



Criminal Acts of Threats by Debt Collectors Against Debtors in the Perspective of the Criminal Code and Islamic Criminal Law

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Abstract: Criminal acts of threats by debt collectors against debtors are a significant issue in the context of criminal law in Indonesia. This study aims to analyze legal provisions regarding criminal acts of threats in the Criminal Code (KUHP) and from the perspective of Islamic criminal law. The research method used includes literature studies and case analysis. The results show that although the KUHP provides a comprehensive legal framework, its implementation is often ineffective due to weak oversight and law enforcement. Islamic criminal law offers a rigid approach but requires adaptation to modern legal contexts. Evaluations of threat cases by debt collectors reveal significant violations and insufficient protection for debtors. Recommendations for improvement include drafting more detailed regulations, enhancing oversight, and comprehensive legal education. The implementation of digital technology in debt collection is also suggested to increase transparency and accountability.

Keywords: Threats, Debt Collector, Criminal Code, Islamic Criminal Law, Law Enforcement.

1. Introduction

The rapid progress of information technology today affects the routine of human life which of course has a positive impact. Where in addition to providing a positive impact, technological progress can also provide a negative impact. (Suryanti, 2022), (Sholihul Huda & Fil, 2022).

In the modern era, the practice of threatening debtors by debt collectors has become an increasingly disturbing problem. What is meant by threatening is stating the intention (intention, plan) to do something that is detrimental, difficult, troublesome, or harmful to another party. (Oktariani, nd), (Ningrum, 2020). Quoted from the Oxford Advanced Learner's Dictionary, a debt collector is someone whose job is to collect debts for people or companies. Debt collectors, as parties tasked with obtaining debt payments, often use intimidation and threats to force debtors to pay. Common situations that often occur include debtors who are experiencing financial difficulties and are unable to pay their debts on time, which can be vulnerable to aggressive debt collector tactics. Some debt collectors often ignore the principles of decency and propriety by physically withdrawing or psychologically threatening consumers. This action clearly violates human rights and the principles of justice that must be upheld in the Indonesian legal system. (Husna & Najicha, 2023), (Muhlashin, 2021).

In the midst of the dynamics of the Indonesian economy, the existence of debt collectors has become an issue that is often debated in the context of positive law and Islamic law. As part of a legally regulated debt collection system, the role of debt collectors is subject to regulations that aim to protect the rights of debtors. (Islamic, 2022), (Nurul Aisah & Utomo, 2023). On the one hand, positive law, through Bank Indonesia Regulation No. 11/11/PBI/2009 and Article 1320 of the Civil Code, provides a legal basis for debt collectors to collect debts with a mandate from financial institutions such as banks. However, their actions must remain within the legal corridor that prohibits violence and intimidation. (Novinna, 2020), (Mauludi, 2019).

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In Islamic law, although debt collection is permitted, the process must be carried out ethically and without any element of coercion. Sharia principles emphasize the importance of justice and prohibition of actions that can harm other parties. Unfortunately, practice in the field shows that there are still debt collectors who collect debts with threats or excessive pressure, which not only violates positive law but also contradicts sharia values. (Siregar, 2021), (Madura, 2022).

This situation shows the importance of reviewing the working mechanism of debt collectors in Indonesia to ensure that debtors' rights remain protected and that the collection process is in line with applicable legal norms. In some cases of debt collection, unethical and illegal intimidation occurs, one of which is through the method of ordering fake goods. For example, a debtor who experiences late payments begins to receive terror from debt collectors. (Salsabila, 2024), (Suryowati, 2022). The party intentionally orders goods and packages in the name of the debtor, which are then sent to his home address. Every day, the debtor receives deliveries of goods that he never ordered, such as food, clothing, or even electronics. (Wijaya, 2021), (Sakuntala, 2024). This action not only disturbs the peace of the debtor's life, but also creates psychological pressure aimed at humiliating and forcing him to immediately pay off the debt. This kind of phenomenon falls into the category of abuse of authority in debt collection and is a form of threat and terror that is contrary to the principles of justice and ethics. (Zulfitria, 2022), (Kurniawan, n.d.).

Threatening actions by debt collectors against debtors are a very relevant issue and worthy of research in the legal, financial, and social contexts. This issue reflects the imbalance of power in the debt collection process and poses a threat to the debtor's basic rights to live free from intimidation. By understanding this threatening practice in depth, this research can contribute to maintaining the integrity of individual human rights, building a fairer balance of power, and developing better legal policies. (Is & Shi, 2021), (Suliantoro & Murdiati, 2019). The negative impact caused by the practice of threats is not only felt by debtors psychologically and in everyday life, but also creates distrust in the financial system. (Albar, 2021), (Kusuma & SH, 2019).

