

Tinjauan yuridis mengenai praktik pendanaan kolektif crowdlending di Indonesia = Juridicial review of crowdleoding as a practice of collective funding in Indonesia

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Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20459078&lokasi=lokal>

Abstrak

ABSTRAK

Dalam era perkembangan ekonomi digital, masyarakat terus mengembangkan inovasi penyediaan layanan dalam kegiatan pinjam meminjam yang salah satunya ditandai dengan adanya penyediaan Layanan Jasa Pinjam Meminjam Uang Berbasis Teknologi Informasi yang dinilai turut berkontribusi terhadap pembangunan dan perekonomian nasional. Layanan Jasa Pinjam Meminjam Uang Berbasis Teknologi Informasi ini sudah sangat berkembang di tanah air dan salah satunya disebut dengan crowdlending. Penelitian ini merupakan penelitian yuridis normatif dengan studi kepustakaan. Analisis difokuskan pada bagaimana hubungan hukum antara investor dan penyedia jasa layanan crowdlending, dan bagaimana perlindungan hukum terhadap investor dalam praktik pendanaan crowdlending. Hasil penelitian menunjukkan bahwa hubungan hukum antara investor dan platform crowdlending adalah berdasarkan perjanjian pelaksanaan layanan pinjam meminjam uang berbasis teknologi informasi yang dituangkan dalam bentuk dokumen elektronik. Otoritas Jasa Keuangan melaksanakan tugasnya untuk melindungi investor dalam platform crowdlending selaku pihak yang melakukan transaksi di sektor keuangan dengan menerbitkan Peraturan Otoritas Jasa Keuangan Nomor 77/POJK.01/2016 tentang Layanan Pinjam Meminjam Uang Berbasis Teknologi Informasi. Otoritas Jasa Keuangan hendaknya dalam melakukan tugasnya melakukan pengawasan secara terintegrasi. Pengawasan dilakukan terhadap platform crowdlending yang telah ada atau yang baru akan didirikan.

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ABSTRACT

In the era of digital economic development, the community continues to develop innovations in the provision of services in lending and borrowing activities, one of them is marked by the provision of borrowing money services based on information technology is considered to contribute to the national economy and development. Borrowing money services based on information technology has been very developed in the country and one of them is called the crowdlending. This is a normative legal research which is conducted through literature and desk study. Analysis is being focused on how the legal relationship between investors and crowdlending service providers, and how the legal protection of investors in crowdlending practices. The research results shows that legal relationship between investor and platform crowdlending is based on the borrowing agreement implementation, which is poured in the form of electronic documents. The financial services authority performs its duty to protect investors in crowdlending by issuing the Financial Services Authority Regulation Number 77 POJK.01 2016 about Borrowing Money Services Based On Information Technology. The Financial Services Authority should perform its duties in an integrated supervision. Supervision must be made on the existing or newly established platform of crowdlending.