

## Electronification Financial Transactions for Business Operator: Legal Protection for Consumers Experienced Rejection in Cash Transaction

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**Abstract.** *The National Non-Cash Movement (GNNT) by Bank Indonesia has brought changes in the implementation of transaction methods that prioritize digital transaction. Therefore, some business operator on payment methods that only accept non-cash transactions (cashless-only) in their business. However, it is actually caused problems in society, especially people who prefer cash transaction methods and people who do not have access to digital payments. Research conducted using the juridical-normative method uses the statue approach and case approach in conducting research. Research shows that the implementation of payment transaction methods that only accept digital payments (cashless-only) has the potential to violate consumer rights in terms of equal and non-discriminatory treatment of consumers, especially consumers who do not have access to digital payments. Rejection of the rupiah has also been prohibited through the Currency Law and the prohibition was reaffirmed by the Deputy Governor of Bank Indonesia. Consumers who feel that their rights have been violated by cashless-only transaction methods can take legal action in the form of a lawsuit through the general court, resolving the problem through non-litigation (conciliation, mediation, or arbitration) either individually or through the Consumer Dispute Resolution Agency (BPSK), and/or can report it to the National Consumer Protection Agency (BPKN).*

**Keywords:** *Business; Consumer; Operator; Payment; Protection.*

### 1. Introduction

The payment system is an important thing for the fluidity and the sustainability of the economy in a country so a financial transaction can be safe, efficient and

effective (Febriaty, 2019). The payment system is generally interpreted as a system that includes all arrangements, agreements/contracts, operations, and technical mechanisms that aim to convey, validate, and receive payment instructions, and fulfill payment obligations through the exchange of "value" that can be carried out between individuals, banks, business entities, or government intance that involving both domestically and international transaction (crossborder) (Mulyati & Asarya, 2017). Developments in the field of science and technology have brought a massive change in all part of payment or transaction system in the world. One of these changes is the digitalization in the field of payment systems. Digitalization itself can be interpreted as a process of change, replacement, exchange of information from physical form to digital form or format (Astuti, et al, 2023). Meanwhile, digitalization in the field of digital payments or transactions can be defined as the process of shifting in the payment system, transaction and exchange of value that carried out between two or more parties which were previously carried out by real physical money to being carried out electronically through a computer network or digital devices (Evi, 2023). The digitalization financial transactions have opened up more opportunities for business operators and consumers to be able to carry out transactions electronically or non-cash without having to involve physical money (Kurniawan et al, 2023). The digitalization of these transactions is considered by the public to have positive impacts on consumers and business operators, including (Adirinekso et al, 2024):

1. Easier and faster transactions can complete transactions in a short time;
2. Transactions can be done anywhere, anytime and at any time just by using a mobile device.
3. Use of advanced encryption and authentication technology to protect user data and transactions;
4. track consumer financial expenditure and income which helps in managing consumer finances;
5. Reduce transaction costs and increase payment speed; and
6. Make it easier for customers to make payments, thereby increasing sales for business operators.

the benefits that arise with the existence of digital transaction cause non-cash or electronic payments become one of the main choices for Indonesian people in making transactions currently, especially for millenial generation in Indonesia. There are several non-cash or digital payment options in Indonesia, including: debit or credit cards; electronic money or e-wallet (GoPay, OVO, DANA, Shoppe Pay, LinkAja, etc.); and Quick Response Code Indonesian Standard (QRIS) (Tarantang et al, 2019). The development of Digital Transactions or Payments is has been supported by Bank Indonesia with the electronification of the payment system. Electronification in financial transactions is defined by Bank Indonesia as

a change in the payment method that initially used the cash method to a non-cash or digital method. Electronification was programmed by Bank Indonesia on August 14, 2014 with the National Non-Cash Movement (GNNT) program. The program was inaugurated by Agus D.W. Martowardojo, the Governor of Bank Indonesia at the time, aimed to create a fluid, safe, effective, and efficient payment system that would be able to encourage and create a national financial system that could work effectively and efficiently (Bank Indonesia, 2019). In addition, Bank Indonesia has also issued the Indonesian Payment System Blueprint 2025 (BSPI) which targets digitalization and the use of digital technology in the payment system in Indonesia. Indonesian Payment System Blueprint 2025 (BSPI) contains several targets or visions and missions of the Indonesian payment system for the period 2019 to 2025. The vision of BSPI 2025 (Bank Indonesia, 2019):

1. Support the integration of the national digital financial economy;
2. Support digitalization of banking;
3. Ensure interlink and connection between financial technologies and banks;
4. Ensure a balance between innovation and consumer protection, integrity and stability  
as well as healthy business competition; and
5. Ensure national interests in the international digital economy.

