# NON-FUNGIBLE TOKEN AS COLLATERAL IN INDONESIA: BETWEEN FUTURE AND IMPERFECT REGULATION

**Undergraduate Thesis** 



Written By: Avaya Ruzha Avicenna NIM. 20180610381

Faculty of Law International Program for Law and Sharia Field Study of Business Law Universitas Muhammadiyah Yogyakarta 2022

# NON-FUNGIBLE TOKEN AS COLLATERAL IN INDONESIA: BETWEEN FUTURE AND

## **IMPERFECT REGULATION**

**Undergraduate Thesis** 



Written By: Avaya Ruzha Avicenna NIM. 20180610381

Faculty of Law International Program for Law and Sharia Field Study of Business Law Universitas Muhammadiyah Yogyakarta

2022

### PAGE OF APPROVAL

# NON-FUNGIBLE TOKEN AS COLLATERAL IN INDONESIA: BETWEEN FUTURE AND IMPERFECT REGULATION

**Undergraduate Thesis** 

Submitted to fulfill the requirements for obtaining a bachelor's degree at the Faculty of Law Universitas Muhammadiyah Yogyakarta



This undergraduate thesis has been approved by the supervisor on Monday, 03rd

October 2022

Supervisor

<u>Dr. Danang Wahyu Muhammad, S.H., M.Hum.</u> NIK. 19690528199409 153 022

### STATEMENT OF ORIGINALITY

Responsible for this statement:

Name	: Avaya Ruzha Avicenna
Student Number	: 20180610381
Thesis Title	: NON-FUNGIBLE TOKEN AS COLLATERAL
	IN INDONESIA: BETWEEN FUTURE AND
	IMPERFECT REGULATION

I declare that this undergraduate thesis is based on my own research, thought, and analysis. This thesis has never been submitted for any degree or other purposes. I ensure that all of the intellectual content in this undergraduate thesis is based on my work and that all the assistance and sources used in this thesis have been acknowledged.

If any discrepancies in this statement are found in the future, I am willing to accept the academic sanction by Universitas Muhammadiyah Yogyakarta and other authorized parties. UNIVERSITAS

MUHAMMADIYAH This statement is made in good daith consciously, and without pressure from any party. Unggul & Islami

Yogyakarta, 02 November 2022

TEMPEL 4AKX218226083

Avaya Ruzha Avicenna NIM. 20180610381

# ΜΟΤΤΟ

"Winning is not a chance, it is a choice"

(QS. Ar-Ra'd:11)



#### ACKNOWLEDGMENT

Alhamdulillahirabbal'alamin

Thanks to Allah SWT, The Most Merciful and Most Gracious, who has always granted health, blessing, and salvation to accomplish my Undergraduate Thesis titled **"NON-FUNGIBLE TOKEN AS COLLATERAL IN INDONESIA: BETWEEN FUTURE AND IMPERFECT REGULATION"**. I would like to send my gratefulness and appreciation to those I love:

- 1. Allah SWT
- My beloved parents, Hendri Akbar Susanto and Dayang Kamsiah for all the endless love and support
- 3. My beloved siblings, Naya, Shaksya, and Zizi.



#### PREFACE

#### Assalamualaikum Wr. Wb.

First of all, I want to express my most enormous gratitude to Allah SWT for all the blessings and mercy in my life and specifically for the opportunity to complete this undergraduate thesis titled "NON-FUNGIBLE TOKEN AS COLLATERAL IN INDONESIA: BETWEEN FUTURE AND IMPERFECT REGULATION". This undergraduate thesis is meant to fulfill the requirements for obtaining a bachelor's degree at the Faculty of Law, Universitas Muhammadiyah Yogyakarta. May perpetual sholawat and salam always be rewarded upon our Prophet Muhammad SAW.