In the context of Indonesian criminal law, the crime of threatening is regulated in the Criminal Code (KUHP). The Criminal Code categorizes threatening as a criminal act that can be subject to criminal sanctions. However, in practice, the application of the law to cases of threatening by debt collectors is often ineffective. Many debtors feel that they do not receive adequate legal protection due to the complicated legal process and the lack of strict law enforcement. This condition results in many cases of threatening not being reported or not being followed up seriously by the authorities. (Senduk, Rumimpunu, & Waongan, 2022).

In Indonesian positive law, criminal liability is a basic concept that determines when and how a person can be held responsible for an unlawful act. The Criminal Code (KUHP) regulates actions that are considered criminal acts and the sanctions that can be imposed on the perpetrator. Criminal liability in the Criminal Code includes several important elements: prohibited acts, the existence of fault or *mens rea* (evil intent), and a causal relationship between the act and the consequences caused. (Mallarangeng & Ali, 2023).

On the other hand, Islamic criminal law also pays serious attention to acts of threat. In the perspective of sharia, threats are prohibited and punishable acts. Islamic criminal law emphasizes the importance of justice and protection of individuals from harmful actions, including threats. Sharia principles teach that any action that causes fear or harm to others must be punished in accordance with applicable provisions.

Allah says in the Koran surah Al-Baqarah verse 280:

وَإِنْ كَانَ دُوْ عُسْرَةٌ فَنظِرَةٌ إِلَىٰ مَيْسَرَةٍ prayer

And if (the person in debt) is in trouble, then give him respite until he is free. And giving charity (some or all of the debt) is better for you, if you know. (Department of Religion of the Republic of Indonesia, 1994)

This verse emphasizes the importance of providing relief to people who are having difficulty paying off debts, not by threatening or terrorizing them.

In addition, Islamic criminal law teaches that acts of threat can damage social relationships and cause harm to the individual who is the victim. Therefore, sharia regulates strict punishments for perpetrators of threats. The punishment can be in the form of ta'zir, which is a punishment determined by a judge based on the wisdom and situation of the case, which can include fines, imprisonment, or other forms of punishment deemed appropriate (Novridasti et al., 2020).

This study on the criminal act of threatening by debt collectors is important to provide a deeper and more comprehensive understanding of how such actions are regulated and implemented in two different legal systems, namely the Criminal Code and Islamic criminal law. This study is expected to provide a significant contribution in efforts to improve the legal system in Indonesia to be better able to protect the rights of debtors from threatening actions.

Furthermore, this study also aims to identify the differences and similarities between the provisions of the Criminal Code and Islamic criminal law related to the crime of threats. By understanding these differences and similarities, it is hoped that more effective and fair solutions can be found in handling cases of threats by debt collectors. In addition, this study will also evaluate how the implementation of the law is in debt collection practices in Indonesia, considering the importance of consistent and effective law enforcement to provide real protection for debtors. (AKIFAH, 2022).

Through this study, it is expected to produce constructive recommendations for improving the legal system in Indonesia, especially in handling criminal acts of threats by debt collectors. Thus, this study not only provides scientific contributions but also provides positive practical impacts in efforts to protect individual rights from actions that violate the law and ethics.

2. Materials and Methods

This study uses a socio-legal research method to analyze the elements of criminal acts of threats according to positive criminal law and Islamic criminal law. This method was chosen because the research is descriptive-analytical, requiring researchers to examine relevant laws, doctrines, and jurisprudence, and conduct interviews and field observations to understand the phenomenon comprehensively. With the socio-legal method, researchers can explore the application of law in society, especially in cases of threats by debt collectors, to gain a deeper understanding of the legal and social aspects involved. This approach also provides an overview of the phenomenon of threats and examines it critically based on the perspective of the Criminal Code (KUHP) and Islamic criminal law.

The population of this study includes cases of criminal acts of threats by debt collectors that occurred in Indonesia. The research sample was taken purposively, namely by selecting relevant and significant cases based on certain criteria. These criteria include cases that have gone through the legal process, cases reported by the media, and cases that have received attention from legal aid institutions. The research subjects also include debtors, debt collectors, legal practitioners, and academics who have knowledge and experience related to this topic.

The research location covers several locations, including university libraries, legal aid offices, and district courts in several major cities in Indonesia. Data collection was also conducted online through interviews. The research instruments used included interview guidelines, checklists for legal document analysis, and recording devices to document interviews. The interview guidelines were prepared with open-ended questions designed to explore information about how the problem occurred as well as the perspectives of the Criminal Code and Islamic criminal law on the crime of threats.