The Indonesian Payment System Blueprint (BSPI) 2025 is basically a splendid program because this program is a form of response from Bank Indonesia in the changing of economic actors behavior in transaction that going towards online activities due to a digital revolution in the payment system. This program can also provide sufficient payment system infrastructure for the economic actors in the availability of fast payments that enable payments between individuals (P2P) in real time and available at any time (Bank Indonesia, 2019).

However, the electronic payment system program has raised a new problem in society. One of them is that a lot business operators in selling the goods or services they just provides digital transaction and eliminates or rejects cash payment transactions. The digital transaction that the business actors provide such as debit or credit cards; electronic money (e-wallet); and/or QRIS. In addition, the emergence of cashless payment methods has also raised problems that did not exist before, a quite business operators, especially micro businesses, such as grocery stores that sells basic necessities and street vendors who do not provide non-cash or cashless payment methods, in this case they are considered not to accept or provide cashless or digital payment methods. Another legal phenomenon that occurs is the existence of business operators, especially micro business who charge a QRIS Merchant Discount Rate (MDR) of 0.3 percent to consumers or buyers. This certainly has the opposite impact of digitalization in the payment system in Indonesia. The emergence of electronic or digital payment

options should provide convenience and freedom of choice to consumers in making payment transactions, but based on this incident, it actually creates a payment with limited options that are contrary to the consumer's right to freedom of choice, and the payment transaction system is not inclusive to all consumers because not all consumers want or can make payments with non-cash or digital transaction. Users who choose the option or only have the cash payment option are very likely to be discriminated. The discrimination in question is the marginalization of consumers who prefer cash payments and/or consumers who do not have access to non-cash payments when they want to make payments.

## **2. Research Methods**

The type of research method that will be implemented in compiling and formulating this research is the normative juridical method. Using that methods, this research will be conducted by examining, analyzing, and reviewing several legal sources, including laws and regulations, jurisprudence, legal doctrine, legal principles, legal systematics, and legal synchronization related to the payment system in Indonesia and the implementation of cashless-only policies for business operators in Indonesia (Soekanto & Mamudji, 2009). The research approach used to analyze and review these legal sources is the statute approach and the case approach. These two approaches will later be used to see cases or events in the field that have the potential to become a legal event which will later be analyzed and reviewed in relation to legal sources, such as laws and regulations and their derivative rules in Indonesia, especially related to the cashless-only or digital payment method applied by business operators in Indonesia (Fajar & Achmad, 2010). The data sources in this study will use laws and regulations related to the payment system in Indonesia and the implementation of cashless-only policies for business operators in Indonesia as primary legal materials. In addition, secondary legal materials are also used in this study such as legal literature (textbooks, legal magazines, legal journals), basic principles (legal principles), legal doctrines, and legal customs (Fajar & Achmad, 2010).

This research uses a library research technique for collect data that needed in this research by collecting written legal sources or materials, including: laws and regulations, journals, books, legal documents, and other written sources related to the subject and object being studied. Interview techniques are also being used in this study to obtain real field data that related to the cashless-only or digital transaction method for business operators in Indonesia which are used as supporting data to see the correlation with the legal sources obtained (Fajar & Achmad, 2010). In analyzing data and legal materials, this study uses a descriptive analytical technique that aims to provide a description of the research subject based on variable data obtained from the group of subjects studied which will then

be analyzed in detail, comprehensively, and systematically towards problem solving (Azwar, 2004).

### **3. Results and Discussion**

#### **3.1. Implementation of Electronification in Payment Transaction by Bank Indonesia for Business Operator**

The emergence of non-cash or cashless transaction methods has emerged since the implementation of Card-Based Payment Instruments (APMK) which use debit cards or credit cards as a medium for payment transactions. Related to APMK, this has also been regulated by Bank Indonesia in 2004 in Bank Indonesia Regulation (PBI) Number 6/30/PBI/2004 concerning the Implementation of Card-Based Payment Instrument Activities. The regulations related to APMK have undergone several changes and revocations so that the current APMK regulations are Bank Indonesia Regulation (PBI) Number 11/11/PBI/2009 and Bank Indonesia Regulation Number 14/2/PBI/2012. Transactions through chip-based cards have been given technological improvements to enable safer and more efficient transactions through the National Standard Indonesia Chip Card Specification (NSICCS) set out by Bank Indonesia through Bank Indonesia Circular Letter (SEBI) Number 17/52/DKSP Regarding Implementation of National Standards for Chip Technology and Use of 6 (Six) Digit Online Personal Identification Numbers for ATM Cards and/or Debit Cards Issued in Indonesia. The purpose of this technological improvement is to provide convenience and security for consumers or bank customers who have debit cards in making transactions.

