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JURIDICAL IMPLICATIONS OF USING CRYPTOCURRENCY AS A PAYMENT TOOL

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Abstrak

Penulisan artikel ini bertujuan untuk menganalisis tentang penggunaan cryptocurrency sebagai pengganti uang konvensional di Indonesia. Artikel ini ditulis dengan metode penelitian hukum normatif dengan pendekatan konseptual dan pendekatan perundang-undangan. Hasil dari penelitian ini menunjukkan bahwa mata uang kripto dapat dianggap sebagai solusi sebagai sistem pembayaran pada tingkat yang berbeda, tingkat permintaan untuk jenis mata uang kripto ini tidak sebanding dengan pasokannya. Akibatnya, mata uang kripto tidak akan menjadi alat pembayaran sehari-hari, tetapi menjadi alat pembayaran atau media pertukaran yang lebih spesifik pada tingkat tertentu. Saat ini, mata uang kripto hanya dapat menjadi alat investasi yang hanya dibeli dan dijual, sulit ketika mata uang kripto dibandingkan langsung dengan uang untuk penggunaan alat pembayaran sehari-hari sehingga peluang cryptocurrency untuk dapat menggantikan mata uang konvensional adalah sangat kecil. Hal ini dikarenakan cryptocurrency memiliki nilai yang tidak stabil (sangat fluktuatif) dan tidak ada otoritas yang menentukan nilai dari cryptocurrency.

Kata kunci: Implikasi, Cryptocurrency, Alat Pembayaran.

Abstract

This article aims to analyze the use of cryptocurrency as a substitute for conventional currency in Indonesia. The article is written using normative legal research methods with conceptual and legislative approaches. The results of this research indicate that cryptocurrency can be considered as a solution for a different level of payment system; however, the demand for this type of cryptocurrency is not proportionate to its supply. As a result, cryptocurrency is unlikely to become an everyday payment tool but may serve as a more specific means of payment or exchange at a certain level. Currently, cryptocurrency can only function as an investment tool that is bought and sold, making it challenging when directly compared to traditional currency for daily payment purposes. The opportunity for cryptocurrency to replace conventional currency in Indonesia is very small. This is due to the unstable (highly fluctuating) value of cryptocurrency and the absence of an authority determining its value.

Keywords: *Implications, Cryptocurrencies, Payment Instruments.*

INTRODUCTION

The development of world trade which is increasingly rapidly also has an impact in influencing the payment system that also developed. Along with more increasing globalization of the world economy, people's need for speed, convenience and the security of financial transactions is increasing. So a payment system is needed which is quite reliable and easy for banking customers. The payment system is a mechanism that includes the arrangement used for delivery of payments through exchange of value between individuals, financial institutions both domestically and globally (Bollen, 2016). Developments in buying and selling transactions that no longer have walls that limit between parties have resulted in the means of payment also becoming develop.

Cryptocurrency is a digital currency that uses cryptographic technology as security and difficult to counterfeit and where the transaction can be done or should be done in the internet network (online) for each data transaction will be encrypted using certain cryptographic algorithms (Gaol dkk., 2022). Cryptocurrency differences of the existing currency i.e. this cryptocurrency is not issued by a central authority, no interference or manipulation by the government. At first this cryptocurrency was not viewed as an exchange rate that can represent existing digital currencies. But because its rapid development made this crypto currency immediately known by many person. Bitcoin discovered by Satoshi Nakamoto on January 3, 2009 with implementation of peer to peer (network link). Then Ethereum (ETH), Bitcoin Cash, Lite Cash, etc. Because it is in the form of a digital currency, the distribution method for this cryptocurrency is given to those who do mining.

The problem at hand is how cryptocurrency can be utilized for the system payment in Indonesia. The purpose of this research is to review the use of cryptocurrency as means of payment so that it can be used as an integrated payment system. This research will be useful in helping the implementation of efficient money transfers in society, thus helping to increase public confidence in the rupiah indirectly helped increase the level of smoothness of the Indonesian economy. Because supported by a payment system that is easier, safer and faster, and also doesn't forget the consequences what laws arise in the use of cryptocurrency as a means of payment in Indonesia.

