INTISARI
PENERAPAN KEADILAN OLEH OTORITAS JASA KEUANGAN DALAM PENYIDIKAN TINDAK PIDANA PERBANKAN

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Penelitian ini bertujuan untuk menggali, menemukan, dan menganalisis problematika penerapan keadilan restoratif oleh Otoritas Jasa Keuangan dalam penyidikan tindak pidana perbankan. Selain itu juga untuk mengkaji, merumuskan, dan merekomendasikan dasar pengaturan dan model penerapan keadilan restoratif oleh Otoritas Jasa Keuangan di masa mendatang.

Penelitian ini menggunakan pendekatan metode Normatif-Empiris dengan menggunakan jenis penelitian deskriptif analitis. Data penelitian menggunakan data primer dan data sekunder. data sekunder meliputi bahan hukum primer berupa peraturan perundang-undangan, putusan pengadilan dan bahan hukum sekunder berupa buku-buku literatur hukum. Data primer diperoleh dari hasil wawancara dengan responden dan narasumber. kemudian data sekunder diperoleh melalui studi Pustaka. Data tersebut kemudian dianalisis dalam deskriptif analitis kemudian dilakukan penarikan kesimpulan menggunakan metode deduktif.

Penelitian ini memperoleh dua kesimpulan: *Pertama*, meskipun penerapan keadilan restoratif dalam penyidikan tindak pidana perbankan telah memiliki dasar hukum dalam pasal 37D UU PPSK, mekanisme tersebut belum terlaksana karena belum adanya permohonan penyelesaian perkara kepada Otoritas Jasa Keuangan. Problematika utama terletak pada problematika regulasi yang parameter penilaian masih bersifat umum, belum adanya kualifikasi tindak pidana, serta belum terakomdoirnya kedudukan dan hak korban secara jelas, serta problematika kelembagaan berupa dominannya posisi Otoritas Jasa Keuangan dengan pendekatan legalistik-formalistik, lemahnya koordinasi beserta pengawasan penyidikan, dan penegakan hukum tindak pidana perbankan masih bersifat retributif meskipun adanya perubahan paradigma penegakan hukum menuju keadilan restoratif. *Kedua,* prospek penerapan keadilan restoratif oleh Otoritas Jasa Keuangan dalam penyidikan tindak pidana perbankan di masa mendatang perlu ditempatkan sebagai bagian dari pembaharuan hukum pidana nasional melalui harmonisasi regulasi KUHAP BARU, dan UU PPSK, revisi Pasal 37D UU PPSK, dan penyusunan POJK yang menegaskan mekanisme penerapan keadilan restoratif, peran korban dan pelaku secara aktif, serta Posisi Otoritas Jasa Keuangan sebagai fasilitator institusional yang berorientasi pada prinsip keadilan restoratif.

Kata Kunci: *Keadilan Restoratif, Otoritas Jasa Keuangan, Tindak Pidana Perbankan, Hak-Hak Korban.*

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ABSTRACT

THE IMPLEMENTATION OF RESTORATIVE JUSTICE BY THE FINANCIAL SERVICES AUTHORITY IN THE INVESTIGATION OF BANKING CRIMES

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This study aims to explore, identify, and analyze the challenges in implementing restorative justice by Finansial Service Authority in the investigation of banking crimes. In addition, it seeks to examine, formulate, and, recommend the regulatory foundations and model for the future application of restorative justice by The Finansial Services Authority.

This study employs a normative-empirical approach with a descriptive-analytical research design. The research utilizes both primary and secondary data. Secondary data include primary legal materials, such as legislation and court decisionsm as well as secondanry legal materials, such as legal literature and books. Primary data were obtained through interviews with respondents and informants, while secondary data were collected trhough.literature studies. The collected data were a deductive method.

This study arrives at two conclusions: first, although restorative justice in banking crime investigations has a legal basis in Article UU PPSK, the mechanism has not been implemented due to the lack of case resolution requests submitted to the Financial Services Authority. The main problem lies in regulatory deficiencies, including unclear assessment parameters, the absence of clear qualifications for qualifying crimes, and the lack of explicit recognition of victims' rights and positions. Institutional challenges also arise from the Financial Services Authority's dominant legalistic-formalistic approach, weak coordination and oversight in investigations, and the continued retributive orientation of banking crime law enforcement despite a shift toward restorative justice. Second, the future implementation of restorative justice by the Financial Services Authority must be positioned as part of national criminal law reform through regulatory harmonization between KUHAP Baru and UU PPSK, revision of Article 37D UU PPSK, and the formulation of POJK that clearly regulates restorative justice mechanisms, ensures the active participation of victims and perpetrators, and positions the Financial Services Authority as an institutional facilitator oriented towards restorative justice principles.

Keywords: *Restorative Justice, Financial Services Authority, Banking Crime, Victim' right.*

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