This non-cash or cashless transaction method is increase massively and has begun to be used by a lot consumers when electronic money (e-money) appears which is stored in a digital wallet (e-wallet). Unlike APMK, e-money and e-wallet are one of the payment methods that can be organized by non-bank institution issuers, such as DANA, OVO, Gopay, and others. Electronic money has been regulated in Bank Indonesia Regulation (PBI) Number 11/12/PBI/2009 concerning Electronic Money which has then been revoked and amended several times until the current one is Bank Indonesia Regulation (PBI) Number 20/6/PBI/2018.

The development of digital payment transaction methods has encouraged Bank Indonesia to create a program that can support the community in conducting digital transactions. The program is the National Non-Cash Movement (GNNT) in 14 August, 2024. This program is included in the Indonesian Payment System Blueprint (BSPI) 2025 which has a main vision to support the integration of the national digital financial economy and ensure a balance between innovation with consumer protection, integrity and stability and healthy business competition. Bank Indonesia in realizing the visions formulated in BSPI 2025 through several pillars. Those pillars are open banking, retail payments, financial market

infrastructure, data, regulation, licensing, and supervision (Bank Indonesia, 2019). Based on several things that are of concern to Bank Indonesia in creating a payment system in Indonesia in the digital era, there are retail payments which are one way for Bank Indonesia to realize the visions of BSPI 2025. Based on several pillars proposed by Bank Indonesia, there are several pillars that are directly related to payment transactions for business operators, that is retail payments. Retail payments or also known as Retail Value Payment System (RVPS) are payments that have a relatively small value but have a relatively high transaction volume (Juhro, 2021). This retail payment is usually intended for daily transactions that are usually carried out by consumers, business operators, and government institutions. Some of the methods used by Bank Indonesia in collaboration with the government to be able to realize an Indonesian retail payment system in the digital era based on BSPI 2025 are the development of infrastructure that supports the availability of real-time, seamless payment services, available 24 hours and 7 days (24/7) with a high level of security and efficiency end to end. This initiative is expected to be able to provide easier and cheaper payment services for everyone.

Bank Indonesia's steps to create a responsive and efficient payment system that covers all aspects of the implementation of the payment system in the era of digitalization of the economy and finance and to provide inclusivity in the digital economy and finance in Indonesia. In order to accomplish those objectives several regulations that are being made by Bank Indonesia as a basis for each party involved. These regulations include: Bank Indonesia Regulation (PBI) Number 22/23/PBI/2020 concerning the Payment System and Bank Indonesia Regulation (PBI) Number 23/11/PBI/2021 concerning the National Payment System Standard.

Bank Indonesia's program as a form of implementation of the National Non-Cash Movement (GNNT) and BSPI 2025 as innovation for digital transaction in Indonesia are BI-FAST (Bank Indonesia-Fast Payment) and the National Payment Gateway (GPN). Both of these programs aim to ensure that every transaction in Indonesia can be carried out in real-time, quickly, efficiently, safely, services available at any time (24/7), interconnected and interoperable (Kusumastuti & Tinangon, 2019). The legal basis for the implementation of BI-FAST is contained in the Regulation of the Member of the Board of Governors of Bank Indonesia Number 23/25/PADG/2021 concerning the Implementation of Bank Indonesia-Fast Payment. This regulation has been revoked and amended by the Regulation of the Member of the Board of Governors of Bank Indonesia Number 17 of 2023 dan this has been amended again in the Regulation of the Member of the Board of Governors of Bank Indonesia Number 1 of 2025. Meanwhile, the National Payment Gateway (GPN) has also been regulated through Bank Indonesia Regulation (PBI) Number 19/18/PBI/2017 concerning the National Payment Gateway. Both of these programs increasingly encourage non-cash or cashless



transactions for business operators because each transaction can be carried out quickly and integrated with each payment service provider issuer in Indonesia.

