ABSTRACK

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ANALISIS YURIDIS REGULASI ASET KRIPTO DI INDONESIA STUDI TERHADAP PERAN OTORITAS JASA KEUANGAN (OJK) DALAM PERLINDUNGAN KONSUMEN
(Dr. Joelman Subaidi, S.H., M.H. dan Dr. Hamdani, S.H., LL.M)

Perkembangan teknologi digital telah mendorong munculnya aset kripto sebagai inovasi keuangan berbasis blockchain. Di Indonesia, perdagangan aset kripto berkembang pesat, namun juga menimbulkan berbagai persoalan hukum terkait kepastian hukum, perlindungan konsumen, dan pengawasan transaksi digital. Penelitian ini bertujuan menganalisis regulasi aset kripto di Indonesia, peran Otoritas Jasa Keuangan (OJK) dalam pengawasan dan perlindungan konsumen, serta kendala yuridis dalam pelaksanaannya.

Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan analitis melalui bahan hukum primer, sekunder, dan tersier terkait aset kripto dan hukum keuangan digital.

Hasil penelitian menunjukkan bahwa regulasi aset kripto di Indonesia mengalami perkembangan signifikan setelah berlakunya Undang-Undang Nomor 4 Tahun 2023 tentang Pengembangan dan Penguatan Sektor Keuangan (UU P2SK) yang memberikan kewenangan pengawasan aset keuangan digital kepada OJK, yang kemudian diperkuat melalui Peraturan OJK Nomor 27 Tahun 2024 tentang Penyelenggaraan Perdagangan Aset Keuangan Digital termasuk Aset Kripto. Regulasi tersebut mengatur aspek perizinan, tata kelola, perlindungan konsumen, keamanan sistem elektronik, manajemen risiko, dan pelaporan transaksi digital. Dalam pelaksanaannya, OJK berperan dalam pengaturan, pengawasan, penegakan hukum, serta edukasi masyarakat terkait aset kripto. Namun, pelaksanaannya masih terkendala oleh tumpang tindih kewenangan, pengawasan transaksi lintas negara yang terbatas, perkembangan teknologi yang cepat, dan maraknya platform kripto ilegal.

Saran, diperlukan penguatan regulasi aset kripto melalui peningkatan kepastian hukum, harmonisasi antar lembaga, pengawasan OJK berbasis teknologi, serta penguatan perlindungan dan literasi konsumen agar perdagangan aset kripto di Indonesia berjalan aman, transparan, perlindungan hukum yang optimal.

Kata Kunci: ***Regulasi Aset Kripto, Otoritas Jasa Keuangan, Perlindungan Konsumen, Aset Keuangan Digital, Blockchain***

ABSTRACT

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A Juridical Analysis of Cryptocurrency Asset Regulation in Indonesia: A Study of the Role of the Financial Services Authority (OJK) in Consumer Protection
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The development of digital technology has encouraged the emergence of cryptocurrency as a blockchain-based financial innovation. In Indonesia, cryptocurrency trading has grown rapidly, but it has also raised legal issues related to legal certainty, consumer protection, and digital transaction supervision. This study aims to analyze cryptocurrency regulations in Indonesia, the role of the Financial Services Authority (OJK) in supervision and consumer protection, and the juridical challenges in their implementation.

This research employs a normative legal method using statutory, conceptual, and analytical approaches based on primary, secondary, and tertiary legal materials related to cryptocurrency and digital financial law.

The results indicate that cryptocurrency regulation in Indonesia has undergone significant development following the enactment of Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector (P2SK Law), which grants OJK authority to supervise digital financial assets. This authority is further reinforced by OJK Regulation Number 27 of 2024 concerning the Trading of Digital Financial Assets, including Crypto Assets. The regulation governs licensing, governance, consumer protection, electronic system security, risk management, and digital transaction reporting. In its implementation, OJK plays a role in regulation, supervision, law enforcement, and public education regarding cryptocurrency. Nevertheless, several challenges remain, including overlapping institutional authority, limited supervision of cross-border transactions, rapid technological developments, and the proliferation of illegal cryptocurrency trading platforms.

This study recommends strengthening cryptocurrency regulations through greater legal certainty, harmonization among relevant institutions, technology-based supervision by OJK, and enhanced consumer protection and financial literacy to ensure that cryptocurrency trading in Indonesia operates in a secure, transparent, and legally protected manner.

Keywords: Cryptocurrency Regulation, Financial Services Authority, Consumer Protection, Digital Financial Assets, Blockchain.