#); [Indri, 2024](#); [Parsaulian, 2021](#)), and the social impact of online lending on domestic communities ([Abrianti, Anggraini, & Probondaru, 2024](#); [Fatmawati, Iswandi, Bulutoding, & Wahab, 2025](#); [Wijayanti, 2022](#)). On the other hand, studies on foreign nationals generally focus on administrative immigration violations, such as overstaying or misuse of residence permits ([Muhlisa & Roisah, 2020](#); [Naim & Renggong, 2021](#); [Nama, Alfian, Yudhitya, & Suhartini, 2022](#); [Niazela & Herlina, 2020](#)). Meanwhile, fintech legal research tends to focus on platform responsibility and personal data protection ([Rustam, 2025](#); [Theresa, 2024](#)), without specifically examining the legal position of foreign nationals as borrowers.

As a result, the cross-national dimension in online lending practices remains relatively neglected. There has been no comprehensive study integrating the legal regulation of foreign nationals, their position as legal subjects in online lending transactions, and law enforcement mechanisms against foreign nationals as online lending actors. This gap indicates a significant research opportunity, especially amid increasing mobility of foreign tourists and easier access to digital financial services. In line with these objectives, the research questions in this study are: (1) how are foreign nationals legally regulated in Indonesia; and (2) what sanctions apply to foreign nationals as perpetrators of online lending in Indonesia.

2. Literature Review

The rapid development of financial technology has significantly transformed the financial services sector, particularly through the emergence of online lending platforms that provide fast and accessible credit services. Several studies emphasize that this transformation is driven by digitalization, increased

internet penetration, and the need for alternative financing, especially among unbanked communities ([Admiral, Suparto, Kurniasih, & Afriani, 2025](#)). However, while online lending offers efficiency and convenience, it also introduces substantial legal challenges, including weak regulatory oversight and the proliferation of illegal lending platforms. Research highlights that early regulatory gaps enabled predatory practices such as excessive interest rates, hidden fees, and abusive collection methods, which ultimately undermine consumer trust and legal certainty ([Admiral et al., 2025](#); [Rinaldi, 2023](#)). In addition, the widespread growth of illegal online lending in Indonesia has been linked to systemic weaknesses in supervision and enforcement, resulting in fraudulent practices that cause material and non-material harm to victims ([Angkasa, Wamafma, Juanda, & Nunna, 2023](#)). Taken together, these studies indicate a consistent pattern: fintech expansion has outpaced regulatory adaptation, creating structural vulnerabilities that facilitate both legal uncertainty and systemic abuse.

In the context of criminal law, illegal online lending has been widely identified as a form of technology-based financial crime involving multiple legal violations. Studies show that illegal lending practices often fulfill elements of fraud, extortion, threats, defamation, and even money laundering, allowing perpetrators to be prosecuted cumulatively under various legal provisions ([Zulfiani, Wiboo, & Satyalalita, 2026](#)). Furthermore, cybercrime dimensions are strongly embedded in online lending operations, as digital platforms enable anonymity and cross-border activities, complicating investigation and prosecution processes ([Khaq & Hidayat, 2022](#)). This is reinforced by research that highlights how illegal online lending frequently involves criminal acts such as coercion, intimidation, and unlawful debt collection practices, reflecting broader violations of criminal law norms. From a criminological perspective, the rise of illegal online lending is also influenced by socio-economic pressures, low financial literacy, and opportunistic exploitation during crises such as the COVID-19 pandemic ([Awaludin, Rusito, & Supriyo, 2023](#)). Synthesizing these findings, prior research positions illegal online lending not merely as isolated criminal acts but as a hybrid crime phenomenon, combining cybercrime, financial crime, and socio-economic exploitation, yet it stops short of examining how such hybridity affects cross-border enforcement.