The research procedure begins with a literature study to collect secondary data from books, journals, laws, and other legal documents. After that, the researcher collects primary data through interviews with victims as well as legal experts, practitioners, and academics. Interviews are conducted face-to-face or online, depending on the availability of sources.

3. Results and Discussion

3.1 Analysis of Legal Provisions Concerning Criminal Acts of Threats by Debt Collectors

Debt Collector is an individual or group authorized by a creditor (financial institution/financing) to collect debts from debtors. In the laws and regulations, there are no specific provisions governing debt collectors. However, some regulations regulate cooperation with debt collectors and debt collection ethics. Debt collectors must comply with legal and ethical provisions in collecting (Mailangkay, 2024).

3.2 Description of Related Articles in the Criminal Code

The Indonesian Criminal Code (KUHP) regulates the crime of threats in several relevant articles, namely: (a) Article 368 of the Criminal Code: This article regulates extortion and threats. According to this article, a person who with the intention of unlawfully benefiting himself or another person forces someone with the threat of violence or other threats to give something, make a debt or write off a receivable, can be threatened with a maximum imprisonment of nine years. (b) Article 335 of the Criminal Code: This article regulates unpleasant acts carried out with violence or threats of violence. Anyone who commits an unpleasant act with violence or threats of violence, either against a person or property, is threatened with a maximum imprisonment of one year or a fine. (c) Article 369 of the Criminal Code: This article also regulates extortion and threats with a maximum imprisonment of four years. In this case, extortion is carried out without physical violence but with threats that cause fear. (d) Article 336 of the old Criminal Code regulates the threat of murder, where the threat, whether verbally or in writing, is subject to imprisonment of up to two years and eight months, and if the threat is carried out in a more frightening manner, the sentence can be up to five years. This article emphasizes the importance of preventing actions that can cause fear or serious harm to the victim. (e) Furthermore, Article 449 of Law No. 1 of 2023 which came into effect in 2026, regulates the threat of murder in more detail. This article stipulates a prison sentence of up to three years for those who threaten to kill another person with the intention of frightening or coercing the victim. If the threat is carried out with a weapon or other dangerous tool, the sentence can be up to five years, and if the threat causes severe psychological trauma, the sentence can increase to seven years.

This series of articles shows the serious attention of Indonesian law to the criminal act of insulting high state officials and threats of murder, with the aim of protecting the dignity and security of individuals and society as a whole. Through the application of strict sanctions, it is hoped that this law can function effectively in maintaining order and justice (Hasibuan, Panjaitan, & Sativa, 2023).

These articles provide the legal basis for law enforcement actions against debt collectors who make threats against debtors. In essence, the act of threatening by debt collectors is contrary to the Criminal Code and can be subject to criminal sanctions.

3.3 Principles of Islamic Criminal Law Regarding Threats

In Islamic criminal law, the crime of threatening is known as "ta'zir". Ta'zir is a punishment determined by a judge based on his/her discretion for acts that are not regulated in the Qur'an and Hadith as hudud or qisas. Some of the main principles in Islamic criminal law related to threatening are:

a. Tawhid

Tawhid, as a fundamental concept in Islam, means the oneness of Allah SWT. This principle not only regulates aspects of worship but also all aspects of life, including law. In the context of Islamic criminal law, tawhid emphasizes that every human action, including the laws applied, must be in accordance with the will of Allah SWT and the teachings of Islam. Threats, as actions that damage social harmony and cause fear, are contrary to the principle of tawhid because they violate individual rights guaranteed by Allah (Juhana, Putri, & Alfarid, 2024). Therefore, acts of threat must be punished to ensure

that society remains under the auspices of Allah's law and no one violates His provisions. In practice, Islamic criminal law will enforce fair punishment for perpetrators of threats to maintain order and ensure that each individual lives a life in accordance with the teachings of tawhid.

b. Justice ('Adl)

Justice is a key principle in Islamic criminal law. It demands that every individual be treated according to their rights and obligations, without discrimination or injustice. In the case of threats, justice means that the perpetrator should receive a punishment commensurate with their actions, which should be proportionate to the severity of the threat and its impact on the victim. Islamic criminal law seeks to ensure that the punishments imposed are both preventive and reformative, not only punishing the perpetrator but also encouraging them to improve their behavior. For example, in the case of threats that cause psychological trauma or serious harm, a harsher punishment may be given to reflect justice to the victim and to serve as a strong warning to society that similar actions will not be tolerated.

c. Protection of Honor and Property:

Islamic law provides protection for the honor and property of individuals. Threats that threaten these two aspects must be punished to maintain stability and harmony in society.

