

Criminal Liability Committed By *Debt Collectors* Due To Violence In Arrears

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ABSTRACT

This study aims to find out how Criminal Liability is Committed By Debt Collectors Due to Violence In Arrears. The type of research used in this research is the normative approach used in this study consists of two, namely the Statue Approach and conceptual approach. Analysis of legal materials in this study uses systematic interpretation methods. The results of this study show that the legal consequences of violence committed by debt *collectors* against customers who make installment *leasing* are the result of actions that are not by the law so that all parties involved receive the impact of the violence committed by the debt *collector*. However, the element of error becomes the determinant of who can be held criminally accountable. Legal entities or corporations that can be held criminally liable for violence committed by debt *collectors* against customers due to the establishment of leasing installments, through the theory of identification, *strict liability* (absolute accountability), and *vicarious liability* (substitute criminal liability), if there is an element of error, both intentional and void from the financing company itself. The Financial Services Authority should tighten supervision of financing companies that use debt *collector* services to minimize inequality in the use of debt collector services.

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I. INTRODUCTION

A. Background

The development of financing company arrangements in Indonesia is inseparable from the internal side and the external side in the development of law enforcement in Indonesia. The internal side here is how the development of legal political policy in Indonesia, which can be studied based on historical aspects, established and established laws and regulations that are closely related to the arrangement of financing companies. The external side is how the development of financing company arrangements in other countries, especially the development of the world economic community. which contributes to the development of financing company arrangements in Indonesia.¹

The problem that often arises in the community is when the debtor does not fulfill his achievements to the Financing Company in the financing lease agreement (*financial lease*). Achievements that are not fulfilled by debtors such as the occurrence of *leasing installments*. This requires the Financing Company to hire *debt collector* services to provide some (reprimand) and even make a seizure of the rental object if there is an increase. Confiscation of rental objects carried out by *debt collectors* using persuasive means and not infrequently also using intimidation or violence.

It should be known that *the debt collector* referred to in this problem is a *debt collector* whose status is official/legal or *debt collector* who is equipped with a Certificate of Professional Billing Financing (SPPP). In addition, they also get a power of attorney to collect credit-raising vehicles and sign a Letter of Cooperation Agreement (SPK), so that legally their actions can be recognized. However, although the position of a *debt collector* is a legal status, not all actions are in harmony with complying with norms or the rule of law, such as acts of intimidation or violence as mentioned above. As case after case mentioned above, there are 5 cases of violence.

In reality, violence committed by *debt collectors* often does not heed the norms in criminal law, such as violence that leads to persecution as stipulated in Article 351 of the Criminal Code, violence in the form of Coercion as Article 335 of the Criminal Code, Forcibly Confiscating Customer Goods that can be indicated as a Crime of Theft as Article 362 of the Criminal Code, Criminal Act of Extortion with Violence in Article 368 of the Criminal Code, Criminal Acts Force People with Threats of Defamation as Article 369 of the Criminal Code, and not infrequently also violence committed by *debt collectors* that lead to the Crime of Murder as Article 338 of the Criminal Code.

¹Andika Wijaya, *Law of Conventional And Sharia Financing Companies in Indonesia: Post-Establishment Study of the Financial Services Authority* (Malang: Setara Press, 2017), 1

B. Problem Statment

Based on the background above, the formula of the problem is the Establishment of Leasing Installments resulting in violence committed by Debt Collector. This discussion will contain the consequences of criminal acts arising against the character committed by *debt collectors*.

C. Research Methods

The type of research used in this study is Normative which is focused on reviewing the application of rules or norms in the prevailing positive law, which is then connected to the central issue discussed in this study. The approach used in this research consists of two, namely *the Statue Approach* and conceptual *approach*. Analysis of legal materials in this study uses systematic interpretation methods.²

II. DISCUSSION

Criminal Liability Committed By Debt Collectors Due to Violence In Arrears

Related to criminal acts committed by *debt collectors* against debtors, criminal law has an important place and role in tackling various criminal acts committed by *debt collectors*. Criminal law as a set of norms, dogmas, and systems of rules, places the behavior of the individual human being as the main object as well as subject in its setting. This shows that criminal law has the function of maintaining order and maintaining order that exists in the association of society.³ Criminal law as an instrument in realizing the state's goals also manifests the philosophical element of Indonesian statehood, namely Pancasila. Especially the second precept of Pancasila, namely "*just and civilized humanity*". On that basis, in the context of the Indonesian legal state that makes Pancasila the nation's ideology and the source of all legal sources in Indonesia, of course, criminal acts committed by *debt collectors* against customers in Indonesia cannot be justified.⁴ Efforts that can be done on this are to bring the legal decision closer to the sense of justice lived by the community so that the implementation of the law further creates order in the community itself.⁵ The government through the law has given the starting point of justice, which is done for the sake of justice based on the Supreme Divinity.⁶ Quoting as said by Fence M. Want in his Journal that the nature of justice is a matter of judgment from one person to others, which is generally seen from those who receive