Another crucial issue highlighted in the literature is the misuse of personal data in online lending practices. Several studies reveal that illegal lending operators frequently exploit borrowers' personal data through intimidation, data dissemination, and unethical collection practices, which constitute serious violations of privacy rights ([Hidayati, Irhamdessetya, & Irawati, 2025](#)). This is further supported by research showing that personal data breaches in online lending applications are highly vulnerable due to excessive data access during registration and weak supervision, allowing misuse by both third parties and platform providers ([Ndruru, Herman, Ttistian, & Widodo, 2023](#)). Although Indonesia has enacted the Personal Data Protection Law, its implementation remains ineffective due to weak enforcement and institutional limitations ([Amalina & Situmeang, 2023](#); [Hidayati et al., 2025](#)). Additional studies emphasize that criminal sanctions, administrative penalties, and license revocation can be imposed on perpetrators of data misuse, yet enforcement remains inconsistent and lacks deterrent effect ([Ndruru et al., 2023](#)). Comparative legal research further stresses the importance of establishing an independent data protection authority to ensure effective supervision and enforcement of data protection regulations ([Yunanda et al., 2024](#)). Collectively, these studies underscore that data misuse is not a standalone issue but is structurally embedded within illegal online lending operations, yet they largely treat it as a domestic regulatory problem rather than a cross-border legal challenge.

From the perspective of consumer protection, the literature consistently identifies online lending as a sector prone to legal imbalances between service providers and users. The use of standard contracts, lack of transparency, and aggressive debt collection practices often place consumers in a disadvantaged position ([Ariany, 2022](#)). Moreover, victims of illegal online lending frequently experience legal uncertainty, as agreements made through illegal platforms are considered invalid under civil law, yet borrowers are still burdened with repayment obligations ([Rinaldi, 2023](#)). Additional research shows that victims not only suffer financial losses but also psychological distress, social stigma, and even physical threats due to intimidation and harassment by illegal lenders ([Angkasa et al., 2023](#)). Legal protection mechanisms exist through various regulations, including consumer protection law and electronic transaction law, but their enforcement remains limited due to technical challenges, lack of

expertise, and weak institutional coordination ([Ariany, 2022](#)). Thus, prior studies converge on the conclusion that consumer protection failures stem not only from normative gaps but from enforcement deficiencies, particularly in digitally mediated transactions.

In terms of law enforcement, previous studies indicate that Indonesia has established a regulatory framework involving multiple institutions, such as the Financial Services Authority (OJK), law enforcement agencies, and the Ministry of Communication and Information. However, coordination among these institutions remains insufficient, resulting in ineffective handling of illegal online lending cases ([Awaludin et al., 2023](#)). Law enforcement efforts, including blocking illegal platforms and imposing criminal sanctions, have been carried out but are often reactive rather than preventive. Research also highlights that although administrative and criminal sanctions are available, their application is still inconsistent and often fails to provide justice for victims ([Angkasa et al., 2023](#)). More importantly, these studies acknowledge the transnational nature of online lending crimes but do not systematically analyze its legal implications, particularly when perpetrators operate across jurisdictions.

Despite the growing body of research on online lending, most studies focus on consumer protection, data privacy, and regulatory frameworks, with limited attention to the role of foreign nationals as perpetrators. Existing literature tends to examine foreign nationals primarily in the context of immigration violations rather than fintech-related crimes. Furthermore, although studies discuss criminal liability and regulatory enforcement, they rarely integrate these aspects within a cross-border legal framework. In other words, prior research remains fragmented, addressing criminal law, consumer protection, and data privacy in isolation, without linking them to the legal status and accountability of foreign actors in digital financial systems.

This article addresses that gap by offering an integrated legal analysis that connects immigration law, criminal law, civil liability, and fintech regulation to examine the position of foreign nationals in online lending practices. Unlike previous studies, it explicitly situates foreign nationals as active legal subjects within cross-border digital transactions and analyzes the enforceability of sanctions against them under Indonesian law. By doing so, this study contributes a multi-regime and cross-jurisdictional perspective that is currently absent in the literature, particularly in understanding how domestic legal frameworks respond to transnational fintech-related offenses.

3. Methodology

This study employs a normative legal research method (doctrinal legal research), which is research based on written legal norms by examining statutory regulations, legal principles, doctrines, and relevant court decisions. This approach was chosen because the focus of the study is directed at the legal regulation of foreign nationals as well as legal sanctions against foreign nationals as perpetrators of online lending in Indonesia. More specifically, this research adopts a prescriptive-analytical orientation, aiming not only to describe existing norms but also to evaluate their coherence, adequacy, and applicability in addressing cross-border legal issues.

3.1 Type and Research Approach

The approaches employed include:

1. Statutory Approach

This approach is conducted by examining various regulations directly related to the object of the study, including the Immigration Law, online lending regulations under the supervision of the Financial Services Authority, the Consumer Protection Law, and the Electronic Information and Transactions Law. This approach aims to identify the legal position of foreign nationals as legal subjects in online lending transactions as well as the forms of sanctions available normatively. Through systematic interpretation, this approach clarifies the scope, intent, and interrelation of these legal norms.

