

ABSTRAK

Di tengah pandemi *Covid-19* ini, Satgas Waspada Investasi menemukan 126 *fintech* ilegal yang sengaja memanfaatkan kesulitan keuangan sebagian masyarakat di masa pandemi ini. Hal ini membuktikan bahwa keberadaan *fintech* ilegal di Indonesia tidaklah sedikit, tidak adanya pengaturan khusus mengenai *fintech* ilegal, mengakibatkan makin bertambahnya entitas *fintech* ilegal di tengah masyarakat serta adanya potensi praktik *shadow banking* yang dapat beresiko pada sistem keuangan. Dari latar belakang tersebut, penulis hendak menjawab dua pertanyaan. Pertama, potensi resiko praktik *shadow banking* terhadap sistem keuangan. Kedua, urgensi pengoptimalan peraturan OJK terkait *fintech*. Penelitian ini menggunakan metode penelitian hukum normatif (normatif yuridis) dengan pendekatan perundang-undangan (*statute approach*). Potensi resiko praktik *shadow banking* merupakan akibat dari belum adanya regulasi khusus yang mengatur mengenai *shadow banking* pada layanan *fintech* yang selama ini peraturannya hanya sebatas pada POJK saja. Pengoptimalan kebijakan OJK terkait *fintech* merupakan hal yang harus segera dilakukan yang didasarkan pada aspek fisiologis, sosiologis dan yuridis. Saran saya, hendaknya OJK segera mengeluarkan suatu peraturan atau mengoptimalkan POJK Nomor 77 Tahun 2016 terkait *fintech* agar dapat mengatur secara khusus mengenai *fintech* ilegal dan *shadow banking*, mulai dari penegakan hukum *fintech* ilegal, penindaklanjutan praktik *shadow banking* dan sanksi tegas yang dapat memberi efek jera bagi *fintech* ilegal.

Kata Kunci: Urgensi, *Shadow Banking*, *Fintech* Ilegal.

ABSTRACT

In the midst of the Covid-19 pandemic, the Investment Alert Task Force found 126 illegal fintechs that deliberately took advantage of the financial difficulties of some people during this pandemic. This proves that the existence of illegal fintech in Indonesia is not insignificant, the absence of special regulations regarding illegal fintech has resulted in the increasing number of illegal fintech entities in the community as well as the potential for shadow banking practices that can put the financial system at risk. From this background, the writer wants to answer two questions. First, the potential risk of shadow banking to the financial system. Second, the urgency of optimizing OJK regulations related to fintech. This study uses a normative legal research method (juridical normative) with a statutory approach (statute approach). The potential risk of shadow banking practices is the result of the absence of specific regulations governing shadow banking on fintech services, which so far have only been limited to POJK. OJK policy optimization related to fintech is something that must be done immediately based on physiological, sociological and juridical aspects. My advice is that the OJK should immediately issue a regulation or optimize POJK Number 77 of 2016 related to fintech so that it can specifically regulate illegal fintech and shadow banking, starting from illegal fintech law enforcement, following up on shadow banking practices and strict sanctions that can have a deterrent effect on fintech is illegal.

Keywords: Urgency, Shadow Banking, Illegal Fintech.