² Peter Mahmud Marzuki, *Penelitian Hukum*, Cetakan Kesembilan (Jakarta: Prenada Media Group, 2014), 93

³ Mokhammad Najih, *Politik Hukum Pidana Pasca Reformasi*, Cetakan Ke-13 (Malang: Setara Press, 2018), 18

⁴ Masrudi Muchtar, *Debt collector Dalam Optik Kebijakan Hukum Pidana* (Yogyakarta: Aswaja Pressindo, 2013), 5

⁵ Ibrahim, Ahmad. (2010). "*Prinsip Keadilan Dalam Penyelesaian Sengketa Tanah Untuk Kepentingan Pembangunan*." *Jurnal Legalilas* 3 (2), 21

⁶ Fenty Puluhulawa, Lusiana M, Tujow, Sutrisno. (2020). "*Application of The Principle of Justice, Legal Certainty and Expediency in the Judge's Decision*." *Journal of Gorontalo Law Riview*. 3, (2)October, 184

treatment only.⁷ But according to the author themselves, the business actors continue to work in the scope of their respective work environments.⁸ Norms that develop in society and are flexible and encourage creativity in providing public services.⁹ Protect the rights or dignity and dignity of human beings, especially for seekers of justice.¹⁰

But on the other hand, the use of debt *collector* services by the Financing Company is based on the Power of Attorney for the Execution of Fiduciary Guarantee Objects and a Letter of Cooperation Agreement between the debt *collector* and the Financing Company. On that basis indirectly by using the services of third parties or debt *collectors*, the Financing Company can intentionally use intimidation or violence in billing *leasing installments*. But in fact, the Financing Company is not burdened with criminal liability for the violence committed by debt *collectors* against customers. Debt *collectors* who often experience situations face court and must receive a guilty sentence for their actions.

One example of the case can be seen in the Decision of the Kebumen District Court Number: 26/Pid.B/2018/PN.Kbm. In the verdict, four debt *collectors* named Muhdi Hanafi, Sukarno, Slamet Komarun, and Fahrudin must receive a guilty criminal verdict with a prison sentence of three months each for withdrawing motor vehicles because the victim made a *leasing* installment in PT. Astra Sedaya Finance. The four of them are charged with Article 368 paragraph (1) *jo* Article 56 paragraph (1) of the Criminal Code which is "assisting unlawfully, forcing a person by force or threat of violence to give something, which is wholly or partially the property of that person or others, or to make debts or eliminate receivables"¹¹.

In addition to one of the examples above, there are also several examples of cases of violence committed by debt *collectors* against customers from year to year, including in 2011, one of the most phenomenal cases is the persecution of the Secretary-General of the Star-Moon Party (UN) Irzen Okta by Citibank debt *collectors*. At that time, Okta who questioned the rise in credit card arrears was instead persecuted and died because of ruptured blood vessels in the brain. A few months later in 2011 cases of violence by debt *collectors* against customers had been experienced by Budi Prasetyo and Muji Harjo, who were both customers of PT Bank UOB Indonesia. Bank UOB Indonesia customer from Semarang, Central Java, Budi Prasetyo, claimed to be the victim of one of the targets of debt *collectors*. On September 19, 2011, they were abused while visiting their sister's house. Suddenly

⁷Fence M. Wantu. *Kendala Hakim Dalam Menciptakan Kepastian Hukum, Keadilan, Dan Kemanfaatan Di Peradilan Perdata*. Jurnal Mimbar Hukum. 25 (2), Juni 2013, 206

⁸Iriyanto Tiranda. (Juli, 2019). *Konsep Ideal Penanganan Perkara Tindak Pidana Korupsi Pungutan Liar Berdasarkan Asas Peradilan*. JALREV 1 (2), 132

⁹ Norma L.P. Wemben. (2010). "Service Performance at the Office of the National Land Agency of Gorontalo Regency." *Journal of Legality* 3 (2) 131