2. Conceptual Approach

This approach is used to examine legal concepts such as legal subjects, legal liability, breach of contract, unlawful acts, and cross-border jurisdiction in the context of fintech. This approach is

important in constructing a conceptual framework regarding the position of foreign nationals as online lending debtors. It also enables normative argumentation by linking abstract legal doctrines with emerging issues in digital financial transactions.

3. Case Approach

This approach is conducted by examining relevant cases, both those that have been decided by courts and those officially reported, in order to observe how law enforcement practices are applied to foreign nationals in digital economic cases. The selected court decisions such as Decision Number 525/Pid.Sus/2020/PN Jkt.Utr and Decision Number 524/Pid.Sus/2020/PN Jkt.Utr are purposively chosen because they involve foreign nationals as perpetrators of illegal online lending and explicitly apply consumer protection and criminal law provisions. These cases are considered representative as they demonstrate judicial reasoning in attributing criminal liability to foreign actors within Indonesia's jurisdiction.

In addition, civil cases such as Determination Number 401/Pdt.G/2021/PN JKT.SEL and Number 400/Pdt.G/2021/PN Jkt.Sel are included to illustrate how breach of contract mechanisms operate in online lending disputes. Although these cases involve domestic parties, they are analytically relevant as they provide a normative basis for extending civil liability principles to foreign nationals under similar jurisdictional conditions. Thus, the case selection reflects both direct relevance (criminal cases involving foreign nationals) and analogical relevance (civil cases illustrating applicable legal mechanisms).

3.2 Legal Materials

This study utilizes:

1. Primary legal materials, in the form of statutory regulations governing immigration, fintech, consumer protection, and electronic transactions.
2. Secondary legal materials, in the form of legal textbooks, journal articles, research findings, and expert opinions related to immigration law and fintech.

3.3 Technique for Collecting and Analyzing Legal Materials

Legal materials are collected through library research. All materials are analyzed using a normative qualitative method with a deductive reasoning pattern, drawing conclusions from general legal norms to specific issues. The legal reasoning process combines deductive logic with legal interpretation and argumentation techniques, including syllogistic reasoning (major premise: legal norms; minor premise: factual conditions in cases; conclusion: legal consequences).

Furthermore, the analysis applies a legal synchronization approach (vertical and horizontal) to assess consistency between regulations, as well as a legal gap analysis to identify normative deficiencies, particularly in regulating foreign nationals in cross-border online lending. The results are presented descriptively and argumentatively to explain the regulation of foreign nationals and to formulate applicable sanctions, while also offering recommendations for legal and regulatory improvement.

4. Results and Discussions

4.1 The Legal Position and Liability of Foreign Nationals in Online Lending in Indonesia

In the Indonesian legal system, foreign nationals are recognized as legal subjects when their activities fall within national jurisdiction. Rather than merely reflecting the principle of territoriality, this position has practical implications: it enables the state to assert legal authority, but does not automatically ensure effective enforcement, particularly in cross-border contexts. Foreign nationals therefore have the legal capacity to enter into agreements, including online lending contracts, and may be held liable under civil, criminal, and administrative law. However, the formal recognition of equal legal standing masks a significant enforcement gap. While foreign nationals are normatively subject to the same obligations as Indonesian citizens, their mobility creates asymmetry in accountability. In online lending, they may act as borrowers or platform operators, yet their ability to exit the jurisdiction weakens the effectiveness of sanctions, particularly in civil enforcement. Foreign nationals are entitled to legal protection and may participate in electronic transactions, provided they comply with applicable regulations. In practice, however, platform-based verification mechanisms do not sufficiently account for immigration status or duration of stay, creating regulatory blind spots.

As a result, access to online lending is often determined by technical verification rather than legal risk assessment. Their legal obligations include compliance with national law and fulfillment of contractual duties. Failure to repay loans constitutes a breach of contract, and where bad faith or deception is involved, it may escalate into criminal liability. The critical issue is not the absence of legal qualification, but the difficulty of transitioning from normative liability to enforceable sanctions when the subject is no longer physically present in Indonesia.

