

## **Trusts In The Perspective Of Indonesian Legal System And Its Application**

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### **ABSTRACT**

This legal research concerns the elements that are required in order to accommodate the current legislations that are available. Specifically concerning the Bank Indonesia Regulation Number 14/17/PBI/2012, and the FSA Regulation Number 27/POJK.03/2015 and its amendments in FSA Regulation Number 25/POJK.03/2016. This research utilizes a normative method, and focuses on literary research. The data obtained was analyzed in a qualitative method.

By understanding the background of Trusts, the different types of Trusts, and how it is being applied in both the Common and Civil Law systems, a comparison can be drawn between the two systems. Following such comparison, the Indonesian legal system in the utilization of Trusts is the compared to the Trusts legal system in other Civil Law States. The utilization of the Trusts based on the FSA and Bank Indonesia Regulation was not entirely ran smoothly due to the lack of proper general Trusts legal system as the basis of the creation of the laws.

**Keywords:** FSA on Trusts, Trusts, Trusts in Civil Law, Trusts in Common Law.

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## **Kepercayaan (*Trusts*) Dalam Perspektif Sistem Hukum Indonesia Dan Penerapannya**

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### **ABSTRAK**

*Penelitian hukum ini menyangkut unsur-unsur yang diperlukan untuk mengakomodasi undang-undang yang tersedia. Khususnya mengenai Peraturan Bank Indonesia Nomor 14/17/PBI/2012, dan Peraturan OJK Nomor 27/POJK.03/2015 dan perubahannya dalam Peraturan OJK Nomor 25/POJK.03/2016. Penelitian ini menggunakan metode normatif, dan berfokus pada penelitian sastra. Data yang diperoleh dianalisis dengan metode kualitatif.*

*Dengan memahami latar belakang Trust, berbagai jenis Trust, dan bagaimana hal itu diterapkan di kedua sistem Common and Civil Law, perbandingan dapat ditarik antara kedua sistem. Setelah perbandingan tersebut, sistem hukum Indonesia dalam pemanfaatan Trust dibandingkan dengan sistem hukum dari negara Hukum Civil Law lainnya. Pemanfaatan Trust berdasarkan OJK dan Peraturan Bank Indonesia tidak sepenuhnya berjalan lancar karena kurangnya sistem hukum Trust umum yang tepat sebagai dasar pembuatan undang-undang.*

**Kata Kunci:** *POJK tentang Trusts, Trusts, Trust dalam Civil Law, Trusts dalam Common Law.*

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