

Pengaturan kegiatan trust bagi industri perbankan di Indonesia

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Abstrak

The existence of a policy concerning receipt of export proceeds through domestic banking system shall enable sustainable supply of foreign exchange in domestic financial markets. In response to the above referred consideration, Bank Indonesia sets provisions in Peraturan Bank Indonesia (PBI) No. 14/17/PBI/2012 concerning Trust as banking business activity. Parties involved in Trust activities are: bank as Trustee, Settlor, and Beneficiary. The above PBI regulates that Trust activities shall be conducted by a business unit apart from bank's other activities; Trust activities should be done based on written instructions from settlor as contained in the Trust Agreement; assets entrusted by settlor are recorded and reported separately from bank's assets; Trustee is obliged to maintain records of Trust activities separately from bank's records; and in the event a bank that conducts trust activities is liquidated, all Trust assets shall not be included in the bankruptcy assets and shall be returned to settlor. Based on a normative analysis made on the above PBI, it is deemed that from legal point of view, the above regulation has provide effective provisions and protections for exporters who safe and keep their export proceeds in the Trustee.