

Studi komparatif terhadap pengaturan Smart Contract menurut Hukum Indonesia dan Hukum Nevada = Comparative study of Smart Contract regulation under Indonesian Law and Nevada Law

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Abstrak

Skripsi ini membahas mengenai pengaturan smart contract menurut hukum Indonesia, termasuk mengenai konsep umum hukum perikatan, perjanjian, kontrak elektronik, smart contract dan agen elektronik, yang kemudian akan dibandingkan dengan pengaturan smart contract yang diterapkan di Nevada. Metode yang digunakan dalam penelitian ini adalah metode perbandingan hukum yang menghasilkan bentuk penelitian yuridis-normatif. Hasil penelitian ini menunjukkan bahwa terdapat beberapa persamaan maupun perbedaan terkait pengaturan smart contract di antara kedua negara tersebut. Sehingga, diperoleh saran bahwa Indonesia perlu merevisi atau menambahkan ketentuan smart contract secara tersendiri dalam Undang-Undang Informasi dan Transaksi Elektronik dan Peraturan Pemerintah tentang Penyelenggaraan Sistem dan Transaksi Elektronik agar menciptakan kepastian hukum bagi para pelaku kegiatan ekonomi yang menggunakan perjanjian dalam bentuk smart contract ketika bertansaksi secara elektronik.

.....This paper dicusses about the regulations of smart contract according to Indonesian law, including the general concepts of the law of obligations, agreements, electronic contracts, smart contract and electronic agents, which will be compared with the regulations of smart contract that applied in Nevada. The methoed used in this research is a comparative law that produces a form of juridical-normative research. The results of these thesis/essay shows/indicate that there were several similarities and differences regarding the regulations of smart contract between the two countries. Therefore, the suggestion that the author give is Indonesia needs to revise or add the provisions of smart contract agreement individually in the Electronic Information and Transaction Act and the Government Regulation on the Implementation of Electronic Systems and Transactions in order to create legal certainty for the subjects of economic activities that use the agreement in the form of smart contract when they made a transactions electronically.