

PELINDUNGAN HUKUM TERHADAP KONSUMEN *EXPERT ADVISOR*
DALAM TRANSAKSI *FOREX* PASCA BERLAKUNYA PERATURAN
BADAN PENGAWAS PERDAGANGAN BERJANGKA KOMODITI
REPUBLIK INDONESIA NOMOR 12 TAHUN 2022

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis Pelindungan Hukum terhadap Konsumen *expert advisor* dalam Transaksi *Forex* berdasarkan Peraturan Badan Pengawas Perdagangan Berjangka Komoditi Republik Indonesia Nomor 12 Tahun 2022, serta penjelasan frasa catatan transaksi periode 5 tahun dalam Pasal 5 ayat (4) huruf e Peraturan Badan Pengawas Perdagangan Berjangka Komoditi Republik Indonesia Nomor 12 tahun 2022. Selain itu, penelitian ini juga bertujuan untuk mengetahui dan menganalisis tantangan Peraturan Badan Pengawas Perdagangan Berjangka Komoditi Republik Indonesia Nomor 12 Tahun 2022 dalam memberikan Pelindungan Hukum terhadap Konsumen *expert advisor* dalam Transaksi *Forex*.

Penelitian ini bersifat deskriptif dan merupakan penelitian yuridis normatif. Data yang digunakan dalam penelitian ini terdiri atas data primer dan data sekunder. Data primer diperoleh melalui wawancara dengan narasumber Bappebti. Sedangkan data sekunder diperoleh melalui penelitian terhadap bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier. Data dianalisis dengan metode kualitatif untuk memberikan gambaran dan pemahaman mengenai permasalahan yang ada sehingga dapat ditarik suatu kesimpulan yang jelas.

Berdasarkan penelitian yang dilakukan oleh Penulis, didapatkan hasil sebagai berikut: Pertama, Perba Nomor 12/2022 yang memuat persyaratan, kewajiban, larangan, serta sanksi berhasil memberikan kepastian hukum dan pelindungan hukum terhadap konsumen *expert advisor* serta memenuhi unsur hukum preventif dan represif. Kekhawatiran ketidakpastian hukum Pasal 5 ayat (4) Perba No 12/2022 terjawab bahwa catatan historis lima tahun yang dimaksud merupakan data *backtest*. Kedua, tantangan yang dihadapi yakni; Kecepatan dan Kompleksitas Algoritma, Evolusi Teknologi dan Kecerdasan *expert advisor* yang terus berkembang, dan Pelanggaran yang dilakukan di Luar Yurisdiksi Hukum Indonesia.

Kata kunci: Pelindungan Hukum, Konsumen, Expert Advisor, Peraturan Bappebti.

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**LEGAL PROTECTION FOR EXPERT ADVISOR CONSUMERS IN
FOREX TRANSACTIONS FOLLOWING THE ENACTMENT OF
REGULATION OF THE COMMODITY FUTURES TRADING
REGULATORY AGENCY OF THE REPUBLIC OF INDONESIA
NUMBER 12 OF 2022**

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ABSTRACT

This study aims to determine and analyze the Legal Protection of Expert Advisor Consumers in Forex Transactions based on the Regulation of the Commodity Futures Trading Supervisory Agency of the Republic of Indonesia Number 12 of 2022, as well as the explanation of the phrase 5-year period transaction records in Article 5 paragraph (4) letter e of the Regulation of the Commodity Futures Trading Supervisory Agency of the Republic of Indonesia Number 12 of 2022. In addition, this study also aims to determine and analyze the challenges of the Regulation of the Commodity Futures Trading Supervisory Agency of the Republic of Indonesia Number 12 of 2022 in providing Legal Protection to Expert Advisor Consumers in Forex Transactions.

This research is descriptive in nature and employs a normative juridical approach. The data used in this study consists of primary and secondary data. Primary data were obtained through interviews with sources from the Commodity Futures Trading Regulatory Agency (Bappebti). Meanwhile, secondary data were collected through research on primary legal materials, secondary legal materials, and tertiary legal materials. The data were analyzed using a qualitative method to provide an understanding and depiction of the issues at hand, leading to clear conclusions.

Based on the research conducted by the author, the following findings were obtained: First, Regulation No. 12/2022, which outlines requirements, obligations, prohibitions, and sanctions, has successfully provided legal certainty and protection for consumers of expert advisors, fulfilling both preventive and repressive legal elements. Concerns about the legal uncertainty in Article 5 paragraph (4) of Regulation No. 12/2022 have been addressed, with the five-year historical record referred to being identified as backtest data. Second, the challenges faced include the speed and complexity of algorithms, the continuous evolution of expert advisor technology and intelligence, and violations occurring outside the jurisdiction of Indonesian law.

Keywords: Legal Protection, Consumers, Expert Advisor, Regulation of the Commodity Futures Trading Regulatory Agency (Bappebti).

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