d. Prevention and Rehabilitation:

In addition to providing punishment, Islamic criminal law also encourages prevention and rehabilitation. Ta'zir punishment aims to educate the perpetrator not to repeat his actions and provide an opportunity to repent and improve himself.

e. Enjoining Good and Forbidding Evil:

Amar ma'ruf nahi munkar is a principle that combines social engineering (orders to do good) and social control (prohibitions against bad deeds). This principle aims to create a moral and ethical society by inviting good and preventing evil. In the context of threats, amar ma'ruf nahi munkar functions to prevent actions that cause fear or harm others. Islamic criminal law, by imposing punishment on the perpetrators of threats, seeks to prevent such bad behavior and encourage society to behave well. For example, in the Islamic legal system, in addition to punishment for the perpetrators, there are also efforts to educate and invite them back to the right path through guidance and advice. This ensures that punishment is not only retributive but also rehabilitative, with the main goal of improving the individual and protecting society from destructive actions.

In the context of threats by debt collectors, Islamic criminal law will view this action as a violation of the principles of justice and protection of individuals, so that the punishment given must be in accordance with the level of error and the impact caused by the action.

3.4 Dynamics and Tensions in Digital Sovereignty Arrangements

The results also show that different approaches between countries in managing digital sovereignty create tensions and fragmentation in the digital world. This fragmentation, often called the "splinternet," has the potential to reduce global connectedness and restrict data flows between countries. In this context, international law faces major challenges in creating standards that are acceptable to all parties without infringing on national sovereignty. For example, the protectionist approach taken by China has caused tensions with Western countries, which prioritize the principles of openness and freedom of information. On the other hand, the European Union's move with GDPR has positioned data protection regulations as a global standard, forcing many other countries to adapt their regulations in order to do business in Europe. The US itself often maintains a liberal

approach, but with certain protective measures directed at foreign entities deemed to jeopardize its national security.

3.5 *Criminal Responsibility in the Criminal Code and Islamic Criminal Law*

a. The Concept of Criminal Responsibility in the Criminal Code

Criminal liability in the Indonesian Criminal Code (KUHP) is based on several main principles, namely the elements of fault (*culpa*), malicious intent (*mens rea*), and unlawful acts (*actus reus*) (Hanafi, 2005). (a) Element of Fault (*Culpa*): Fault is a key element in determining criminal liability. A person can only be punished if there is an element of fault in his/her actions. Fault can be intentional (*dolus*) or negligence (*culpa*). (b) Malicious Intent (*Mens Rea*): *Mens rea* refers to the intention or purpose of the perpetrator when committing a crime. This element distinguishes between acts that are done intentionally and acts that are done without malicious intent. In the Criminal Code, the level of intent affects the type and severity of the punishment imposed. (c) Unlawful Act (*Actus Reus*): *Actus reus* is an act committed by the perpetrator that violates criminal law. Without an unlawful act, even if there is malicious intent, no criminal penalty can be imposed. (d) Causal Relationship: To establish criminal responsibility, there must be a causal relationship between the act (*actus reus*) and the resulting consequence. This ensures that the resulting consequence is a direct result of the perpetrator's actions.

The Criminal Code stipulates that criminal liability is not only limited to the main perpetrator, but can also be imposed on parties who assist, incite, or collude in a crime (Articles 55 and 56 of the Criminal Code). The punishment imposed is adjusted to the role and contribution of each individual in the crime (Syafe'i, 2014).

3.4 *Criminal Responsibility in the Perspective of Islamic Criminal Law*

Criminal liability in Islamic law can occur if three principles/basis are met, namely; (a) There is an act that is prohibited/against the law. (b) The act is done of one's own will, and (c) The perpetrator knows the consequences of his actions.

If the three principles are met, then for a person who commits the crime, there is criminal responsibility. If one of the principles is not there, then he is not subject to criminal responsibility (Audah, 1992). People who can be burdened with criminal responsibility are humans who are rational, mature and have their own will. If not, then there is no criminal responsibility, because people who are not rational are not people who know and are not people who have choices. Likewise, people who are not yet mature cannot be said that their knowledge and choices have become perfect. Therefore, there is no responsibility for children, crazy people, stupid people, people who have lost their will and people who are forced or compelled (Hanafi, 2005).

Islamic law provides provisions that legal burdens only apply to living humans and the risk of the actions they commit must be borne by themselves and there is no burden on others, (QS Fatir: 18) and (QS An-Najm: 39). Legal burdens apply only to legal subjects, including Legal Entities. Islam has recognized this Legal Entity since its inception, such as the Baitul Mal. This Legal Entity is considered to have property rights and can carry out certain actions. However, according to

Islamic Law Legal Entities are not burdened with criminal responsibility, because this responsibility is based on knowledge and choice, while these two matters do not exist in Legal Entities.¹⁷ Thus, if prohibited acts occur which are carried out by people acting on their behalf, then those people (the managers) are the ones burdened with criminal responsibility.