Although immigration law limits the scope of permissible activities based on residence permits, this limitation is weakly integrated into fintech regulation. For instance, foreign nationals holding short-term visit permits may still access financial services that create long-term obligations, without corresponding regulatory safeguards. This indicates a disconnect between immigration control and financial regulation. Similarly, while fintech regulations do not restrict nationality, they also do not provide mechanisms to mitigate cross-border enforcement risks. This regulatory neutrality creates unintended consequences: foreign nationals are fully liable in theory, but partially beyond reach in practice. Thus, the core issue lies not in legal status, but in the state's limited capacity to enforce obligations across jurisdictions.

4.2 Legal Regulation of Foreign Nationals in Online Lending in Indonesia

Judicial practice demonstrates that foreign nationals involved in legal acts within Indonesia are subject to national law. Court decisions consistently affirm jurisdiction, yet they primarily address cases where perpetrators are physically present, leaving unresolved the question of enforcement once cross-border elements arise. This indicates that territoriality is effective at the adjudication stage but less so at the enforcement stage. Foreign nationals may also participate in corporate structures within the fintech sector. However, several cases reveal that legal violations often stem not from the absence of regulation, but from weak supervision of licensing and corporate compliance. Illegal online lending platforms frequently operate without proper authorization, suggesting that enforcement deficiencies occur at the regulatory and monitoring levels rather than at the normative level.

Within the consumer protection regime, foreign business actors can be held liable for violations. Yet, enforcement tends to be reactive, relying on ex post sanctions rather than preventive oversight. This reactive approach limits the deterrent effect of legal norms, particularly in digital environments where operations can quickly relocate or re-emerge under different identities. Civil dispute mechanisms are formally available to all parties, including foreign nationals. Nevertheless, their effectiveness is highly contingent on jurisdictional control over the defendant. While courts can issue decisions, execution becomes problematic when assets or individuals are located abroad. This highlights a structural weakness in civil law enforcement in cross-border fintech disputes.

From a systemic perspective, Indonesian law regulates foreign nationals through multiple legal regimes. However, the interaction among these regimes remains fragmented rather than fully integrated. Immigration law governs presence, fintech regulation governs platform operations, and civil and criminal law address liability, but there is no unified framework that connects these regimes in handling cross-border online lending cases. Although foreign nationals may also act as debtors, their legal position raises distinct challenges. Contractually, they are bound by electronic agreements and subject to civil liability in cases of default. Yet, the enforceability of such obligations is significantly weakened when the debtor leaves the jurisdiction, revealing a gap between contractual validity and practical enforceability.

Moreover, distinguishing between civil breach and criminal conduct becomes crucial. In practice, this distinction is often blurred, leading to inconsistent application of legal remedies and potential over-reliance on criminal law to compensate for weaknesses in civil enforcement. From a regulatory perspective, fintech rules do not differentiate between domestic and foreign debtors. This uniform approach overlooks the asymmetrical risks posed by cross-border actors, particularly in short-term residency contexts such as tourism. The absence of specific safeguards, such as enhanced due diligence or immigration-based verification, creates vulnerabilities for both service providers and the legal system. Accordingly, the regulation of foreign nationals in online lending operates on two

interconnected dimensions: as business actors and as debtors. While both are formally subject to national law, enforcement outcomes differ significantly due to jurisdictional reach and regulatory coordination. This analysis shows that the main weakness of the current legal framework lies not in the lack of norms, but in the fragmentation of enforcement mechanisms, limited cross-border cooperation, and the absence of risk-sensitive regulation for foreign actors. Therefore, strengthening law enforcement requires not only regulatory refinement but also institutional coordination and international legal cooperation to address the transnational nature of online lending activities.

4.3 Sanctions Against Foreign Nationals as Perpetrators of Online Lending in Indonesia

In the Indonesian legal system, foreign nationals involved in unlawful online lending practices may be subject to criminal, civil, and administrative sanctions. Although these sanctions are normatively comprehensive and can be applied cumulatively, their effectiveness varies significantly depending on enforceability and jurisdictional reach.