In addition to the two programs, QRIS (Quick Response Indonesian Standard) which is a program launched by Bank Indonesia in collaboration with the Indonesian Payment System Association (ASPI) as a non-cash payment facility in Indonesia using the Quick Response (QR) code regulated in the Regulation of the Member of the Board of Governors of Bank Indonesia Number 21/18/PADG/2019 concerning the Implementation of the National Standard Quick Response Code for Payments and Regulation of the Member of the Board of Governors of Bank Indonesia number 24/1/PADG/2022 concerning second amendment of previous regulation. QRIS also provides partnerships or affiliations for Bank and Non-Bank Payment System Service Providers (PJSP), as well as business operators (merchants) who can help them facilitate payments to customers or consumers. Bank Indonesia also has implemented a program called Cross-Border QRIS, the program that allowed QRIS used in another several country. This program is being implemented by agreement between Bank Indonesia and several central bank in the country that they want to have collaboration with. That agreement is being written in Memorandum of Understanding (MOU) between each involved parties (Rachmad & Raharjo, 2023). Up until this time Bank Indonesia has made collaboration with several countries to make QRIS is available as one of the transaction methods. Those country are Malaysia, Singapore, Thailand, Philippine, Laos, Vietnam, Brunei Darussalam, South Korea, and Uni Emirat Arab (UAE).

All of these programs that has been launched by Bank Indonesia to support the digitalization of transactions in Indonesia which prioritize non-cash or digital transactions as a medium in the financial transaction or payment system in Indonesia. These programs from Bank Indonesia are strongly supported and utilized by the people of Indonesia. This can be seen from the growth of digital and non-cash finance where the transaction value through digital and non-cash methods reached more than IDR 60.3 trillion throughout Indonesia. This figure increased from the implementation in 2019 by around 120% and this figure is also three times the value of the Gross Domestic Product (GDP) in Indonesia in 2023 (Laras, 2014). the volume of use of non-cash payment methods in transactions in Indonesia. Based on data obtained by Bank Indonesia, the volume of transactions using QRIS grew by 49.3 percent/year where as of September 2024 the transaction volume of QRIS users had reached 619 million transactions from more than 50 million QRIS users throughout Indonesia. QRIS has also collaborated or affiliated with 32.7 million business operators (merchants), most of whom are Micro, Small, and Medium Enterprises (MSMEs) (Febiola, 2024). Not only QRIS, BI-FAST is also the main choice for the community in financial transactions between banks in Indonesia. This can be seen from the growth in the use of BI-FAST which has grown to 81.3 percent/year with a transaction volume as of December 2024 of 6 billion

transactions with a value of more than IDR 16 thousand trillion throughout Indonesia. Currently, the number of BI-FAST service participants has reached 127 participants (Khaerunnisa, 2024).

The development of cashless-only transaction methods is also growing with the Covid-19 pandemic which requires physical distancing so that people must carry out activities without touching and according to the World Health Organization (WHO) it states that physical money can also be a medium for spreading viruses and increase the possibility of the corona virus can be infected to the people. This has caused a shift in the position of physical cash in transactions, apart from the convenience provided by cashless-only transactions and the trend of cashless-only transactions is increasing in society (Janah & Setyawan, 2022). Bank Indonesia (BI) has also recorded the increase in the volume and value of non-cash payment transactions based on the data previously described.

The availability and the benefit of cashless-only transaction services has begun to encourage business operators to make payment transactions using cashless-only methods because it can provide convenience and effectiveness in transactions. One example of a business operator who implements a cashless policy in its payment transactions is a coffee shop in Jakarta, namely Titik Temu Jenggala. established in 2018, the coffee shop has implemented a cashless policy, which means that the coffee shop implements a policy in its product payment system that can only use digital payment methods and cash methods cannot be used in transactions. Some of the reasons used as the basis for using this cashless payment method are that this cashless payment system provides convenience and quickness in transactions at the coffee shop. It also provide convenience to consumers and this coffee shop also provides many attractive promos in using mobile and digital payments as its payment system (Jordhi, 2019).

One of the franchise companies engaging in the culinary sector, Shihlin, in the official social media account post gave a notification of the implementation of a cashless payment system. The post also mentioned several reasons why Shihlin implemented a cashless policy, including: to better guarantee the safety of Shihlin staff; more time used to provide services. Based on several statements from business operators who implement cashless policies in stores or merchants, they argue that this cashless method is the choice because of the convenience provided and so that staff and employees can focus more on providing services rather than focusing on the payment transaction process. Several other business operators who also implement this cashless policy are Fore Coffee, Toko Healthy Resto and many other business operators.