¹⁰ Dian Ekawaty Ismail. (2009). "Upaya Perlindungan Hak-Hak Tersangka/Terdakwa Melalui Mekanisme Praperadilan di Kota Gorontalo." *Jurnal Mimbar Hukum*. 21 (1) Februari, 85

¹¹ Putusan Diakses Dari Situs Resmi Mahkamah Agung, www.putusan.mahkamahagung.co.id, Di akses pada hari Kamis 21 Januari 2021, Pukul 12:00 Wita

a debt collector came to his sister's house. For no apparent reason, he was immediately beaten to the ground.¹²

In July 2018, a *debt collector* kidnapped a teenage girl and locked her up at the Finance Company's office in the Srengseng area, Kembangan West Jakarta. The kidnapping was carried out to force the victim's parents to pay motorcycle installments that had been in arrears for three months. In September 2019, three *debt collectors* mauled a man with the initials YTW at his residence in Bataraguru, Wolio, Bau-Bau City, to death. All three claimed to be ordered by someone to collect a debt of RP. 80 million to YTW¹³.

In another row of cases, debt collectors become victims. In October 2019, for example, debt collectors from a savings and loan cooperative in West Bandung Regency were killed by debtors who refused to pay their debts. In March 2020, a group of *debt collectors* engaged in a stone-throwing action with the online motorcycle taxi driver community in Sleman, Yogyakarta, Thursday, March 05. Clashes triggered by the persecution of *debt collectors* when pulling the motor of a cool driver, two days earlier¹⁴.

Based on the above case, *debt collectors* are always the party that is criminally held accountable if violence occurs in collecting leasing installment arrears in the Financing Company. The case appears to give a picture that there is an imbalance and injustice against those who are held criminally accountable. The financing company that is the advocate should also be charged criminally as stipulated in Article 55 paragraph (1) to 2 of the Criminal Code. By looking at the above statement, what needs to be considered is the legal consequences arising and criminal liability by *debt collectors* for criminal acts committed to customers who in this case as a person who is billed. Then look at the following description;

1. The consequences of the law caused

The consequence of the law is an effect caused by the law, to an act committed by the subject of law. The consequences of the law are a result of actions taken, to obtain an effect expected by the perpetrators of the law. The intended consequences are consequences governed by law, while the actions taken are legal actions that are actions by applicable law.¹⁵¹⁶

¹² *Debt collector* Dalam Pusaran Kekerasan, www.alinea.id, diakses tanggal 7 Februari 2021, Pukul 10:00 Wita

¹³ *Debt collector* Dalam Pusaran Kekerasan, www.alinea.id, diakses tanggal 7 Februari 2021, Pukul 10:00 Wita

¹⁴ *Debt collector* Dalam Pusaran Kekerasan, www.alinea.id, diakses tanggal 7 Februari 2021, Pukul 10:00 Wita

¹⁵ Achmad Ali, *Uncovering the Veil of Law*, 13th Print (Jakarta: Ghalia Indonesia, 2010), 192

¹⁶ Soeroso, *Pengantar Ilmu Hukum* (Jakarta: Sinar Grafika, 2013), 295

Legal consequences are the consequences resulting from a legal event, which can be tangible:¹⁷

1. The birth, change, or disappearance of a state of law.
2. The birth, change, or disappearance of a legal relationship between two or more legal subjects, where the rights and obligations of one party are confronted with the rights and obligations of the other.
3. The birth of sanctions if actions are committed against the law.

Thus, according to the author, the legal consequences are an event caused by a cause, namely deeds committed by the subject of law, both acts by the law, and actions that are not by the law. So that the legal consequences that occur due to violence committed by *debt collectors* are:¹⁸

1. Impact on the financing company. The financing company will face the law related to the actions committed by its *debt collector*. There will even be a possibility that financing companies can be held criminally liable based on the power given to *debt collectors*.
2. Impact on the customer. If the customer suffers a serious injury, disability, or even death, then the customer is unable to continue his achievements to fulfill the *leasing* agreement with the financing company. The customer's family will certainly sue through the court for acts of violence committed by *debt collectors*.
3. Resulting in *debt collector*. Against *the debt collector* will receive 2 consequences of his actions, first, the *debt collector* is decided on a working relationship unilaterally by the financing company. And second, *the debt collector* must face criminal sanctions for violence committed.