4.3.1 Criminal Sanctions in Judicial Practice

Criminal sanctions against foreign nationals as perpetrators of online lending within the Indonesian legal system may only be imposed when their conduct exceeds the realm of civil breach of contract and fulfills the elements of a criminal offense as formulated in statutory regulations. A fundamental principle that must be emphasized is that mere inability to repay a debt does not automatically constitute a criminal offense. Criminal law is not intended to punish economic incapacity, but rather to address acts involving intent, deceit, or unlawful conduct that cause harm to others. The distinction between breach of contract and a criminal offense lies in the existence of criminal intent from the outset. If a foreign national applies for a loan with a genuine intention to repay but subsequently fails due to certain circumstances, the matter remains within the civil domain. However, if from the beginning there is a series of falsehoods, submission of inaccurate data, use of false identity, or a scheme designed to avoid repayment, then such conduct enters the criminal sphere because it contains elements of fraud or unlawful acts.

First, the most relevant criminal basis is Article 378 of the Criminal Code (KUHP) concerning fraud. The elements of fraud include the intent to unlawfully benefit oneself or another person, the use of a false name or false status, deceit, or a series of lies, and the inducement of the victim to hand over property or provide a loan. In the context of online lending, if a foreign national uses a false identity, falsifies supporting documents, or deliberately constructs a scenario to cause the platform to grant a loan that from the outset will not be repaid, then all elements of Article 378 of the Criminal Code may be fulfilled. In addition to fraud, criminal liability may also be associated with document forgery if invalid identity documents are used. The Criminal Code also regulates forgery of documents, which may be applied when the perpetrator manipulates documents to obtain financial benefit. This is relevant in online lending practices that require the submission of identity documents or other supporting evidence.

Second, because online lending transactions are conducted through electronic systems, the provisions of Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016 (ITE Law) become relevant. Article 35 of the ITE Law prohibits the manipulation, creation, alteration, deletion, or destruction of electronic information so that such data appears as if it were authentic. Violations of this provision are subject to criminal sanctions as stipulated in Article 51 paragraph (1) of the ITE Law. Thus, foreign nationals who manipulate digital data to obtain loans may be prosecuted under the cybercrime regime. Third, if the conduct of a foreign national is also related to misuse of a residence permit or the use of invalid travel documents, the provisions of Law Number 6 of 2011 concerning Immigration may be applied. In certain circumstances, in addition to being subject to administrative measures such as deportation or blacklisting, the perpetrator may also be processed criminally if the elements of an immigration offense are fulfilled, for example the use of false documents or the submission of inaccurate information to obtain a residence permit. From the perspective of jurisdiction, Indonesian criminal law adheres to the territorial principle, meaning that any criminal offense committed within the territory of Indonesia or producing legal consequences within the territory of Indonesia may be prosecuted under national criminal law.

Therefore, nationality status does not prevent criminal prosecution against foreign nationals. As long as the elements of the offense are fulfilled and the act occurs within or produces effects in Indonesia, law enforcement authorities have full authority to conduct investigation and prosecution. Nevertheless, challenges arise when a foreign national has left the territory of Indonesia. In such situations, criminal law enforcement depends on international cooperation mechanisms, such as extradition or mutual legal assistance. Not all countries have extradition treaties with Indonesia, and therefore the enforcement process may encounter obstacles. Moreover, differences between legal systems of states may also affect the effectiveness of the implementation of criminal sanctions.

Normatively, criminal sanctions against foreign nationals as perpetrators of online lending may take the form of imprisonment and/or fines in accordance with the provisions of the Criminal Code, the ITE Law, and the Immigration Law. Unlike administrative and civil sanctions, which are corrective or compensatory in nature, criminal sanctions have repressive and preventive objectives, namely to create a deterrent effect and to protect the public interest and the stability of the digital financial system. However, their effectiveness largely depends on the state's ability to prove the criminal elements, maintain inter-agency coordination, and establish cross-border legal cooperation. Based on the criminal judgments analyzed, it was found that foreign nationals involved in the operation of illegal online lending were prosecuted through national criminal law mechanisms. In one case before the District Court of North Jakarta, a foreign national defendant was declared legally and convincingly guilty of violating Article 62 paragraph (1) in conjunction with Article 8 paragraph (1) letter f of the Consumer Protection Law for trading services that were not in accordance with the promises made in promotions or advertisements. The judgment imposed a sentence of 1 (one) year of imprisonment on the defendant.

