

ABSTRACT

Rizki Fitri Amalia's dissertation: entitled "Construction of the Legal Model of the Crypto Asset Investment Reporting System in Indonesia for Legal Certainty". This dissertation is under the guidance of Prof. Dr. Faisal Santiago, S.H., M.M, as the Promoter and Dr. Tina Amelia, S.H., M.H., as the Ko. Promoter.

Based on the Regulation of the Minister of Trade Number 13 of 2022 concerning Guidelines for Organizing Crypto Asset Physical Market Trading on Futures Exchanges and Bappebti Circular Letter Number 49/BAPPEBTI/SE/03/2022 concerning Submission of Periodic and Occasional Reports on the Implementation of Crypto Asset Trading discusses the obligations of physical traders of crypto assets in submitting financial reports on a regular basis (daily, monthly and yearly). However, there are still Crypto Asset Physical Traders who do not submit regular financial reports, as well as tax reporting. Financial reports must also be audited by a Public Accounting Firm. However, there is no transparency and disclosure of financial information for Physical Crypto Asset Traders. This could potentially lead to differences in the submission of reports to Bappebti and tax, resulting in acts of fraud, money laundering and tax avoidance.

Based on Law Number 4 of 2023 concerning Development and Strengthening of the Financial Sector, it only discusses the transfer of the mandate for supervision of crypto assets to now be under the supervision of the OJK. However, it does not explain the obligations of crypto asset traders to submit regular reports. This research uses an empirical juridical approach and descriptive data analysis. The theories used in this research are development law theory, responsive law theory and economic analysis of law theory.

The results of this research show that the ambiguous legal regulation of the crypto asset reporting system can create regulatory arbitrage, which has the potential to create uncertainty in doing business and investment in Indonesia. One effort to build legal construction is to create a legal framework for a special reporting system for crypto assets because basically there are differences in the financial reporting framework used for entities and financial reports for trading crypto assets. Construction of legal model offered is to make a proposal to add a new article regarding "Physical Crypto Asset Traders are required to submit periodic and at any time reports on the implementation of mandatory Crypto Asset trading. The financial reports submitted must be audited by a Public Accountant who has obtained permission from the Ministry of Finance and published on the official website of Physical Crypto Asset Traders." and "Transaction reports and financial reports will be audited internally by the regulator. Physical Crypto Asset Traders are required to provide all necessary data to regulators when conducting internal audits."

Keywords: Construction of the Legal Model, Reporting Systems, Crypto Assets