

**MEDIASI PERBANKAN DI MASA TRANSISI
DALAM SENGKETA PERDATA BERASPEK PIDANA OLEH
OTORITAS JASA KEUANGAN DAERAH YOGYAKARTA**

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INTISARI

Penelitian ini mengkaji tentang pelaksanaan mediasi perbankan di masa transisi dalam sengketa perdata beraspek pidana oleh Otoritas Jasa Keuangan (OJK) Daerah Yogyakarta. Tujuan penelitian ini yaitu mendeskripsikan kerangka teoritis yang mendasari pelaksanaan mediasi perbankan dan mengidentifikasi tahapan pelaksanaan mediasi, dasar pemilihan mediator, dan kekuatan hukum putusan mediasi serta ketentuan hukum dan persyaratan lainnya dalam mediasi perbankan yang dilaksanakan oleh OJK Daerah, serta mengidentifikasi kemungkinan penyelesaian sengketa perdata beraspek pidana melalui mediasi perbankan.

Penelitian ini merupakan penelitian yuridis-empiris dengan menggunakan pendekatan teoritis, konseptual, yuridis, dan praktik. Hasilnya kemudian dianalisis dengan metode deduktif dan selanjutnya disajikan secara deskriptif.

Hasil penelitian ini menunjukkan bahwa mediasi perbankan oleh OJK Daerah Yogyakarta didasarkan oleh Arsitektur Perbankan Indonesia yang mengharuskan adanya alternatif penyelesaian sengketa (APS) antara bank dengan nasabahnya. Masa transisi mediasi perbankan terjadi pasca pelaksanaannya oleh Bank Indonesia dan nantinya oleh APS dari Asosiasi Perbankan. Tim Transisi dibentuk Dewan Komisaris OJK. Mediasi Perbankan berada dalam Mekanisme Penyelesaian Pengaduan Konsumen OJK. Mediasi perbankan dilakukan di ruang pelayanan konsumen jasa keuangan, bersifat rahasia, tanpa dipungut biaya, secara informal berdasarkan inisiatif Pejabat yang bertanggung jawab memberi pelayanan pengaduan dan edukasi konsumen jasa keuangan namun tetap sesuai dengan peraturan yang berlaku. Hasil mediasi berbentuk perjanjian tertulis (akta) diantara para pihak tanpa perlu dibuat putusan hakim. Praktik penyelesaian sengketa perdata beraspek pidana melalui mediasi perbankan di Kantor OJK Daerah Yogyakarta, terdapat kondisi khusus berupa jalur penyelesaian Sengketa Perdata terpisah dengan penyelesaian perkara pidana, status mediasi informal, dan prinsip kerahasiaan di dalam mediasi.

Kata kunci: mediasi, perbankan, transisi, pidana, OJK

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**IMPLEMENTATION OF BANKING MEDIATION WHILE TRANSITION
ON CIVIL DISPUTE CIVIL DISPUTE WHICH HAS A CRIMINAL ASPECT BY
OTORITAS JASA KEUANGAN OF YOGYAKARTA REGION**

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ABSTRACT

This study reviews the implementation of banking mediation in transition, in civil disputes with criminal aspect by the Otoritas Jasa Keuangan (OJK) Yogyakarta Region. The purpose of this study is to describe the theoretical framework underlying the implementation of banking mediation and identify the phase of the mediation, the basis for choosing the mediator, and the force of law verdict mediation and legal provisions and other requirements in the banking mediation carried out by the OJK Regions, as well as identify possible settlement of civil disputes with criminal aspect through banking mediation.

This study is a juridical-empirical approach theoretical, conceptual, juridical, and practices. The results are then analyzed using deductive method and subsequently presented descriptively.

These results indicate that the banking mediation by OJK based by Region of Yogyakarta Indonesian Banking Architecture which requires the existence of alternative dispute resolution (ADR) between the bank and its customers. The transition period banking mediation occurs after the execution by Bank Indonesia and later by ADR of the Banking Association. The transition team was formed BOC OJK. Banking Mediation is within the OJK Consumer Complaints Resolution Mechanism. Banking Mediation is done in the service of consumers of financial services, confidential, free of charge, in the bottom hand on the initiative of officials responsible to provide services complaints and educate consumers of financial services but in accordance with applicable regulations. Results of mediation shaped form of a written agreement (deed) between the parties without the need to be made the judge's decision. Practice beraspek criminal civil dispute resolution through mediation of banks in the Yogyakarta Regional Office of the OJK, there are special conditions in the form of separate lanes Civil Dispute settlement with the completion of the criminal case, the status of informal mediation, and the principle of confidentiality in mediation.

Keywords: banking, mediation, transition, criminal, OJK

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