Based on some of the legal consequences above, according to the author's analysis that violence occurs based on intentionality from *debt collectors*, but does not necessarily make financing companies independent of criminal liability, considering the granting of power to *debt collectors* by financing companies that want *debt collectors* to scare customers into immediately meeting leasing installment arrears. or immediately submit the object of the guarantee to the *debt collector*.

Any action that results in a violation both civilly and criminally, the consequence is to deal with the existence of legal proceedings that apply. If the act can harm others then the perpetrator will be faced with various provisions of applicable laws and regulations. If the act is only about civil law then indirectly the discussion is restitution or compensation. Another with criminal acts where the legal process according to the author himself legal process will belong. However, a financing company provides legality to its work, of course, the company also has applicable procedures. According to the author of actions that can harm others, it is certainly prohibited both by the company and by law.

Regardless of the acts of violence committed by *debt collectors* to customers is a bad action that should be considered by the financing company. But it is also not left entirely to the *debt collector* itself because this is also an act of bad faith from the

¹⁷ *Ibid*, 295

¹⁸ *Ibid*

customer. Already in debt then whatever the condition and reason must fulfill the promise of payment of his debt. So that the solution for customers should if they are unable to make payments then must do a strategy to make money so that they can pay the debt that will be billed by the *debt collector*. For example, doing business such as e-commerce, because currently, e-commerce business becomes one of the most efficient steps that can be applied to the type of UMKN business.¹⁹ But if it violates the provisions then another legal process. It is the law that formalizes human rights into a set of rules to maintain and protect so as not to become clashes in the life of society and state.²⁰ In addition, to ensure the community remains consistent in its efforts, the right to life should be protected by the state, especially the state of law.²¹

Human rights are part of the conduct of the judiciary within the framework of independent judicial power.²² The need for more complex laws and regulations to be able to protect properly.²³ State involvement is also one of the characters of the phenomenon of conflict.²⁴ So in this modern era where humans are required to develop themselves.²⁵

Debt collectors will not commit violent crimes if customers do not default on promises made with financing companies. Therefore, the good faith of the customers will also have a good impact on debt collectors. The debt collection process should be done humanely and uphold human values and certainly do not violate criminal provisions, especially human rights. It will also contribute to the country in the form of a good endogenous *development program* of human resources.²⁶ This development is also a strategic step to realize these national goals.²⁷ None other than the goal is not only for social welfare for all Indonesian people.²⁸

1. Criminal Liability by *Debt collectors* who commit violence to customers

¹⁹Mohamad Rivaldi Moha. (Juli, 2020). *Urgensi Pendaftaran Penyelenggara Sistem Elektronik Bagi Pelaku Usaha E-Commerce*. JALREV 2 (2), 115

²⁰Tijow, Lusiana. *Perlindungan Hak Asasi Manusia Teriiadap Hak Hidup Anak Dalam Kandungan Di Luar Pbrkawinan Yang Sah*. Jurnal Legalitas 3 (2), 80

²¹Badu, Lisnawaty. (2012). *Euthanasia Dan Hak Asasi Manusia*. Jurnal Legalitas. 5 (1). 1

²²Nabih Amer. "Analisis Pembubaran Organisasi Kemasyarakatan Dalam Perspektif Negara Hukum." Jurnal Legalitas. Vol 13, No 01 (2020), 12

²³Ridwan Arifin, dkk. *Protecting the Consumer Rights in the Digital Economic Era: Future Challenges in Indonesia*. JALREV 3 Spesial Issue 2021, 135

²⁴Arwana, Yudha Chandra. (2019). "Jalur Mediasi dalam Penyelesaian Sengketa Pertanahan Sebagai Dorongan Pemenuhan Hak Asasi Manusia." JALREV 1 (2), 216

²⁵Bakung, Dolot Alhasni. (2020) *Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right*. JALREV 2 (1), 67

²⁶Zamroni, S. (2016). *Desa Membangun Tanpa Meninggalkan Kelompok Pinggiran*. Institute for Research and Empowerment (IRE), 2, 1-10, 6

²⁷Ahmad Rustan Syamsuddin.(July, 2020) *Pembuktian Penyalahgunaan Wewenang Dalam Perkara Tindak Pidana Korupsi Pengadaan Barang dan Jasa*. JALREV 2 (2), 163

²⁸Ariefulloh. (2019). *Dilema Penerapan Sanksi Pelanggaran Lalu Lintas Terhadap Anak*. JALREV 1 (2), 199