METHOD

This article belongs to the type of normative legal research. The nature of the research used namely prescriptive research to produce new concepts in solving problems (Iswadi dkk., 2023). The research approach to be used in this study is the statutory approach (statue approach) and the case approach (case approach) (A. Muri, 2016). The type of data that will be used by the author in this research is secondary data, namely data obtained through review of existing literature in this case secondary legal materials are journals, books and doctrine from experts regarding an analysis, as well as Primary Legal Materials as legal materials binding and fundamental in nature. Legal material collection techniques to be used in this legal research is a document study or library research.

RESULT AND DISCUSSION

In Law no. 23 of 1999 concerning the Indonesian bank that in the payment system also includes payment instruments and banking procedures to make means of payment to be an important component of the payment system, this makes the payment system needs a means of payment to support the system still running according to procedures that have been provided. To state the means of payment can apply that is, it has a requirement that it is generally accepted or acceptability, so that it is recognized as a common medium of exchange, the means of payment must have value and be guaranteed existence by the government in power.

Having a stable value is also an important requirement for means of payment, this becomes very important because as a medium of exchange it must have a standard value where the role of the government has authority regarding the value of the means of payment here, namely Bank Indonesia. Written in Law no. 23 of 1999 concerning Bank Indonesia that one of the duties of Bank Indonesia in order to achieve and maintain the stability of the value of the rupiah is to regulate and maintain its smooth running payment system. This balance needs to be maintained so that the value of money as a medium of exchange does not is fluctuating, then the stable value in the type of rupiah currency must be in accordance with the currency global money.

Other terms included in the element of payment instrument are:

- a. Generally accepted (acceptability), so that it is recognized as a common medium of exchange for an object must have a high value or at least guaranteed its existence by the government powerful;
- b. Has a value that tends to be stable (stability of value), the value is stable in the sense of a stable value the present value equals the future value. Thus the community believes that saving money will not be detrimental otherwise it does not fluctuate;
- c. Light and easy to carry (portability), when making transactions in large quantities the owner of the money has no difficulty in making payments;
- d. Materials used as money must be durable (durability);
- e. The quality tends to be the same (uniformity);
- f. The amount can meet the needs of the community and is not easily faked (scarcity);
- g. Easy to share without reducing the value (divisibility), at the time of the slightest transaction of money has a fraction and its value does not decrease.

The link between cryptocurrency and the use of money here as a means of payment specifically as a medium of exchange (Dniprovdkk., 2019). If money as a means of payment already has been running for a long time until now, but can cryptocurrency as a means of payment be legal in Indonesia in terms of its basic use as a medium of exchange, both types of tools. These payments cannot be equated because they have advantages and disadvantages. Money and cryptocurrency has value, this is important because it is a means of payment as written in Bank Indonesia Regulation Number

17/3/PBI/2015 concerning electronic money mentions that to be the currency that applies in general in society must have a stable value or value in its use.

These money and cryptocurrencies certainly have significant differences, in terms of characteristics the use of which is different and the way of making or obtaining it is different. If money is referred to as mass produced or mass produced by one party who has the right create, in contrast to cryptocurrencies. Cryptocurrencies are made of peer to peer networks which in other words is a blockchain system that binds to each other so that it makes a code that is accessed by the mining party so that the code becomes a number that worth. This makes cryptocurrency to get it can be from anywhere as long as it exists the network that owns the blockchain is accessed by the miners so the source is not originating from one party, but from tens to hundreds of party owners of peer to peer networks. This is the significant difference between money and cryptocurrency in terms of production and how to get it (Anas & Budianto, 2023; Gikay, 2018).

Technology in the fintech field produces new innovations in the field of payment systems one of them is Electronic Money, Electronic Money or commonly referred to as E-Money an alternative means of non-cash payment that is not only in the form of cards but also in forms as stored in the type of application on the smartphone. Service providers not only from the bank but includes non-bank institutions, namely financial companies, companies public transportation and telecommunications provider companies also contribute to the service this payment system. These institutions and companies can create applications with types of electronic money because their own parties can manage transactions within the application that has been made, has a share in its supervision (Juwana dkk., 2019; Turpin, 2014).

