

Kewajiban penggunaan rupiah dan larangan menolak rupiah di wilayah negara kesatuan Republik Indonesia = The Rupiah liabilities use and prohibition of rupiah objecting in the territory of the Republic of Indonesia / Chandra Herwibowo

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Abstrak

ABSTRAK

Diundangkan Undang-Undang No. 7 Tahun 2011 tentang Mata Uang telah memberikan suatu dasar bagi penggunaan Rupiah sebagai alat pembayaran yang sah di negara Republik Indonesia. Pembuatan undang-undang ini merupakan amanat dari Pasal 23B Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 yakni "macam dan harga Mata Uang ditetapkan dengan undang-undang". Penetapan dan pengaturan tersebut diperlukan untuk memberikan perlindungan dan kepastian hukum bagi macam dan harga Mata Uang.

Pengaturan Pasal 21 jo. Pasal 23 Undang-Undang Nomor 7 Tahun 2011 tentang Mata Uang tersebut telah menimbulkan respon yang beragam dari stakeholders khususnya terkait penerapan pasal tersebut dihubungkan dengan praktek kegiatan usaha perbankan maupun perekonomian antara lain pemberian kredit dalam valas, pasar uang antar bank dalam valas, SKBDN dalam valas, ekspor impor. Adanya potensi permasalahan dilapangan menimbulkan suatu pertanyaan dari stakeholders apa maksud daripada Pasal 21 dan Pasal 23 Undang-Undang Nomor 7 Tahun 2011 tentang Mata Uang dan sejauhmana batasannya, kemudian bagaimana terkait kegiatan-kegiatan usaha yang selama ini telah dilakukan dapat tetap dilaksanakan dengan tidak melanggar ketentuan Undang-Undang Nomor 7 Tahun 2011 tentang Mata Uang.

Menghadapi permasalahan tersebut, Kementerian Keuangan (Pemerintah) kemudian melakukan penafsiran terhadap penggunaan uang Rupiah di Undang-Undang Mata Uang hanya terbatas pada transaksi secara fisik (dengan menggunakan uang kartal). Dengan penafsiran ini maka ketentuan Pasal 21 dan Pasal 23 Undang-Undang Nomor 7 Tahun 2011 tentang Mata Uang menjadi dapat dilaksanakan dan tidak menghambat perekonomian. Namun demikian penafsiran ini menimbulkan konsekuensi bahwa transaksi pembayaran di Wilayah Kesatuan

Republik Indonesia yang tidak menggunakan uang kartal (non tunai) dapat dilakukan dengan valuta asing. Dalam kaitan hal ini akan disadari adanya kekosongan hukum terkait kewajiban penggunaan mata uang Rupiah dalam transaksi keuangan non tunai.

ABSTRACT

The Law number 7 Year 2011 had been appointed concerning to Currency that has provided a basis for the use of Rupiah as legal tender in the Republic of Indonesia. This legislation establishment was the mandate of Article 23B of the Constitution of the Republic of Indonesia Year 1945 that was "kind and Currency prices were set by law." The determination and arrangements were needed to provide protection and legal

certainty for the kind and Currency price.

The setting of Article 21 jo. Article 23 of Law No. 7 of 2011 on the Currency had caused varied responses from stakeholders particularly regarding the application of that article linked to the practice of banking operations and the economy, including the provision of credit in foreign currency, money market in the interbank in foreign currency, SKBDN in the foreign currency, and import export. There was a potential problem in the field that raised a question of stakeholders about what was the purpose of Article 21 and Article 23 of Law No. 7 of 2011 on the currency and the extent of the limit, then how about the related business activities that had been done so that could still be implemented without violating the provisions of Act 7 of 2011 about the currency.

In facing these problems, the Ministry of Finance (Government) then making interpretation in the use of the Rupiah money in Currency Act that was limited to the physical transaction (using the currency). With this interpretation, the provisions of Article 21 and Article 23 of Law No. 7 of 2011 on Currency could be implemented and did not obstruct the economy. However, this interpretation raised the consequence that payment transactions in the Territory of the Republic of Indonesia, which did not use currency (non-cash), could use foreign exchange. Related to this matter, it would be realized that there was a law emptiness related to the liability of Rupiah currency use in non-cash financial transactions. The Law number 7 Year 2011 had been appointed concerning to Currency that has provided a basis for the use of Rupiah as legal tender in the Republic of Indonesia. This legislation establishment was the mandate of Article 23B of the Constitution of the Republic of Indonesia Year 1945 that was "kind and Currency prices were set by law." The determination and arrangements were needed to provide protection and legal certainty for the kind and Currency price.