

INTISARI

PERLINDUNGAN HUKUM BAGI PENGGUNA *CRYPTOCURRENCY* DITINJAU BERDASARKAN UNDANG UNDANG YANG BERLAKU DI INDONESIA

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Keberadaan *cryptocurrency* belum diatur secara khusus di Indonesia. *Cryptocurrency* memiliki sifat *fluktuatif*, dapat dijadikan mata uang, dan ditransaksikan secara online menggunakan peer to peer terdesentralisasi. Sifat dari *cryptocurrency* memungkinkan adanya pencucian uang, *cyber crime*, mengganggu sistem keuangan sehingga sangat diperlukan perlindungan hukum bagi pengguna *cryptocurrency*.

Metode penelitian yang penulis gunakan memakai pendekatan yuridis normatif jika ditinjau berdasarkan jenisnya, pendekatan yuridis normatif dalam penelitian hukum ini dilakukan dengan mengumpulkan data secara kepustakaan, dan penulis juga melakukan wawancara dengan narasumber untuk mendukung data sekunder. Data sekunder terdiri dari bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier. Selanjutnya, analisis data menggunakan metode deskriptif kualitatif.

Berdasarkan hasil penelitian didapatkan kesimpulan, Pertama, *cryptocurrency* di Indonesia ditetapkan sebagai bagian dari komoditi aset digital yang dapat diperdagangkan di bursa berjangka. Pengaturan, pengawasan dan pembinaan perdagangan *cryptocurrency* diatur berdasarkan keputusan kepala Bappebti. *Cryptocurrency* tidak boleh dijadikan mata uang dan dijadikan sebagai alat pembayaran di Indonesia. Kedua, pengguna *cryptocurrency* telah mendapatkan perlindungan hukum dengan adanya Bappebti sebagai lembaga yang mengawasi perdagangan *cryptocurrency*, Bappebti juga menerapkan aturan tertentu mengenai jenis *crypto coin* yang diperdagangkan. *Cyber crime* yang terjadi selama perdagangan *cryptocurrency* berupa *hacking*, *cracking*, *sniffing*, *spoofing*, penipuan online maka undang-undang ITE dapat diberlakukan. Penyelesaian sengketa selama penyelenggaraan perdagangan aset menggunakan BAKTI. BAKTI tidak mencapai kata sepakat atau penyelesaian maka sengketa dilanjutkan pada BPSK.

Kata Kunci : *Cryptocurrency, Pedagang Aset Crypto, Perlindungan Hukum*

ABSTRACT

LEGAL PROTECTION FOR CRYPTOCURRENCY USERS REVIEWED BASED ON APPLICABLE LAW IN INDONESIA

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The existence of cryptocurrencies has not been specifically regulated in Indonesia. Cryptocurrency has a volatile nature, can be used as a currency, and is transacted online using a decentralized peer to peer. The nature of cytpocurency allows for money laundering, cyber crime, disrupting the financial system so that legal protection is needed for cryptocurrency users.

The research method that the author uses uses a normative juridical approach if it is reviewed based on its type, the normative juridical approach in legal research is carried out by collecting data from the library, and the author also conducts interviews with sources to support secondary data. Secondary data consists of primary legal materials, secondary legal materials and tertiary legal materials . Furthermore, data analysis used descriptive qualitative method.

Based on the results of the study, it was concluded, First, cryptocurrencies in Indonesia are designated as part of digital asset commodities that can be traded on futures exchanges. The regulation, supervision and guidance of cryptocurrency trading is regulated by the decision of the head of Bappebti. Cryptocurrency should not be used as currency and used as a means of payment in Indonesia. Second, cryptocurrency users have received legal protection with Bappebti as an institution that oversees cryptocurrency trading, Bappebti also applies certain rules regarding the types of crypto coins traded. Cyber crime that occurs during cryptocurency trading in the form of hacking, cracking, sniffing, spoofing, online fraud, the ITE law can be enforced. Settlement of disputes during the implementation of asset trading using BAKTI. BAKTI does not reach an agreement or settlement, the dispute is continued with BPSK.

Keyword : *Cryptocurrency, Crypto Asset Merchant, Legal protection*