Provisions governing electronic money or E-Money are in the Regulations Bank Indonesia Number 11/12/PBI/2009 Concerning Electronic Money according to the provisions of this regulation electronic money is essentially a substitute for cash, issuance on the basis of the value of the deposited money whose balance is stored in a media servers or chips. The electronic money can be used as a means of payment on certain retail merchants who enter into partnerships with electronic money issuers. Using it in transactions is also easy so that it is enough to make payments by scanning the barcode at the merchant. It is stated that the electronic money is a payment instrument without physical money that has the same characteristics with cash with the same function, namely as a means of payment or a medium of exchange as well supervised by the institution or company concerned.

In fact what is happening in Indonesia, cryptocurrency cannot be used in Indonesia to be a substitute for an existing currency, conventional currency is the currency money that is integrated with Bank Indonesia so that the circulation or circulation is still can be monitored temporarily which becomes risky in the use of cryptocurrencies in the payment tool in Indonesia, namely its circulation which is not visible because it is not centralized or deep This is called a peer-to-peer network which is used decentralized without servers or central server (Mandjee, 2014; Shovkhalov & Idrisov, 2021; Trautman, 2018).

In Indonesia, Bank Indonesia is the sole monetary authority in the payment system by using money so that Bank Indonesia can determine the means of payment any type that applies in Indonesia. In Law no. 7 of 2011 concerning Currency article 11 explains that Bank Indonesia is the only institution that authorized to issue, circulate and/or withdraw and withdraw rupiah. It is clearly stated in the article that only Bank Indonesia has the right to manage rupiah or the currency that applies in Indonesia.

In article 12 of Law No. 7 of 2011 concerning Currency also explains that Bank Indonesia also participates in the arrangement of safeguards, this includes planning as well determination of the amount of rupiah or money printed is carried out by the coordinating Bank Indonesia with the government as well as Bank Indonesia acting as a provider of the Rupiah amount circulating. The importance of this is because every production of Rupiah currency must have a serial number on each banknote, the purpose of this is so that the truth can be traced to the money or its authenticity can also be known from which private bank is currently depositing it money with the serial number. This makes Bank Indonesia the supervisor of money circulation which they have made and circulated so that Bank Indonesia's responsibility does not stop when the money has been circulated. That's one of the reasons why cryptocurrency can't become a legal tender because it cannot be traced due to its nature who must always use the internet network to be difficult to trace. Cryptocurrencies continues to appear so that it cannot be tracked one by one whereabouts and speed of entry get data encryption so it is very difficult to trace.

Realistically, Cryptocurrency can be used but because of the value of the cryptocurrency relatively unstable (fluctuative) than the currency that has been circulating in Indonesia, the rupiah has become a negative side of cryptocurrency (McKinney dkk., 2015; Pîrvu, 2020). Pattern of means of payment which existed from the era of bartering or exchanging goods, namely legal tender can be used for items of small value to large values. That's cryptocurrencies it will be difficult to develop in Indonesia because it is not effective in daily use (Saleh dkk., 2020).

CONCLUSION

Money as a means of payment or a medium of exchange must have several terms regarding elements related currency, cryptocurrency to become a new financial transaction system in Indonesia is a relatively new technology and needs to be studied further. Need many aspects in banking as well as the world of fintech that needs to be learned to be able to use cryptocurrency as a means of payment or a new medium of exchange. The world of banking has standard protocols and complicated parameters in providing standardization of payment systems, cryptocurrency so far. This does not yet have a clear standardization because there is no competent authority in dealing with the problem of using cryptocurrency in Indonesia, the person in charge use is only owned by the users themselves regarding that as a means of payment, cryptocurrency becomes a means of direct payment between two parties without the need for intermediaries or nonexistent third party intervention so that in monitoring the movement and circulation will be more harder than conventional money that is already in circulation.

Cryptocurrency can be stated as a solution as a payment system at another level, the level of demand for this type of cryptocurrency is not comparable to the supply. What will happen then is that cryptocurrency will not become a means of everyday payment but it becomes a means of payment or a medium of exchange which will be more specific at a certain level. For now cryptocurrency can only be an investment tool whose rounds are only purchased then sold, it is difficult when cryptocurrency is compared directly with money for the use of tools daily payment.

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