In addition, based on an interview that has been conducted with one of the owners of one of the company outlets engaged in the culinary sector which also



implements a cashless-only policy, it states that the cashless-only policy has been set by the company's executive and management where the policy must be implemented at the operational level below it including every existing company outlet. This cashless-only policy is implemented because it provides convenience in transactions because you no longer have to deal with change and cashless-only transactions are also considered safer and more trackable transactions. Based on the interview, the source also stated that there are still several customers or consumers in daily basis who want to buy their product but could not because the costumers doesn't have a digital payment.

The implementation of cashless-only in making payment transactions in business operators can indeed provide efficiency and effectiveness in transactions for business operators and their consumers. However, this policy also causes a problem in society with the elimination of transactions using physical money. There are several consumers who admit through news media and social media that the rejection of the cash payment method in transactions actually makes it difficult for consumers because it does not give consumers the option to freely choosing the transaction methods. In addition, the cashless-only payment method is also not accessible for consumers who do not have access to digital financial systems or digital financial services, such as the elderly and consumers who are in areas with limited digital financial infrastructure.

Other community groups that are also affected by the cashless-only policy are groups of people who have informal jobs and lower-middle class people who depend on cash in their daily lives due to limited access to banking facilities. This can be seen from data released by the World Bank in 2021 which states that the number of people included in the unbanked people in Indonesia is 97.74 million adults. This figure is around 48% of the adult population in Indonesia (Olavia, 2024). The Financial Services Authority (OJK) in collaboration with the Central Statistics Agency (BPS) also released data from the National Survey of Financial Literacy and Inclusion in 2024 which showed that the index or percentage of financial literacy of the Indonesian people was only 65.43%, while for financial inclusion it was 74.02% (OJK, 2024). Based on these data, almost a third of the Indonesian population still does not have access to digital financial methods. This has the potential to lead to marginalization in transactions for these community groups due to the implementation of the cashless-only payment method and rejecting cash transaction method.

Bank Indonesia regarding this phenomenon has also made a statement through several mass media. Bank Indonesia with a source, Doni Primanto Joewono (Deputy Governor of BI), stated that he prohibits shops or merchants that only allow consumers to make payment transactions using cashless-only methods or digital payment instruments and rejects cash payment methods using physical

money. The reason the Deputy Governor of BI stated this was because the rupiah is still a legal currency in Indonesia and Bank Indonesia is still producing physical rupiah money in the form of paper and coins (Nugroho, 2024).

The existence of a cashless-only in the payment method implemented by business operators means that business operators refuse or reject physical rupiah cash in the transaction process. This is contrary to several articles in Law No. 7 of 2011 concerning Currency (hereinafter mentioned as Currency Law) that is Article 23 Currency Law which states that *"Everyone is prohibited from refusing to accept Rupiah whose delivery is intended as payment or to settle obligations that must be fulfilled with Rupiah and/or for other financial transactions in the Territory of the Unitary state of the Republic of Indonesia, except if there is doubt about the authenticity of the Rupiah"*. Based on this article, it is stated that business operators should not be allowed to refuse or reject physical Rupiah in transactions in Indonesia, unless the authenticity of the Rupiah is in doubt. The Rupiah referred to in this article is based on Article 2 paragraph 2 of the Currency Law which defines Rupiah as paper Rupiah and coin Rupiah. In addition, Article 21 paragraph (1) letter a of the Currency Law also states that *"Rupiah must be used in every transaction that has a payment purpose"* and the existence of Bank Indonesia Regulation (PBI) Number 17/3/PBI/2015 concerning the Obligation to Use Rupiah in the Territory of the Unitary state of the Republic of Indonesia also states that the rupiah is still a form of legal transaction tool and must be used in Indonesia.

The emergence of cashless-only payment methods also raises problems that did not exist before, namely business operators, especially micro businesses, such as grocery stores and street vendors who do not provide non-cash or cashless payment methods are also one type of rejection of the rupiah which violates Currency Law. This is reinforced by the Constitutional Court Decision with Case Number 91/PUU-XV/2017 which states that electronic money has the same status as rupiah in the form of physical money in general, only it has been converted into digital form. However, unlike the rejection of cash payment methods with paper money, business operators who do not provide this cashless payment method are due to the inability of the owner to provide cashless payment methods that available in Indonesia so this can be a justification or exception to the rejection of rupiah money in Currency Law.