In the context of Islamic criminality, three fundamental principles—*al-'adl* (justice), *al-musawa* (equality), and *muakha* (brotherhood)—play a vital role in establishing a harmonious and just social structure. *Al-'Adl* emphasizes the importance of giving rights to every individual and ensuring that justice is served without discrimination. This principle governs the application of the law, where every criminal act must be met with an equal response, creating a sense of security and certainty in society. Furthermore, *Al-Musawa* emphasizes that everyone, regardless of social status, wealth, or background,

has the right to be treated equally before the law. This creates the foundation for an inclusive and just society. Finally, Muakha emphasizes the importance of brotherhood and solidarity among fellow human beings. This principle encourages individuals to support and help each other, strengthening social ties and creating a strong sense of togetherness. Overall, these three principles complement each other to build a system of justice that not only upholds the law but also promotes human and social values in everyday life.

3.5 Comparison and Critical Analysis of Criminal Liability

Similarities: (a) Element of Fault: In both the Criminal Code and Islamic criminal law, the element of fault is a crucial element in determining criminal liability. Both legal systems require intent or negligence as a basis for liability. (b) Unlawful Act: Both emphasize the importance of unlawful acts as a condition for imposing punishment. Without clear and concrete action, there is no criminal liability. (c) Purpose of Punishment: Although there are differences in the application of punishment, both legal systems aim to maintain order and justice in society and provide a deterrent effect.

Differences: (a) Source of Law: The Criminal Code is derived from positive law established by the state, while Islamic criminal law is derived from sharia which is taken from the Qur'an, Hadith, and interpretations of scholars. (b) Categorization of Faults: Islamic criminal law has a more detailed categorization of faults (intentional, semi-intentional, unintentional) compared to the Criminal Code which generally distinguishes between intentional and negligent. (c) Punishment: Islamic criminal law has fixed penalties (hudud and qisas) which are clearly regulated by sharia, while the Criminal Code gives judges greater flexibility in determining penalties based on the law. (d) Collective Liability: Islamic criminal law allows for collective liability in certain cases, such as diyat, which is not found in the Criminal Code.

Critical Analysis: The Criminal Code and Islamic criminal law each have advantages and disadvantages in the context of criminal responsibility. The Criminal Code, with its positive legal approach, provides high flexibility and adaptability in the application of punishment, allowing for adjustments to social and cultural developments. However, this approach can lead to inconsistencies in law enforcement if not applied properly.

On the other hand, Islamic criminal law with its fixed penalties offers high clarity and legal certainty, but can be less flexible in dealing with complex and diverse situations. The collective approach to responsibility in some cases can also pose challenges in implementation in modern societies that emphasize individualism and human rights.

Overall, both legal systems have the same principles in upholding justice and providing punishments that are appropriate to the mistakes and actions committed. Integration and adaptation of the best principles of both legal systems can provide a more comprehensive and fair solution in enforcing criminal law (Rochman et al., 2021).

3.6 Analysis of Interview Results in the Perspective of the Criminal Code and Islamic Criminal Law

This discussion aims to link the interview results with the perspective of the Criminal Code (KUHP) and Islamic criminal law. By evaluating how the applicable legal regulations in Indonesia and the principles of Islamic criminal law can be applied in cases of threats by debt collectors, we can understand the effectiveness of existing legal protections and identify potential improvements to protect consumers from unethical debt collection practices.

a. Criminal Code Perspective

Relevant Articles in the Criminal Code

Article 368 of the Criminal Code regulates extortion, which states that a person who with the intention of benefiting himself or another person unlawfully forces another person with violence or threat of violence to give something, can be punished with a maximum of nine years in prison. For example, in an interview, FA said that the debt collector threatened to harm him and his family if he did not pay the loan on time. This

action clearly falls into the category of extortion because the debt collector used the threat of violence to force the victim to pay. Based on Article 368 of the Criminal Code, this action can be subject to criminal penalties.

In addition, Article 335 of the Criminal Code regulates unpleasant acts, including threats and intimidation. In an interview, MH explained that debt collectors used rude and insulting language during the collection process. This action can be charged with Article 335 of the Criminal Code because the use of rude language and intimidation are unpleasant acts that can disturb the victim's peace.