A similar judgment was also imposed on another foreign national defendant in a separate case, which stated that producing or trading online lending services that did not conform to the information promised to consumers constituted a consumer protection offense. This demonstrates that the consumer protection legal regime is used as the basis for criminal punishment against illegal online lending practices that harm the public. In appellate proceedings, the high court decision reaffirmed the principle that criminal offenses in the financial services sector remain subject to national law without distinguishing the nationality of the perpetrator. Accordingly, the territorial principle is applied consistently, and foreign nationals who commit criminal acts within the territory of Indonesia may still be sentenced to imprisonment and/or fines in accordance with statutory provisions. Substantively, the criminal sanctions imposed include:

1. Imprisonment;
2. Confiscation of evidence for destruction;
3. Imposition of court costs.

These findings indicate that criminal law instruments serve as the primary means of addressing foreign nationals who act as perpetrators of illegal online lending, particularly when such practices involve elements of deception, threats, or violations of consumer protection norms.

4.3.2 Civil Sanctions in Online Lending Disputes

In addition to criminal sanctions, civil mechanisms are also available as a form of legal liability in online lending practices. Civil sanctions against foreign nationals as perpetrators of online lending are fundamentally based on the law of obligations within the Indonesian legal system, particularly the provisions of the Civil Code (*KUH Perdata*) concerning agreements and breach of contract. Online loan agreements concluded through fintech platforms constitute valid and binding electronic contracts as long as they fulfill the validity requirements of an agreement as stipulated in Article 1320 of the Civil Code, namely the consent of the parties, legal capacity, a certain object, and a lawful cause. These four elements are cumulative and form the foundation of the validity of the legal relationship between the provider or lender and the foreign national as debtor. In this context, foreign nationals are positioned as legal subjects who have the capacity to bind themselves in an agreement as long as there are no specific legal restrictions. Nationality status does not eliminate a person's legal capacity to enter into a contract, provided that the person has reached adulthood and is not under guardianship.

Therefore, when a foreign national applies for an online loan and agrees to the terms and conditions established by the platform, a legal relationship of obligation arises, generating reciprocal rights and obligations. The principal obligation of the debtor in a loan agreement is to perform, namely to repay the borrowed sum together with interest, penalties, or other agreed costs. If a foreign national fails to fulfill the payment obligation in accordance with the agreement, such conduct is classified as a breach of contract. Pursuant to Article 1238 of the Civil Code, a debtor is considered in default after having been given a warning or formal notice (*somasi*), unless the agreement stipulates that default occurs automatically without prior notice. In online lending practice, clauses concerning due dates and late payment penalties are generally expressly stipulated in the electronic contract.

The legal consequences of breach of contract are regulated in Article 1243 of the Civil Code, which grants the creditor the right to claim compensation. Such compensation includes costs, actual losses, and interest. Costs may consist of expenses arising from collection efforts or litigation processes; losses include lost economic opportunities or real losses resulting from non-payment of the loan; while interest may consist of agreed interest as well as interest as compensation for delay. Accordingly, the provider or lender has a legal basis to demand performance or financial compensation for losses incurred. In addition to claims for compensation, the Civil Code also provides alternative legal remedies to the creditor. Under the provisions concerning the consequences of breach of contract, the creditor may choose to demand specific performance of the agreement, demand termination of the agreement, or demand performance accompanied by compensation. In the context of online lending, a lawsuit may be filed to obtain a judgment ordering repayment of the debt together with interest and penalties, or to annul the agreement accompanied by a claim for compensation.

Furthermore, if the breach of contract is accompanied by elements of bad faith, such as the use of false identity or the submission of inaccurate information from the outset, the creditor may base the claim not only on breach of contract but also on Article 1365 of the Civil Code concerning unlawful acts (tort). This provision requires the existence of an unlawful act, fault, loss, and a causal relationship between the act and the loss. In certain circumstances, a combination of breach of contract and tort claims may strengthen the creditor's legal position. Nevertheless, the implementation of civil sanctions against foreign nationals as perpetrators of online lending faces structural challenges. If the foreign national remains within Indonesian territory and possesses assets that may be seized, the execution of a court judgment is relatively easier to carry out. However, if the foreign national has left Indonesia and does not possess assets subject to execution within Indonesian jurisdiction, the enforcement of the judgment becomes highly complex.

