

INTISARI

PERAN LEMBAGA ALTERNATIF PENYELESAIAN SENGKETA SEKTOR JASA KEUANGAN DALAM PENYELESAIAN SENGKETA PERBANKAN SYARIAH

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Tujuan penelitian ini untuk mengetahui dan menganalisis peran Lembaga Alternatif Penyelesaian Sengketa Sektor Jasa Keuangan (LAPS SJK) dalam penyelesaian sengketa perbankan syariah di Indonesia, serta untuk mengetahui dan menganalisis kendala-kendala yang dihadapi LAPS SJK dalam proses tersebut.

Penelitian ini merupakan penelitian normatif yang bersifat deskriptif. Penelitian normatif ini didukung dengan wawancara terhadap narasumber dengan alat berupa pedoman wawancara. Penelitian hukum normative dilakukan dengan penilitia kepustakaan dengan menelusuri data sekunder berupa bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier, dengan metode dokumentasi dan alat berupa studi dokumen. Analisis data tesis peneliti menggunakan analisis kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa (1) peran LAPS SJK sebagai satu-satunya forum alternatif penyelesaian sengketa di sektor jasa keuangan yang sah dan diawasi OJK sesuai dengan POJK Nomor 61/POJK.07/2020 diharapkan memberikan penyelesaian yang efisien, adil, independen, dan mudah diakses, dengan penekanan pada "*win-win solution*" dan kerahasiaan proses, serta lebih meningkatkan kesadaran masyarakat akan adanya forum alternatif penyelesaian sengketa. (2) LAPS SJK menghadapi kendala signifikan dalam penyelesaian sengketa Perbankan Syariah terkait efektivitas sosialisasi dan edukasi, aksesibilitas yang belum merata meskipun *ODR* diterapkan, serta terkait dengan kompetensi mediator serta arbiter sektor perbankan syariah yang belum optimal dan ketiadaan unit perbankan syariah yang memengaruhi kedalaman analisis, konsistensi penerapan prinsip syariah, dan keadilan substantif dalam putusan maupun kesepakatan.

Kata Kunci: Lembaga Alternatif Penyelesaian Sengketa Sektor Jasa Keuangan, Perbankan Syariah, Sengketa.

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ABSTRACT

THE ROLE OF THE ALTERNATIVE DISPUTE RESOLUTIONS INSTITUTIONS IN THE FINANCIAL SERVICES SECTOR IN SHARIA BANKING DISPUTE RESOLUTION

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The purpose of this research is to identify and analyze the role of the Alternative Dispute Resolutions Institutions in The Financial Services Sector (LAPS SJK) in sharia banking dispute resolution in Indonesia, as well as to identify and analyze the challenges faced by LAPS SJK in this process.

This research is a normative descriptive, this normative research is supported by interviews source of LAPS SJK using interview guidelines. The normative legal research was conducted through library research, tracing secondary data in the form of primary, secondary, and tertiary legal materials, using documentation methods and document study tools. The researcher's thesis data analysis using qualitative analysis.

Based on the research results, the research findings and discussion indicate that (1) the role of LAPS SJK as the sole legitimate alternative dispute resolution forum in the financial services sector, supervised by the OJK and in accordance with OJK Regulation Number 61/POJK.07/2020, is expected to provide efficient, fair, independent, and accessible resolutions, with an emphasis on "win-win solutions" and confidentiality. It also aims to further increase public awareness of alternative dispute resolution forums. However, (2) LAPS SJK faces significant challenges in resolving Islamic banking disputes related to the effectiveness of socialization and education, uneven accessibility despite the implementation of Online Dispute Resolution (ODR), and sub-optimal competence of mediators and arbiters in the Islamic banking sector, as well as the absence of a dedicated Islamic banking unit, which affects the depth of analysis, consistency in applying Sharia principles, and substantive fairness in decisions and agreements. LAPS SJK's effectiveness, particularly in the sharia banking sector, is hampered by insufficient and untargeted socialization and education, accessibility challenges where complaints are still dominated by some major cities, and limitations in the number of sharia-competent mediators and arbitrators, coupled with the absence of a specific Islamic banking unit. These factors potentially reduce the depth of analysis, consistency in applying sharia principles, the fairness of decisions, and ultimately erode the trust of parties in sharia banking towards LAPS SJK.

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