Article 310-311 of the Criminal Code on defamation is also relevant if the debt collector threatens to spread the victim's personal data to embarrass them in public. For example, MRF said that the debt collector threatened to spread his personal data to his friends and colleagues. This threat can be considered a violation of Article 310-311 of the Criminal Code, which regulates defamation and can be subject to criminal penalties.

b. Islamic Criminal Law Perspective

The Concept of Protection in Islamic Law

Islamic criminal law also has relevant principles to deal with acts of threats and extortion (Rizfal, Munir, & Nurjamal, 2024). In Islamic law, all forms of injustice such as threats and intimidation against individuals are strictly prohibited. For example, the Qur'an in Surah Asy-Syu'ara' Verse 183 reads:

وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْنُوا فِي الْأَرْضِ مُفْسِدِينَ

"And do not harm people in their rights and do not be rampant on earth causing mischief" (Department of Religion of the Republic of Indonesia, 1994).

In the context of Islamic criminal law, acts of threat by debt collectors can be categorized as qisas or ta'zir crimes. Qisas crimes involve an equivalent response to a crime such as murder or physical assault, while ta'zir crimes include a variety of crimes whose punishment is determined by a judge based on the available evidence. For example, AZS recounted that debt collectors threatened to harm his family if he did not pay the loan. In Islamic criminal law, this threat of violence can be subject to qisas law, where the perpetrator can be punished with an equivalent response.

In addition, MR said that debt collectors use harsh language and insults during the collection process. This action can be categorized as a ta'zir crime in Islamic criminal law, which allows judges to determine appropriate punishment based on the available evidence. The basic principles of Islam oppose all forms of persecution and insults, so that appropriate punishment can be imposed to prevent the perpetrator from repeating his actions.

c. Comparison between the Criminal Code and Islamic Criminal Law

Comparing the approaches of the Criminal Code and Islamic criminal law in dealing with cases of threats by debt collectors shows some similarities and differences. Both legal systems prohibit threats and intimidation, but their approaches to sentencing and enforcement can differ. The Criminal Code provides more specific guidance on the types of punishments for various crimes, while Islamic criminal law gives judges more flexibility in determining sentences based on evidence and principles of justice.

For example, in cases of threats of violence, the Criminal Code stipulates specific criminal penalties as regulated in Article 368. Meanwhile, in Islamic criminal law, threats of violence can be subject to qisas or ta'zir depending on the evidence and the judge's decision. Qishash can be interpreted as balance and equivalence. Meanwhile, according to sharia terms, Qishash is giving an appropriate response to the perpetrator according to his actions (Hamim, 2020) while Ta'zir linguistically means al-man'u wa al-raddu (preventing, prohibiting, obstructing, rejecting). Ta'zir can also mean addaba (educating). Among the forms of its use is ta'zir which means al-nushrah (helping, assisting), because the party who helps prevents and hinders the enemy from hurting the person he helps (Audah, 1992). These two approaches have the same goal, namely protecting individuals from threats and intimidation, but in different ways.

The following is a comparison of the results of interviews with several respondents who were victims in this study and the analysis of the Criminal Code and the analysis of Islamic Criminal Law which are attached in table form:

Table 1. Comparison of Interview Results and Analysis of the Criminal Code and Islamic Criminal Law

Question	Case Example (Respondents)	Analysis of the Criminal Code	Analysis of Islamic Criminal Law
How do debt collectors threaten you?	FA: Debt collectors threatened to hurt me and my family if I didn't pay.	This action falls into the category of extortion (Article 368 of the Criminal Code) because it uses threats of violence to force payment.	This threat of violence can be subject to the law of qisas, where the perpetrator can be punished with an appropriate response according to Islamic law.
What are the most frequently used forms of threats?	MH: Debt collectors use abusive and insulting language during the collection process.	The use of harsh language and intimidation can be prosecuted under Article 335 of the Criminal Code concerning unpleasant acts.	This act falls under the category of ta'zir crimes in Islamic law, allowing judges to determine punishment based on evidence and principles of justice.
Have debt collectors ever threatened to release your personal data?	MRF: Debt collectors threatened to spread my personal data to my friends and colleagues.	This threat violates Article 310-311 of the Criminal Code concerning defamation and can be subject to criminal penalties.	This threat can also be considered a ta'zir crime, where the judge determines an appropriate punishment to prevent a repeat of the act.
How do you respond to these threats?	AZS: I feel very stressed and scared about the threats.	The victims' fearful responses highlight the psychological impact of the threats, reinforcing the need for enforcement of Sections 368 and 335 to protect victims.	Islamic law is against all forms of persecution, and this act shows the need for ta'zir punishment to stop intimidation.
Are you looking for legal help?	MR: I reported the threats to the authorities, but there was no significant follow-up.	This case highlights weaknesses in law enforcement and the importance of improving more effective complaint channels and follow-up.	Islam encourages protection of victims, indicating the need for stronger mechanisms to handle complaints fairly.
What are your expectations	SA: I wish they	This expectation reflects	Islamic principles