The enforcement of civil judgments against foreign nationals who are located abroad requires mechanisms for the recognition and enforcement of foreign judgments. Indonesia does not yet have a universal system that automatically recognizes Indonesian court judgments in other countries. Therefore, execution often depends on bilateral agreements or the principle of reciprocity between states. This condition causes civil sanctions frequently to stop at the judgment stage without any guarantee of effective recovery of losses. Thus, under positive law, civil sanctions against foreign nationals as perpetrators of online lending are realized through mechanisms of breach of contract and/or claims for unlawful acts as regulated in the Civil Code, in the form of demands for performance, compensation, interest, or termination of the agreement. However, their effectiveness is highly dependent on the physical presence of the foreign national and the availability of cross-border cooperation instruments. This indicates structural limitations in the civil law enforcement process against online lending perpetrators of foreign nationality, thereby necessitating the strengthening of more comprehensive and integrated legal protection mechanisms.

In several civil cases analyzed, fintech companies filed lawsuits against debtors concerning loan repayment obligations. Although in those cases the claims ended in withdrawal, the process demonstrates that civil litigation constitutes a legal instrument used to demand performance or compensation. At the appellate level, courts consistently applied national civil law to the parties involved in contractual relationships. This affirms that in the civil sphere, nationality does not prevent national jurisdiction as long as there is a legal connection with the territory of Indonesia.

Accordingly, civil sanctions against foreign nationals as perpetrators of online lending may take the form of:

1. Lawsuits for breach of contract;
2. Claims for compensation;
3. Execution of court judgments if granted.

Nevertheless, the effectiveness of civil sanctions encounters obstacles when the foreign national has left the territory of Indonesia, as the execution of judgments requires cross-border recognition mechanisms.

4.3.3 Administrative Sanctions and the Legality of Legal Entities

Administrative sanctions, within the Indonesian legal system, against foreign nationals who commit legal violations, including in the context of online lending, primarily derive from Law Number 6 of 2011 concerning Immigration. Article 75 paragraph (1) of the Immigration Law grants Immigration Officers the authority to impose administrative immigration measures on foreigners who engage in dangerous activities, are reasonably suspected of endangering public security and order, or do not respect and comply with statutory regulations. This provision reflects the principle of state sovereignty in regulating the movement and presence of foreigners within Indonesian territory.

This authority is attributive and discretionary in nature, meaning that immigration officials may act based on administrative assessment as long as there are indications of a violation. In the context of online lending, if a foreign national is proven to have violated national legal provisions whether through misuse of a residence permit, use of false identity, or other unlawful acts immigration officials may impose administrative measures without having to wait for a court judgment with permanent legal force. Furthermore, Article 75 paragraph (2) of the Immigration Law explicitly details the forms of administrative immigration measures that may be imposed, namely: (a) inclusion in a prevention or deterrence list; (b) restriction, alteration, or revocation of a residence permit; (c) prohibition from being in one or several specific places within Indonesian territory; (d) the obligation to reside in a designated place; (e) the imposition of burden fees; and (f) deportation from Indonesian territory. This provision provides a flexible spectrum of sanctions according to the level of violation committed by the foreign national.

In the context of foreign nationals as perpetrators of online lending, deportation and deterrence (blacklisting) are the most relevant instruments. Deportation is carried out by removing the foreign national from Indonesian territory because they are considered no longer to meet the lawful requirements for presence. Meanwhile, deterrence constitutes a prohibition from re-entering Indonesian territory for a certain period of time. The combination of these measures is intended to prevent similar violations in the future and to maintain public order. If a foreign national evades payment obligations by suddenly leaving Indonesian territory, or is proven to have used invalid documents when applying for a loan, such conduct may be regarded as a failure to comply with statutory regulations. In such circumstances, immigration aspects become relevant because the presence of a foreign national in Indonesia is based on a residence permit that requires compliance with national law.

Normatively, failure to repay a debt (breach of contract) falls within the domain of civil law. However, if such conduct is accompanied by attempts to flee Indonesian jurisdiction, misuse of a visit visa for activities that give rise to serious legal consequences, or other acts detrimental to public order, there may be a shift from a mere civil dispute to an administrative immigration violation. In such cases, immigration officials are authorized to take measures to safeguard stability and legal certainty. It is also important to note that administrative immigration measures are not always permanent in nature. For example, revocation of a residence permit may be carried out if it is discovered that the permit was obtained unlawfully or used inconsistently with its designated purpose. Likewise, the imposition of burden fees may be charged to a foreign national who is subject to deportation as an administrative consequence of the violation committed. Nevertheless, administrative immigration sanctions are not intended to replace civil or criminal liability. Deportation or deterrence does not eliminate the obligation of a foreign national to settle debts owed to creditors.