A person can take responsibility if he can know or realize that his actions are against the law and He can determine his will according to that consciousness. In this regard, debt collector services are considered capable of liability if the services of debt collectors realize that his actions that harm the customer are acts that are contrary to applicable law, and even though he can determine his will not to do various actions that act that are contrary to the law. The element of error of debt collector services (*debt collector*) can take the form of intentionality or accident. According to *Memorie van Toelichting*, intentionality is to want and realize the occurrence of an action and its consequences (*willens en wetens veroorzaken van een gevolg*). That is, a person who commits an action intentionally must desire and realize the action and/or its consequences.²⁹

Debt collector services can be released from criminal liability if the services of debt collectors who commit criminal acts against debtors there are penf reasons in the form of forced defense (*noodweer*) on him. When the debt collector services *debt collectors* collect debtors in good and persuasive ways, but instead the debtor refuses to pay and commit violence against debt collectors, then debt collector services make a forced defense in the form of doing the same action (e.g. violence) against the debtor to defend themselves. Criminal debt collectors in such conditions are based on the provisions of article 40 paragraph (1) of the Criminal Code, which states that "not convicted, *whoever commits an act of defense is forced for himself or others, the honor of decency or property alone or others, because of the threat of unlawful attack at that very moment.*"³⁰

The concept of the punishment of an act not only rests on the subject of people's law (*natuurlijke person*) but can also be a subject of corporate law (*rechtspersoonlijkheid*). In other words, corporations can be viewed as legal subjects that can be punished in the science of criminal law. Based on the theory of corporate criminal liability as outlined in the theoretical framework, Page 30, the determination of corporate criminal liability is based on several theories or teachings that can be used as the basis in the loading of criminal liability. Such theories or teachings are the Identification Theory (*Identification Theory*), the Theory of Absolute Criminal Liability (strict liability), and the Theory of Substitute Criminal Liability (*Vicarious Liability*). In identification theory, the criminal liability charged to the corporation must pay close attention to who is the brain or operational control holder of the corporation, who is authorized to issue policies and take decisions on behalf of the corporation. An act can be considered a criminal act committed by the corporation, only if the criminal act is committed by a senior corporate official who has the authority to be able to act as the *directing mind* of the corporation.³¹

²⁹ Andika Wijaya. *Op. Cit.*, 6

³⁰ Pasal 40 ayat (1) KUHP

³¹ *Debt collector* Dalam Pusaran Kekerasan, www.alinea.id, diakses tanggal 7 Februari 2021, Pukul 10:00 Wita

Another theory of criminal liability that can be charged to corporations is the theory of substitute criminal liability or *vicarious liability*, which can be interpreted as a criminal liability charged to a person for criminal acts committed by others. The substitute theory of accountability is based on the doctrine of *superior response*, against which the employer may be burdened with accountability for the deeds of his workers, or an authority for the deeds of the person he is authorized. In addition to the doctrine of *superior respondeat*, *vicarious liability* is also based on the principle of *employment principle*, which is the principle where the employer or employer is responsible for the actions of his employees. Such liability arises within the scope of the deeds committed by employees or employees who are the scope of their work or position. This condition causes parties who feel aggrieved due to the actions of employees can hold their employers accountable, as long as they can be proven relationships and responsibilities for the loss.³² The Indonesian Penal Code does not recognize any substitute liability, but the doctrine of surrogate accountability has been adopted in the 2006 Criminal Code Bill, as stipulated in Article 38 paragraph (2) which states: "In the event determined by law, everyone can be held accountable for criminal acts committed by others".³³

The last theory regarding criminal liability that can be charged to corporations is the *Strict Liability Theory*. *Strict liability* theory is a form of dissing accountability to the corporation for criminal acts committed by someone who works for the corporation. According to this doctrine of absolute accountability, criminal liability can be assigned to the perpetrator of a particular crime, without the need to prove whether there is an element of error (be it intentional or negligence). In other words, criminal liability by the perpetrator is not at issue in *strict liability* related to this theory, which needs to be considered related to its application is whether certain criminal acts that do not require the existence of errors that have been determined by the law can accommodate the many crimes committed by corporations in various aspects of human life. This is because the corporation does not have *men's rea*. After all, the corporation itself does not have a heart attitude. Corporations cannot commit criminal acts, but rather persons acting for and on behalf of the corporation, in this case, administrators or employees who acquire the authority to commit corporate legal acts.³⁴

