ABSTRAK

Penelitian ini mengkaji eksistensi dan prospek penerapan keadilan restoratif dalam penyelesaian tindak pidana perbankan oleh Otoritas Jasa Keuangan (OJK). Tujuan penelitian ini adalah untuk menganalisis implementasi dan kendala penerapan restorative justice di sektor perbankan, serta menilai urgensi pengaturannya dalam perspektif hukum positif dan pembaruan hukum pidana nasional. Urgensi penelitian ini terletak pada kebutuhan menghadirkan mekanisme penyelesaian yang tidak hanya represif, tetapi juga mampu memulihkan kepercayaan publik terhadap sistem perbankan. Hal ini penting mengingat tindak pidana perbankan sering menimbulkan kerugian luas bagi nasabah dan mengancam stabilitas lembaga keuangan. Kasus BPR XX di YY, misalnya, memperlihatkan bagaimana pendekatan restoratif dapat menjadi alternatif dalam penyelesaian kerugian tanpa menimbulkan kepanikan sistemik. Demikian pula, beberapa kasus kredit bermasalah di bank daerah menunjukkan perlunya instrumen hukum yang lebih adaptif. Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan dan konseptual yang dilengkapi wawancara dengan pihak OJK. Hasil penelitian menunjukkan bahwa landasan yuridis tersedia melalui UU No. 4/2023 tentang Pengembangan dan Penguatan Sektor Keuangan (P2SK) dan POJK No. 16/2023, dengan tambahan parameter kualitatif dari OJK berupa upaya perbaikan proses bisnis dan tata kelola. Implementasinya bersifat pasif berdasarkan permohonan terlapor pada tahap penyidikan dengan tata kelola ketat melalui gelar perkara multistakeholder. Kendala yang ditemukan bukan pada ketiadaan parameter, melainkan pada sifat parameter yang masih umum (*open-textured*) dan bergantung pada diskresi OJK. Tantangan lain meliputi kompleksitas perhitungan kerugian, keterbatasan data publik, serta dilema antara transparansi dan risiko kepanikan nasabah. Urgensi penerapan restorative justice terletak pada perlindungan konsumen, pemulihan kepercayaan, dan stabilitas sistem keuangan. Penelitian ini merekomendasikan penyempurnaan regulasi dengan parameter kuantitatif yang jelas, pengembangan mekanisme proaktif, serta sinergi antara OJK dan aparat penegak hukum agar penerapan restorative justice di sektor perbankan dapat lebih konsisten dan terukur.

Kata kunci: keadilan restoratif, tindak pidana perbankan, Otoritas Jasa Keuangan, *Non-Prosecution Agreement*

ABSTRACT

This research examines the existence and prospects of implementing restorative justice in resolving banking crimes by the Financial Services Authority (OJK). The purpose of this study is to analyze the implementation and challenges of restorative justice in the banking sector, as well as to assess the urgency of its regulation from the perspective of positive law and criminal law reform. The urgency of this research lies in the need for a settlement mechanism that is not merely repressive but also capable of restoring public trust in the banking system. This is important because banking crimes often cause widespread losses to customers and threaten the stability of financial institutions. The case of BPR XX in YY, for example, demonstrates how a restorative approach can provide an alternative resolution of losses without triggering systemic panic. Similarly, cases of problematic credit in regional banks highlight the necessity of a more adaptive legal instrument. This study employs normative legal research with statutory and conceptual approaches, supported by interviews with OJK officials. The findings indicate that the legal foundation is available through Law No. 4/2023 on Financial Sector Development and Strengthening (P2SK) and OJK Regulation No. 16/2023, complemented by OJK's qualitative parameters such as business process improvements and governance enhancement efforts. Its implementation is passive in nature, based on the perpetrator's request at the investigation stage, with strict governance through multi-stakeholder case reviews. The challenges identified are not the absence of parameters but their open-textured nature, which heavily relies on OJK's discretion. Other obstacles include the complexity of loss calculation, limited availability of public data, and the dilemma between transparency and the risk of customer panic. The urgency of restorative justice implementation lies in consumer protection, the restoration of trust, and financial system stability. This study recommends regulatory refinement with clear quantitative parameters, the development of proactive mechanisms, and stronger synergy between OJK and law enforcement authorities to ensure that restorative justice in the banking sector can be applied more consistently and measurably.

Keywords: *restorative justice, banking crimes, Financial Services Authority, Non-Prosecution Agreement*