This means that even if a foreign national has been deported, civil legal obligations remain attached and, in theory, may still be pursued through civil legal mechanisms, including cross-border cooperation where possible. Within the framework of fintech regulation under the supervision of the Financial Services Authority, there are no provisions that directly regulate administrative sanctions against borrowers, including foreign nationals. OJK primarily focuses administrative sanctions on platform providers if they violate prudential principles and governance standards. Consequently, when foreign nationals act as perpetrators in online lending, the most operational administrative instrument derives from the immigration regime rather than from fintech regulation.

Thus, under positive law, administrative sanctions against foreign nationals as perpetrators of online lending are manifested through immigration measures as regulated in Article 75 of the Immigration Law, in the form of deportation, deterrence (blacklisting), revocation of residence permits, or other restrictive measures. Although effective in controlling the presence of foreigners, these sanctions do not address the aspect of victim recovery. This indicates that administrative sanctions serve preventive and protective functions with respect to state sovereignty, but are not yet fully comprehensive in resolving online lending issues with cross-national dimensions.

Based on findings in court decisions and determinations regarding applications for amendments to articles of association and management of fintech companies, it appears that legal entities operating in the online lending sector are required to obtain approval and registration from the Ministry of Law and Human Rights. This demonstrates that the legality of a legal entity constitutes an administrative prerequisite that must be fulfilled in fintech operations. In the criminal cases analyzed, it was revealed that the companies operated did not possess operational licenses in accordance with the provisions of the financial services authority. This condition places the perpetrators, including foreign nationals, in violation of sectoral regulations. Conceptually, such violations may result in:

1. Revocation of business licenses;
2. Closure of business activities;
3. Other administrative measures imposed by the supervisory authority.

Although the annexes of the cases analyzed primarily focused on criminal sanctions, these findings indicate that administrative sanctions against legal entities form an integral part of law enforcement against illegal online lending practices involving foreign nationals.

5. Conclusions

5.1. Conclusion

This study finds that the legal regulation of foreign nationals in online lending in Indonesia is normatively governed through interconnected legal regimes, including criminal, civil, immigration, and fintech regulations. Foreign nationals are recognized as full legal subjects under the principle of territorial jurisdiction and are subject to Indonesian law for acts committed within its territory. In the civil domain, online lending agreements constitute valid electronic contracts, and foreign nationals may be held liable for breach of contract or unlawful acts. In the criminal domain, sanctions may be imposed where conduct involves fraud, data manipulation, or violations of consumer protection law. From an administrative perspective, immigration law provides measures such as deportation, blacklisting, and revocation of residence permits. However, the study also finds that fintech regulations do not specifically address foreign borrowers, and enforcement mechanisms remain fragmented, particularly in cross-border contexts. Indonesian law provides a comprehensive normative framework to impose civil, criminal, and administrative sanctions on foreign nationals involved in online lending. Nevertheless, the effectiveness of this framework is constrained by enforcement limitations, especially in cases involving cross-border elements and the absence of integrated regulatory mechanisms.

5.2. Research Limitations

This study is limited by its normative legal approach, which relies primarily on statutory regulations and selected court decisions without incorporating empirical data on actual enforcement practices involving foreign nationals in online lending cases. It does not provide an in-depth analysis of international legal cooperation mechanisms, such as extradition or mutual legal assistance, which are

crucial in cross-border disputes. Moreover, the analysis is confined to accessible legal materials, potentially limiting a comprehensive assessment of practical enforcement effectiveness.

5.3 Suggestions and Directions for Future Research

Future research should incorporate empirical approaches to examine the practical effectiveness of law enforcement against foreign nationals involved in online lending, including interviews with regulators, law enforcement officials, fintech providers, and immigration authorities.

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Author Contributions

AANAW contributed to the conceptualization, study design, data collection, analysis, manuscript drafting, revision, supervision, and final approval of the manuscript. INGS contributed to the conceptualization, study design, data collection, analysis, manuscript drafting, revision, supervision, and final approval of the manuscript. AASLD also contributed to the conceptualization, study design, data collection, analysis, manuscript drafting, revision, supervision, and final approval of the manuscript. All authors have read and approved the final version of the manuscript and agree to be accountable for all aspects of the work.

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