

Studi Perbandingan Pengaturan Hukum Bank Digital (Perbandingan Indonesia, Singapura dan Amerika Serikat) = Study Comparation of Digital Banking Regulation (The Comparation of Indonesia, Singapore and United States)

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Abstrak

Bank digital telah menjadi inovasi signifikan dalam industri keuangan, menghadirkan tantangan baru dalam pengaturan dan pengawasan. Di Indonesia, regulasi bank digital diatur melalui Peraturan Otoritas Jasa Keuangan (POJK) No. 12/POJK.03/2021 yang memberikan kerangka hukum untuk tata kelola, manajemen risiko, dan penggunaan teknologi. Namun, regulasi ini tidak secara khusus membedakan bank digital dari bank umum, terutama dalam perlindungan konsumen dan mekanisme operasional berbasis teknologi. Pendekatan ini serupa dengan Amerika Serikat yang menggunakan regulasi umum seperti National Bank Act (NBA). NBA memberi kewenangan kepada Office of the Comptroller of the Currency (OCC) untuk menerbitkan piagam bank nasional, memungkinkan bank digital menerima simpanan dan memberikan pinjaman. Berbeda dengan Indonesia dan AS, Singapura memiliki kerangka hukum khusus untuk bank digital. Otoritas Moneter Singapura (MAS) mengeluarkan lisensi seperti Digital Full Bank License dan Digital Wholesale Bank License, mencakup standar keamanan siber dan perlindungan konsumen. Proses lisensi bertahap di Singapura, termasuk tahap restricted, memitigasi risiko dan memastikan kesiapan operasional. Studi ini membandingkan regulasi bank digital di Indonesia, Amerika Serikat, dan Singapura, memberikan rekomendasi adaptif bagi regulasi perbankan digital Indonesia dengan menganalisis keunggulan pendekatan Singapura.

.....Digital banks have emerged as significant innovations in the financial industry, posing new regulatory and supervisory challenges. In Indonesia, digital banking regulations are governed by Financial Services Authority Regulation (POJK) No. 12/POJK.03/2021, which provides a legal framework for governance, risk management, and technology usage. However, this regulation does not distinctly treat digital banks as unique entities compared to traditional banks, particularly regarding consumer protection and technology-based operational mechanisms. This approach mirrors the United States, where general regulations like the National Bank Act (NBA) apply. The NBA grants the Office of the Comptroller of the Currency (OCC) authority to issue national bank charters, allowing chartered digital banks to accept deposits and extend loans. In contrast, Singapore has developed a specialized legal framework for digital banks. The Monetary Authority of Singapore (MAS) issues detailed licenses such as the Digital Full Bank License and Digital Wholesale Bank License, covering cybersecurity standards and consumer protection. Singapore's phased licensing process, including a restricted phase, mitigates risks and ensures operational readiness before granting full licenses. This study compares digital banking regulations in Indonesia, the United States, and Singapore to identify adaptive regulatory recommendations for Indonesia by analyzing Singapore's advantages.