Another problem that appears with the existence of digital payment methods, especially QRIS, is that there are traders or business operators, especially grocery store and micro business who charge a QRIS Merchant Discount Rate (MDR) of 0.3 percent to consumers or buyers. The reason for business operators who apply this administration fee is intended to cover losses from the administration fee. However, the imposition of this fee has violated Bank Indonesia Regulation (PBI) Number 23/6/PBI/2021 concerning Payment Service Providers (PJP) in Article 52

paragraph (1) which states that *"Providers of Goods and/or Services are prohibited from imposing additional fees (subcharges) to Service Users for the Fees charged by PJP to Providers of Goods and/or Services"*.

All those legal issues arising from the cashless-only payment method supported by Bank Indonesia through the National Non-Cash Movement (GNNT) has caused a major impact, especially on consumers or buyers. It has an impact on the rights of consumers who do not have the freedom to make transactions, certain groups of consumers who cannot access goods or services because they are hindered by the transaction method, and consumers who are being in disadvantages because they are burdened with additional costs that should not be the responsibility of the consumer. Therefore, there needs to be a legal effort made by consumers and law enforcement to be able to defend and restore the rights of consumers who are affected by several of these incidents.

### **3.2. Legal Protection for Consumers Experiencing Rejection of Cash Payment Transaction from Business Operators**

Consumer rights that are being limited by business operators in freely choosing a payment transaction method that suits the needs and capabilities of each consumer group in Indonesia have caused the transaction system that can only be done with cashless-only to be contrary to the provisions of Law No. 8 of 1999 concerning Consumer Protection (hereinafter mentioned as Consumer Protection Law), including Article 4 letter g of Consumer Protection Law which states one of the consumer rights, namely *"the right to be treated or served properly and honestly and without discrimination"*. Business operators according to Article 7 letter c of the Consumer Protection Law also have an obligation to *"treat or serve consumers properly and honestly and without discrimination"*. Based on this law, indirectly business operators who implement a cashless-only policy in their payment system have contradicted several of these regulations because people who do not have access to digital transactions cannot access the products or services provided by these business operators.

In addition, based on Currency Law, it also states that the cashless-only policy in the payment method implemented by business operators that results in the rejection or non-acceptance of the payment method with cash rupiah in the transaction process is contrary to Article 23 of the Currency Law. The legal sanctions that can be imposed on parties who reject rupiah in a transaction that is contrary to Article 23 have been regulated in Article 33 of the Currency Law which states that *"Everyone is prohibited from refusing to accept Rupiah whose transfer is intended as payment or to settle obligations that must be fulfilled with Rupiah and/or for other financial transactions in the Territory of the Unitary State of the Republic of Indonesia, except because there is doubt about the authenticity of the*

*Rupiah as referred to in Article 23 shall be punished with imprisonment for a maximum of 1 (one) year and a maximum fine of Rp200,000,000.00 (two hundred million rupiah)".* Based on this article, it states that business operators who reject rupiah currency in any form can be subject to criminal sanctions in the form of imprisonment and/or a fine.

Business operators who have implemented both types of existing transaction methods but impose digital transaction rates or fees imposed by Payment Services Provider to the customers. In this case, it is related to the QRIS Merchant Discount Rate (MDR) rate of 0.3 percent which should not be the consumer's obligation to pay the rate. Business operators who charge this rate to consumers have violated Article 52 paragraph (1) of Bank Indonesia Regulation (PBI) Number 23/6/PBI/2021 concerning Payment Service Providers (PJP). The sanctions that can be imposed on business operators who violate this article have been explained in Article 56 that state *"business operators who violate Article 52 may be subject to administrative sanctions in the form of, among others: warning; temporary suspension, partial, or all activities including the implementation of cooperation; and/or revocation of permits as PSP"*. In this case, business operators who charge QRIS Merchant Discount Rate (MDR) rates of 0.3 percent to the consumers may be subject to warnings up to unilateral termination of QRIS merchant cooperation.

The existence of several laws and other regulations that can be used as a legal basis for several legal events that occur due to the cashless-only payment method set by business operator that affect consumers to suffer losses both materially and non-materially to file legal efforts to restore their rights as consumers and the material and non-material losses they have experienced. Based on Article 45 of the Consumer Protection Law, it states that consumers who feel disadvantaged by actions taken by business operators can take legal action in the form of a lawsuit against the business operator through an institution that has the authority to resolve and decide consumer disputes with business operators. That is judicial institution that is in the general court environment. In addition, consumers can also choose to resolve disputes outside the scope of the general court institution by means of non-litigation.