for loan companies after this incident?	would stop using threat tactics and be more transparent.	the need for stricter regulation and effective law enforcement against unethical debt collection practices under Articles 368 and 335 of the Criminal Code.	support transparency and fairness in transactions, indicating the need to uphold these values in lending practices.
Do you have any advice for others who may be facing a similar situation?	RM: Don't be afraid to report inappropriate behavior from debt collectors and learn your rights as a consumer.	The importance of educating about consumer rights and providing efficient complaint channels to protect victims from threats, in accordance with applicable Criminal Code regulations.	Islam emphasizes the importance of education and awareness of individual rights, as well as the necessity of reporting crimes to obtain justice.
In your opinion, what can the government or authorities do to protect consumers from threatening practices by debt collectors?	HM: The government must supervise online lending companies more strictly and educate the public about consumer rights.	There is a need for stricter regulations and oversight mechanisms to ensure ethical debt collection practices and public education regarding consumer rights, as stipulated in the Criminal Code.	Islam encourages supervision and education to prevent crime and protect individual rights in financial transactions.
Is there anything else you would like to share regarding your experience with online loans and debt collectors?	IA: I hope more people are aware of the risks of online loans and loan companies improve their collection methods.	Demonstrate the need for transparency and ethics in debt collection practices and strong law enforcement to prevent threats and intimidation, in accordance with relevant articles in the Criminal Code.	Islam emphasizes the importance of justice and ethics in financial transactions, as well as the need for just punishments for such violations.

The table above summarizes the results of interviews with ten respondents who experienced threats by online loan debt collectors. Each question and answer given by the respondents was analyzed from the perspective of the Criminal Code and Islamic criminal law to understand how applicable laws can be used to handle these cases.

In the context of the Criminal Code, relevant articles such as Article 368 on extortion, Article 335 on unpleasant acts, and Articles 310-311 on defamation are used to analyze threatening actions by debt collectors. Case examples from interviews show how threats of violence, use of abusive language, and threats to disseminate personal data can be considered violations of these articles and subject to appropriate criminal penalties.

On the other hand, Islamic criminal law also provides a relevant framework for analyzing these cases. The basic principles of Islam are against all forms of persecution and intimidation, and the act of threatening by debt collectors can be categorized as a qisas or ta'zir crime, depending on the type of threat and the evidence available. Qisas law involves an appropriate response to the threat of violence, while ta'zir allows the judge to determine the appropriate punishment based on the evidence and principles of justice.

A comparison between the Criminal Code and Islamic criminal law shows similarities in the goal of protecting individuals from threats and intimidation, but their approaches to imposing penalties can differ. Both legal systems highlight the importance of effective law enforcement and protection of consumer rights.

Overall, the results of the interviews and legal analysis indicate that there is a need to strengthen the implementation of the law, improve public education on consumer rights, and provide a more efficient complaint mechanism to handle complaints against debt collectors who make threats. The government and law enforcement need to take concrete steps to ensure more effective protection for consumers in online lending transactions.

3.7 Implementation of Law and Debt Collection Practices in Indonesia

a. Evaluation of Cases of Threats by Debt Collectors

Based on the results of an interview with a debt collector who had carried out debt collection by intimidating and threatening customers who were late in paying, it was found that this method was considered effective in accelerating repayment. The debt collector admitted that the psychological pressure given, such as threats to spread personal data or make home visits, often encouraged customers to immediately pay off their arrears. However, he also realized that this method caused deep fear and stress for customers, and had the potential to cause legal and ethical conflicts. Although this method was considered effective in terms of debt collection, there was an awareness that this approach was inhumane and could damage long-term relationships between companies and customers, and risked violating regulations that protect consumers from excessive and inappropriate debt collection actions. This action clearly violates criminal law, especially Article 368 of the Criminal Code which regulates extortion and threats.

One example that is often encountered is a debt collector who threatens to confiscate the debtor's property by force without proper legal procedures. Cases like this show that debt collectors often exceed their authority and use illegal means to achieve their goals. Evaluation of these cases shows that there are gaps in law enforcement that allow threatening actions by debt collectors to continue (Furqon, 2018).