About the concept of criminal liability for corporations engaged in Debt Collection Services that commit criminal acts in debt collection against debtors, the author adopts the concept of corporate criminal liability as stipulated in the Draft Criminal Law Code (Ruu-Kuhp Draft 2008), Ruu-Kuhp Draft 2005 adopts the understanding that corporations are the subject of criminal acts, meaning corporations both as legal entities and Non-legal entities are considered capable of committing criminal acts and can be accounted for in criminal law. Corporate

³² *Debt collector* Dalam Pusaran Kekerasan, www.alinea.id, diakses tanggal 7 Februari 2021, Pukul 10:00 Wita

³³ Pasal 38 ayat (2) KUHP

³⁴ *Debt collector* Dalam Pusaran Kekerasan, www.alinea.id, diakses tanggal 7 Februari 2021, Pukul 10:00 Wita

arrangements as subject to criminal law and can be held criminally accountable are stipulated in Articles 48, 49, 50, 51, 52, and 53 of the 2008 Draft Criminal Code Bill. In the 2008 Draft Criminal Code Bill, although the principle departs from "*liability based on fault*"), but in certain cases, the concept also provides the possibility of "*strict liability*" and vicarious *liability*".³⁵

Criminal acts are committed by corporations engaged in Debt Collection Services if committed by persons who have a functional position in the corporate organizational structure acting for and on behalf of the corporation or for the benefit of the corporation, based on employment relations or based on other relationships, within the scope of the corporate business, either individually or together. In connection with criminal acts committed by corporations, criminal liability is imposed against the corporation and/or its administrators. Corporations engaged in debt collection services may be criminally accounted for an act committed for and/or on behalf of the corporation if the act falls within the scope of its business as specified in the articles of association or other provisions applicable to the corporation concerned.³⁶

Related to the criminal liability of corporate managers is limited as long as the manager has a functional position in the corporate organizational structure engaged in the field of Debt Collection Services. In considering a criminal complaint against a corporation engaged in Debt Collection Services that commits a criminal offense against the debtor, it should be considered whether other parts of the law have provided more useful protection than criminally imposing a corporation. These considerations must be stated in the judge's ruling. The law also protects everyone without any adverse differences.³⁷ Protection and fulfillment, not only concern the needs of the present but must also be guaranteed continuity for the future because it directly concerns human existence.³⁸ Legal protection in the form of legal guarantees can be implemented properly to create a digital ecosystem that is safe and comfortable for the community.³⁹ The results of policies issued by the Government are solely derived from the wishes of the community.⁴⁰

Conclusion

The legal consequences of the violence committed by *debt collectors* against customers who make the raising of *leasing* installments are the result of actions that are not by the law so that all parties involved receive the impact of violence committed by

³⁵ Sudarto, *Hukum Dan Hukum Pidana*, (Bandung: Alumni, 2011), 42

³⁶ *Ibid.*

³⁷ Ahmad Adi Fitriyadi, Fikry Latukau. (Juli, 2020). *Diferensiasi Pengungsi dan Pencari Suaka dalam Hukum Pengungsi Internasional dan Hubungannya dengan Prinsip Non-Refoulement*. Jurnal Jalrev. Volume 2, 121

³⁸ Fakhris Lutfianto Hapsoro. (Juli, 2020). *Interpretasi Konstitusi dalam Pengujian Konstitusionalitas untuk Mewujudkan The Living Constitution*. JALREV 2 (2), 150

³⁹ Fenty U. Puluhulawa, Jufryanto0ulawa, M. Gufran Katili. *Legal Weak Protection of Personal Data in the 4.0 Industrial Revolution Era*. JALREV 2 (2) 2020, 182

⁴⁰ Princess Handayani Nurdin. (July, 2019). *Political Regulation of Political Education by Political Parties*. JALREV 1 (2), 146

debt collectors. aforementioned. However, the element of error becomes the determinant of who can be held criminally accountable. Legal entities or corporations that can be held criminally liable for violence committed by *debt collectors* against customers due to the establishment of leasing installments, through the theory of identification, *strict liability* (absolute accountability), and *vicarious liability* (substitute criminal liability), if there is an element of error, both intentional and void from the financing company itself.

Suggestion

The Financial Services Authority should tighten supervision of financing companies that use *debt collector* services to minimize inequality in the use of debt collector services. The reason is the absence of clear rules on the regulation of criminal liability of financing companies for their mistakes in the use of debt collector services and the lack of clear rules related to the protection of *debt collectors* from the existence of corporate orders or legal entities to exceed their authority in the granting of power of attorney. It can also be referred to as the void of the norm.

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