Dispute resolution using the litigation method through a general court institution can be done by filing a criminal report, civil lawsuit, or state administrative lawsuit if there is a government policy that is considered detrimental to consumers. In the case of business operators who reject cash rupiah with the cashless-only policy based on Article 33 of the Currency Law, consumers can make an official report to the authorities against business operators who are considered to have violated the regulation so that they can be further investigated by the authorities. Law enforcers can also take direct legal action because the article is an ordinary crime. Criminal violation cases in the article are included in minor crimes so that case

resolution can also be through restorative justice first before being continued to the judicial institution.

In addition to criminal legal remedies, other legal remedies that can be taken against several legal cases that appeared because *cashless*-only can also be resolved through civil lawsuits of Unlawful Acts if consumers feel they have suffered material and/or non-material losses due to these legal cases. This is also in line with Article 1365 of the Civil Code which states "*Every act that violates the law and causes loss to another person, requires the person who caused the loss due to his mistake to replace the loss*". Consumers can file lawsuits either with simple claims (small claims), group lawsuits (class actions), and lawsuits with non-governmental organizations (legal standing) (Limpong & Najib, 2023).

Dispute resolution through general courts can only be carried out if the consumer and business operators that in dispute have not reached an agreement to resolve the dispute outside the general court environment and if efforts have been made to resolve the dispute outside the general court environment but the results have not yet reached an agreement or have not been successful (Nisantika & Maharani, 2021). In addition, the resolution of consumer and business actor disputes in the general court environment also has several obstacles or constraints that are considered as forms of obstacles in dispute resolution. These include (Ahmadi & Yodo, 2004): the case resolution period in the general court is relatively long; requires relatively higher costs; general court institutions that are generally less responsive; decisions in general courts cannot resolve the problem as a whole; and the professional expertise of judges in the general court environment which is more generalist.

Before entering the scope of general justice institution against several to resolve legal problems related to consumer legal disputes with business actors, through an agency or institution that has been determined by regulations that authorized to handle such consumer dispute cases. This institution is the National Consumer Protection Agency (BPKN) which has been mentioned the establishment of the institution alongside with its duties and authorities in Consumers Protection law Articles 31 to 43. The regulation is further explained in Government Regulation Number 4 of 2019 concerning the National Consumer Protection Agency (hereinafter referred as PP No. 4/2019). The functions and duties of BPKN have been explained both in Law No. 8/1999 and PP No. 4/2019 which are basically to receive complaints and reports related to consumer protection from the public, business actors, and LPKSM and provide recommendations and suggestions to government agencies in the context of formulating policies in the field of consumer protection. Consumers who feel that their rights as consumers have been violated and have suffered losses can file a complaint by submitting a report to BPKN online through the official BPKN website ([bpkn.go.id](http://bpkn.go.id)) or can go directly to



the BPKN office. The report will then be processed by verifying and evaluating the report along with the evidence that has been attached. The results of the verification and evaluation process of the report can be by bringing together consumers and business actors for mediation to find out the solutions of the dispute. After that, based on the results of the meeting, BPKN will provide advice and recommendations to the authorized institution/ministry to handle the dispute. The report can also later be a consideration and suggestion to the government to regulate so they be able to overcome and prevent the same problem in the future. Dispute resolution through BPKN is only to provide guidance to consumers and business operators to be able to resolve the case because BPKN does not have the authority to execute a dispute. In addition, the limited authority of BPKN which can only provide advice and recommendations to the government so that what is conveyed by BPKN to the government is not binding and is not mandatory. Some of these things cause BPKN to be less than optimal in resolving consumer disputes in Indonesia (Nurhidayah & Mugiati, 2022).

In terms of consumer dispute resolution, BPKN has partners that can be used as an alternative dispute resolution between consumers and business actors carried out in a non-litigation manner. That is the Consumer Dispute Resolution Agency (BPSK). The establishment alongside with the duties and authorities of the institution have been stated in Articles 49 to 58 of Consumers Protection Law and Regulation of the Minister of Trade of the Republic of Indonesia Number 72 of 2020 concerning the Consumer Dispute Resolution Agency. The duties and authorities of BPSK have been stated in Article 52 Consumers Protection Law which states "*The duties and authorities of the consumer dispute resolution agency include carrying out the handling and resolution of consumer disputes, by means of mediation or arbitration or conciliation*". Based on the provisions of this article, consumers who feel that their rights as consumers have been violated and have suffered losses due to this can file a lawsuit by visiting the BPSK office in the city/district where the plaintiff live, then the plaintiff's lawsuit will be processed by the BPSK secretariat. If the lawsuit has been declared qualified, the chairman of BPSK will summon the defendant no later than three days after the lawsuit is received. The chairman of BPSK will also form a panel and clerk to resolve the consumer dispute lawsuit. If the plaintiff and business actor are present, both parties will make an agreement regarding the form of settlement that will be chosen to resolve the consumer dispute. After the parties agree on the form of dispute resolution, the trial can be carried out.

