

Analisis Yuridis Terhadap Kerja Sama Antara Perusahaan Financial Technology (Fintech) Lending X Dengan E-Commerce Y Dalam Pemulihan Perekonomian Nasional = Juridical Analysis of Cooperation Between Financial Technology (Fintech) Lending Companies and E-Commerce in the Recovery of the National Economy

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Abstrak

Digitalisasi memberikan dampak perkembangan di sektor perbankan yang kian lengkap dengan hadirnya financial technology (fintech). Dalam hal ini, layanan fintech lending memberikan kemudahan untuk mendapatkan pendanaan dengan persyaratan yang cepat dan fleksibel. Adapun, kerja sama antara perusahaan fintech lending dengan e-commerce dapat memberikan dampak positif bagi pemulihan perekonomian. Namun dalam praktiknya pelaksanaan fintech lending di Indonesia tidak terlepas dari peran regulasi dalam pemulihan perekonomian nasional. Dalam hal ini, pelaksanaan fintech lending di Indonesia disertai dengan perkembangan regulasi, yaitu Peraturan Otoritas Jasa Keuangan Nomor 10/POJK.05/2022 tentang Layanan Pendanaan Bersama Berbasis Teknologi Informasi. Adapun, implementasi kerja sama antara perusahaan fintech lending dengan e-commerce dilaksanakan sebagai bentuk dorongan dalam pemulihan perekonomian nasional. Tulisan ini akan mengidentifikasi perkembangan regulasi terhadap pelaksanaan fintech lending dalam pemulihan perekonomian nasional dan menganalisis implementasi kerja sama antara perusahaan fintech lending dengan e-commerce dalam pemulihan perekonomian nasional dengan menggunakan metode penelitian yuridis normatif. Peran otoritas tentunya dibutuhkan untuk memberikan perlindungan serta pengawasan terhadap pelaksanaan fintech lending di Indonesia. Kewenangan tersebut dilakukan beberapa lembaga, seperti Bank Indonesia, Otoritas Jasa Keuangan, dan Kementerian Komunikasi dan Informatika Republik Indonesia. Hal ini ditunjukkan dengan terbitnya berbagai regulasi dari otoritas berwenang untuk mengawasi pelaksanaan fintech lending di Indonesia. Pelaksanaan kerja sama antara perusahaan fintech lending dan e-commerce bertujuan untuk memberikan fasilitas pinjaman kepada para merchant yang telah terverifikasi di e-commerce untuk mengembangkan bisnisnya. Dalam hal ini, e-commerce melakukan kerja sama dengan perusahaan fintech lending yang telah terdaftar dan diawasi oleh otoritas berwenang sehingga pelaksanaan kerja sama tersebut dapat dilaksanakan sesuai dengan ketentuan yang berlaku. Adapun, pelaksanaan kerja sama fintech lending dan e-commerce harus didampingi dengan mitigasi risiko, khususnya risiko gagal bayar. Hal ini dapat diupayakan dengan adanya mitigasi risiko berupa asuransi kredit. Dalam hal ini, otoritas diharapkan dapat memberikan pengaturan terkait kasus gagal bayar Penerima Dana, khususnya mekanisme pencairan dana asuransi yang lebih komprehensif agar terciptanya kepastian hukum dan kejelasan perlindungan terhadap Pemberi Dana pada pelaksanaan fintech lending.

.....Digitalization has impacted developments in the banking sector which are complete with the presence of financial technology (fintech). In this case, fintech lending services make it easy to get funding with fast and flexible requirements. Meanwhile, cooperation between fintech lending companies and e-commerce can positively impact economic recovery. However, in practice, implementing fintech lending in Indonesia is inseparable from the role of regulation in recovering the national economy. Regulatory developments

accompany the development of fintech lending in Indonesia, namely the Financial Services Authority Regulation Number 10/POJK.05/2022 concerning Information Technology-Based Joint Funding Services. Meanwhile, implementing cooperation between fintech lending companies and e-commerce is a form of encouragement in recovering the national economy. This paper will identify regulatory developments on implementing fintech lending in the recovery of the national economy and analyze the implementation of cooperation between fintech lending companies and e-commerce in recovering the national economy using normative juridical research methods. The authorities' role is certainly needed to protect and supervise the implementation of fintech lending in Indonesia. In this case, this authority is carried out by several institutions, such as Bank Indonesia, the Financial Services Authority, and the Ministry of Communication and Information of the Republic of Indonesia. The authorities issue various regulations to oversee the implementation of fintech lending in Indonesia. The implementation of cooperation between fintech lending companies and e-commerce aims to provide loan facilities to merchants verified in e-commerce to develop their businesses. In this case, e-commerce cooperates with fintech lending companies that have been registered and supervised by the competent authorities so that applicable regulations can implement this cooperation. Meanwhile, implementing cooperation between fintech lending and e-commerce must be accompanied by risk mitigation, especially the risk of default. The risk of default can be pursued by risk mitigation in the form of credit insurance. In this case, the authorities are expected to be able to provide arrangements regarding cases of default on Recipients of Funds, in particular, a more comprehensive insurance fund disbursement mechanism in order to create legal certainty and clarity of protection for Fund Providers in the implementation of fintech lending.