LEGAL ANALYSIS ON THE IMPLEMENTATION OF POJK NUMBER 77/POJK.01/2016 CONCERNING PEER-TO-PEER-LENDING
AND HOW PEER-TO-PEER-LENDING INFLUENCES THE DEVELOPMENT OF CONVENTIONAL BANKS IN INDONESIA
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Florencia Irena Gunawan[1] and Dr. Paripurna, S.H., M.Hum., LL.M.[2]

ABSTRACT

This research is aimed to analyse issues occurred within the implementation of Financial Service Authority of Indonesia Regulation (POJK) Number 77/POJK.01/2016 concerning P2P Lending; as this regulation was established based on the urgency to regulate an unregulated-industry which has been developing rapidly since 2015, thus there are several issues occurred within the implementation. Further, the presence P2P Lending might also disrupt the future development of conventional banks in Indonesia as it can provide more practicality in giving services to the customers. Therefore, this thesis will also present analysis on the future development of conventional banks in Indonesia as influenced by the emergence of FinTech through P2P Lending.

This thesis employs normative-empirical legal research approach. It combined literary research and field research. Data was obtained and then analysed using qualitative method.

There are several issues identified within the implementation of POJK Number 77/POJK.01/2016, among others: the establishment of P2P Lending agreement and the implementation of digital signature and E-KYC. Based on the findings, these issues occurred because of the legal uncertainty in several provisions within the regulation. OJK is currently discussing several matters that must be further addressed by enacting a more specified regulation in the near future, such as regulation concerning customer protection in P2P Lending activity. Further, the development of P2P Lending might potentially disrupt the future Indonesia's banking industry. Several potential scenarios such as: banks without bankers, operational and services without infrastructure might happen in the future of Indonesia's banking industry. OJK as the regulator is currently directing a collaboration between banking and FinTech so that the development of FinTech will not disrupt the other financial service institution.

Key words: **OJK, POJK, FinTech, banking, conventional banks, P2P Lending.**

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ANALISIS YURIDIS POJK NOMOR 77/POJK/01/2016 TENTANG LAYANAN PINJAM MEMINJAM UANG BERBASIS TEKNOLOGI DAN PENGARUHNYA TERHADAP PERKEMBANGAN BANK UMUM DI INDONESIA

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INTISARI

Penelitian ini bertujuan untuk menganalisis permasalahan yang terjadi dalam implementasi POJK Nomor 77/ POJK.01 / 2016 tentang Layanan Pinjam Meminjam Uang Berbasis Teknologi (P2P Lending). Mengingat bahwa peraturan ini dibuat berdasarkan urgensi untuk mengatur sebuah industri yang telah lebih dahulu berkembang pesat sejak tahun 2015, sehingga ditemui beberapa masalah yang ditemukan dalam pelaksanaannya. Kehadiran P2P Lending yang mengedepankan efisiensi dan kemudahan dalam memberikan layanan bagi pelanggan, berpotensi mempengaruhi perkembangan bank konvensional di Indonesia. Oleh karena itu, penelitian ini juga menyajikan analisis tentang perkembangan masa depan bank konvensional di Indonesia yang dipengaruhi oleh munculnya FinTech melalui P2P Lending.

Penelitian ini menggunakan penelitian hukum normatif-empiris. Yang menggabungkan penelitian literatur dan penelitian lapangan. Data diperoleh dan dianalisis menggunakan metode kualitatif.

Beberapa masalah yang dapat diidentifikasi dalam pelaksanaan POJK Nomor 77 / POJK.01 / 2016, antara lain: pembentukan perjanjian dan pelaksanaan tanda tangan digital dan E-KYC. Berdasarkan hasil observasi dan analisa, permasalah ini terjadi karena adanya ketidakpastian hukum dalam beberapa ketentuan pada peraturan tersebut. OJK saat ini sedang membahas beberapa permasalahan yang harus diatasi lebih lanjut dengan menetapkan regulasi yang lebih spesifik, seperti peraturan mengenai perlindungan pelanggan dalam kegiatan P2P Lending. Lebih lanjut, perkembangan P2P Lending memang berpotensi mempengaruhi industri perbankan Indonesia di masa depan. Beberapa skenario potensial terhadap industri perbankan yang mungkin terjadi antara lain: bank tanpa bankir, serta operasional dan layanan tanpa infrastruktur. OJK sebagai regulator mengarahkan agar idustri perbankan dan FinTech membentuk kolaborasi sehingga kehadiran FinTech tidak akan mengganggu performa lembaga layanan keuangan lainnya.

Kata kunci: ***OJK, POJK, teknologi finansial, Indonesia, perbankan, bank umum, layanan pinjam meminjam uang berbasis teknologi.***

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