A real-life example of this threat case is a case involving a finance company that uses debt collectors to collect consumer debts. Many reports show that debt collectors often threaten consumers with physical violence or property damage if they do not pay immediately. These cases are often not reported or not followed up seriously by the authorities, leaving debtors feeling unsafe and unprotected.

b. Effectiveness of Law Enforcement and Challenges Faced

Law enforcement against criminal acts of threats by debt collectors still faces various challenges in Indonesia. One of the main challenges is the lack of strict supervision and regulation of debt collection practices. Although there are regulations governing legal debt collection methods, implementation in the field is often different. (a) Lack of Supervision: Many finance companies do not strictly monitor the activities of the debt collectors they employ. This causes many debt collectors to act arbitrarily and violate the law in the debt collection process. (b) Debtor Powerlessness: Many debtors do not know their rights or are afraid to report to the authorities because of threats from debt collectors. This lack of legal awareness and fear worsens the situation. (c) Weak Law Enforcement: Police and law enforcement often do not give sufficient priority to cases of threats by debt collectors. This can be due to various factors, including lack of resources, corruption, or lack of understanding of the seriousness of the impact of the threats. (d) Slow Legal Process: When these cases are brought to court, the process is often slow and complicat-

ed. This gives debt collectors time to continue to threaten and pressure debtors, prolonging their suffering. (e) The Role of Legal Aid Institutions in Protecting Debtors

Legal Aid Institutions (LBH) play an important role in protecting the rights of debtors who are victims of threats by debt collectors. LBH provides free or affordable legal assistance to the less fortunate. Here are some important roles of LBH in this context: (a) Legal Counseling: LBH often holds legal counseling programs to raise public awareness of their rights as debtors. This includes providing information on legal collection procedures and how to report illegal actions. (b) Legal Aid: LBH provides legal assistance to debtors who are facing threats from debt collectors. They assist in the legal process, from preparing police reports, assistance during examinations, to representation in court. (c) Policy Advocacy: LBH is also involved in advocacy for changes in policies and regulations that better protect debtors. They work with the government and related institutions to improve existing regulations and ensure more effective law enforcement. (d) Mediation: In addition to legal action, LBH often acts as a mediator between debtors and creditors to find a fair solution that does not harm both parties. This mediation aims to resolve disputes without having to go through a long and tiring legal process.

The implementation of the law in debt collection in Indonesia still faces many challenges, especially in terms of threats by debt collectors. Evaluation of cases shows significant violations and a lack of strict supervision. Effective law enforcement is still hampered by various obstacles, including lack of supervision, debtor powerlessness, weak law enforcement, and slow legal processes (Sushanty, 2020).

Legal Aid Institutions play an important role in protecting debtors through counseling, legal assistance, policy advocacy, and mediation. Efforts to increase legal awareness and improve existing regulations need to be continuously carried out to ensure that debt collection practices are carried out legally and fairly, and to provide better protection for debtors from unlawful threats (Handaani & Asmara, 2019).

4. Conclusions

This study explores the criminal act of threatening by debt collectors against debtors from the perspective of the Criminal Code and Islamic criminal law. Based on the analysis conducted, it was found that although the Criminal Code and Islamic criminal law both recognize the importance of the elements of error and unlawful acts in determining criminal liability, there are significant differences in the way these two legal systems categorize errors and apply punishment.

The Criminal Code provides a fairly comprehensive framework for dealing with criminal acts of threats, but implementation in the field is often ineffective. This is due to the lack of supervision of debt collector activities, weak law enforcement, and low awareness of debtors of their rights. On the other hand, Islamic criminal law offers a more rigid approach through fixed penalties, but requires adjustments to be more relevant to the modern social and legal context.

Evaluation of threat cases shows that debt collectors often violate the limits of authority and use illegal intimidation methods. Challenges in law enforcement, such as lack of priority from law enforcement officers and slow legal processes, exacerbate this problem. The role of legal aid institutions is vital in protecting debtors' rights, providing legal assistance, and conducting advocacy and mediation.

Recommendations for improvement include the formulation of more detailed and comprehensive regulations, tighter supervision of debt collectors, and increased legal protection for debtors. In addition, more effective law enforcement strategies and comprehensive legal education are needed to create legal awareness among the public.

In the field of industrial engineering or science in general, improvements can be made through the application of digital technology to monitor and supervise debt collector activities. The use of a digital debt collection system can provide better transparency and accountability, reduce the possibility of abuse of power, and ensure that the collection process is carried out in accordance with the law. The implementation of this

technology can also increase efficiency and speed in handling reports and complaints from debtors.

In conclusion, to effectively address the criminal act of threatening by debt collectors, a comprehensive approach is needed that includes regulatory improvements, stronger law enforcement, strict supervision, and community empowerment and education. Thus, debtor rights can be protected and debt collection practices can be carried out more ethically and in accordance with applicable laws.

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