Several forms of consumer dispute resolution that can be chosen by the parties in litigation at BPSK include: conciliation; mediation; and arbitration. In dispute resolution through conciliation, the assembly will a companied by a third party called the conciliator. In this method, the conciliator will act passively and listens

to all dispute resolution to both parties. If the parties reach an agreement, the conciliator will accept the agreement and it will be stated in a decision. Meanwhile, dispute resolution through mediation, the assembly will act as a mediator to handle both parties in dispute. In this method, the mediator will actively provide advice, guidance, and counsel to help resolve the dispute. If an agreement is reached, just like in the conciliation method, the mediator will accept the agreement and it will be stated in a decision. Another method that is quite different in its implementation from the two previous methods is the arbitration settlement method. In this method, the assembly will appoint an arbitrator from each party in dispute and the two arbitrators from each party will choose an arbitrator from the BPSK that later will be jury of the court. After that, the trial process will be carried out with the jury of the panel being active in resolving consumer disputes and issuing decisions on said consumer disputes.

In terms of the time period for issuing a BPSK dispute decision, it has been stated in Article 55 of Consumers Protection Law that "*The consumer dispute resolution agency is required to issue a decision no later than 21 (twenty one) working days after the lawsuit is received*". The form of decision issued by the BPSK also differs based on the choice of dispute resolution method. The decision in the conciliation and mediation method is in the form of a peace deed that has binding legal force and is final. Meanwhile, the decision in the arbitration method is in the form of a BPSK panel decision (Rahman, 2018). The arbitration decision at the BPSK can still be objected to by the parties to the District Court a maximum of 14 (fourteen) days from the receipt of notification of the decision. The decision on the objection issued by the District Court can also be appealed to the Supreme Court of the Republic of Indonesia. Dispute resolution through BPSK can be done at a relatively low cost and in a relatively short time, making it suitable for resolving consumer disputes with relatively small losses.

Payment transaction options that provided to consumers should be able to accommodate all forms of payment methods available in Indonesia, both non-cash through digital payments and cash payments using physical money so that each type and group of people can reach the products or services that the business operator provides. This is because consumers in Indonesia have different choices in making payment transactions, in addition, the existence of several groups of people who are not covered by digital payment facilities is also a reason why business actors must continue to open every payment transaction option at their retail. In addition, physical rupiah is still a legal currency in Indonesia according to laws and regulations. Bank Indonesia also continues to producing rupiah currency, both paper and coins form in Indonesia. The convenience and practicality provided by digital transaction forms should only be an additional option for consumers in making transactions, not to eliminate other forms or methods of payment transactions.

#### 4. Conclusion

The availability of digital or non-cash payment methods, both before and after the National Non-Cash Movement Program (GNNT) and the Covid-19 phenomenon by Bank Indonesia, has caused many business actors to start implementing payment transaction methods that only provide digital or non-cash payments in transactions and do not accept cash payment transactions using physical rupiah. This has been prohibited by laws and regulations through Article 23 of the Currency Law. The Deputy Governor of BI also reiterated that this is prohibited by the regulations in force in Indonesia. The prohibition is based on the fact that not all consumers in Indonesia have access to digital payments and consumers also have the right to choose freely on the transaction payments methods. Therefore, *cashless-only* transaction method can potentially lead to discrimination in terms of making payment transactions as regulated in Article 7 letter c of the Consumer Protection Law. For consumers who feel that their rights have been violated by the cashless-only payment policy, they can take several legal measures that is settlement through general courts. Consumers can also resolve the settlement through an institution that has the authority to handle consumer settlements that is submitting a report of consumer rights violations to the National Consumer Protection Agency (BPKN) and resolving consumer settlements through non-litigation (conciliation, mediation, and arbitration) through the Consumer Dispute Resolution Agency (BPSK). Therefore, there is a need for cooperation between the government and Bank Indonesia to be able to socialize, warn, regulate, and discipline business actors who implement cashless-only policies so that every consumer in Indonesia can access every good and service provided or offered by business actors.

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