

Analisis Hukum Mengenai Transaksi Domestic Non-Deliverable Forward di Indonesia = Juridical Analysis Regarding Domestic Non-Deliverable Forward Transaction in Indonesia

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Abstrak

Skripsi ini membahas mengenai pengaturan transaksi domestic non-deliverable forward di Indonesia, khususnya terkait pengaturannya yang diatur melalui berbagai pengaturan serta permasalahan hukum yang ada terkait penerapan pengaturan transaksi domestic non-deliverable forward ini sendiri. Berdasarkan hal tersebut, Penulis mengajukan pokok permasalahan yaitu bagaimana pengaturan dan pelaksanaan transaksi domestic non-deliverable forward di Indonesia serta bagaimana permasalahan hukum yang ada terkait dengan penerapan pengaturan transaksi domestic non-deliverable forward di Indonesia. Bentuk penelitian ini bersifat yuridis normatif dan tipologi penelitian deskriptif-analitis. Kesimpulan yang didapatkan adalah 1) pengaturan mengenai transaksi domestic non-deliverable forward di Indonesia diatur melalui PBI No.20/10/PBI/2018 tentang Transaksi Domestic Non-Deliverable Forward yang kemudian disempurnakan melalui Peraturan Bank Indonesia No. 21/7/PBI/2019; 2) dalam penerapannya, terdapat beberapa permasalahan yang menjadi fokus Bank Indonesia yaitu terkait supply dalam transaksi, adanya kekosongan hukum bagi bank yang terafiliasi dengan Amerika Serikat, serta seringnya terjadi ketidakselarasan antara Bank Indonesia dan Otoritas Jasa Keuangan dalam mengeluarkan aturan. Saran yang diberikan adalah: 1) Bank Indonesia harus menghadirkan lembaga Central Counterparty untuk pendalaman pasar keuangan; 2) Harus dilakukan harmonisasi dalam membuat dan mengeluarkan peraturan antara Bank Indonesia dan Otoritas Jasa Keuangan.

..... This thesis discusses the regulation of domestic non-deliverable forward transaction in Indonesia, specifically related to the arrangements that are regulated through various regulations as well as existing legal issues related to the application of domestic non-deliverable forward transaction arrangements themselves. Based on this, the author proposes the main issue regarding how are the regulation and implementation of domestic non-deliverable forward transaction. The method of this research is normative juridical and descriptive-analytical research typology supported by data collection tools in the form of literature and interviews. The conclusions obtained are 1) The arrangement regarding domestic non-deliverable forward transaction in Indonesia is regulated through PBI No. 20/10/PBI/2018 concerning Domestic Non-Deliverable Forward Transaction which are then refined through Bank Indonesia Regulation No. 21/7/PBI/2019; 2) in its implementation, there are several problems that is being Bank Indonesia's focused, which are related to the supply in transactions, the existence of a legal vacuum for banks that are affiliated to the United States, as well as frequent discrepancies between Bank Indonesia and Otoritas Jasa Keuangan in issuing regulations. Moreover, suggestions given are: 1) Bank Indonesia have to immediately present a Central Counterparty Institution for a financial market deepening ; 2) Harmonization must be applied in making and issuing regulations between Bank Indonesia and Otoritas Jasa Keuangan.