I realize that this undergraduate thesis is far from ideal. Therefore, feedback and suggestions for this study's improvement are expected. This work is dedicated to those who have never left me, who have loved me no matter what, and to those who have always supported me in so many ways:

- 1. Dr. Ir. Gunawan Budiyanto, M.P., as The Rector of Universitas Muhammadiyah Yogyakarta UNIVERSITAS MUHAMMADIYAH
- 2. Bapak Iwan Satriawan, S.H., MCL., Ph.D., as The Dean of Faculty of Law, Universitas Muhammadiyah Yogyakarta<sup>ml</sup>
- Bapak Sunarno, S.H., M.Hum., Ph.D., as The Head of Legal Studies Study Program, Faculty of Law, Universitas Muhammadiyah Yogyakarta
- Bapak Muh. Endriyo Susilo, S.H., MCL., Ph.D., as The Director of International Program for Law and Shari'a, Faculty of Law, Universitas Muhammadiyah Yogyakarta
- 5. All of the lecturers in The Faculty of Law, Universitas Muhammadiyah Yogyakarta
- 6. My excellent supervisor, Professor Danang Wahyu Muhammad, who has sincerely guided me in this study. I really admire and appreciate the guidance and attention he has dedicated to this study, considering his busy schedule as a lecturer, researcher, and, at the same time, the Head of the Legal Bureau of UMY. It was his inclusiveness and positive response that encouraged and

convinced me to explore this novel and slightly ambiguous theme. His willingness to discuss and sometimes debate with me during the research process of this study, which sometimes takes 1-2 hours, has taught me the true meaning of "dedikasi terhadap ilmu pengetahuan". May he always be blessed by Allah SWT"

- 7. My big bosses, Hendri Akbar Susanto and Dayang Kamsiah, who have been caring for and raising me since I was a little kid. It is the greatest gift from Allah SWT that I was born as your boy. You both are my true role models in life, in which from you, many of the values and principles of life are embedded in my heart as a guide to not only be a "human" but "a human that raises humanity." As you always do
- 8. My beloved brother and sisters Bintang Abinaya, Syaksiyyah Tafakkara Akbari, and Zizi Zia Nafilah Akbari. Thanks for your support and endless love
- 9. My dearest childhood friends, who have always motivated me to be a better person and patiently listened to all of my gripes throughout the years, Boy Martua, Ayu Nurintan, Syarif Luthfi, Yasir, Eef, Mbul
- 10. My fellow Pontianak students in Yogyakarta: Sy Luthfi, Yandi Riyanto, and Rohaizha Anindhita. I feel obligated to mention you guys because a small talk we had on the beach in Gunung Kidul during our vacation had inspired me to explore NFT from a legal perspective. I don't think I would have even had the idea for this study without you and that lovely conversation
- 11. Mr. Yordan Gunawan, Mr. Nashrullah, and other IPOLS professors who have strengthened my heart to stay and look to the future as a law student. I owe you my life. I used to think that my destiny to be a law student was terrible luck, but your advice and guidance turned out my perception; now, I think it is a blessing to be a law student. I found my dream and passion precisely at this law school. The blessings of Allah be upon you
- 12. My fellow Ipolians who have been part of my academic journey over the last 4 years: Ridwan, Aldiansyah, Erik Bayu, Demas, Sofie, Raras, Nurul Shafira, Pak Ustad a.k.a. Agung Budi, Kak Tareq, Kak Devi, and other Ipolians I can not mention here

- 13. My Gema Pelita Nusantara KKN group: Revan, Aldi, Septi, Fadhil, Ust. Erik, Didan, Dewa, and the rest of my buddies in this group. Our time during KKN preparation in Yogyakarta and the KKN period in Sabang have left many meaningful memories and experiences for me
- 14. All my fellow debaters in the LSDC FH UMY debate community. I always feel grateful for the privilege and opportunity to get to know you all. My brother Rikki Hendrawan, Kak Reformis, Kak Febrizal, Kak Sela, Dandy Jayusman, Ahmad Tegar, Silvia Indra, Dita, Fajrial Dias, Choirie, Dru, Syair, and everyone else in our home: you all have my eternal respect. As I look back on my time at LSDC FH UMY, I know it was one of the greatest times of my life. I hope all of you will have wonderful lives in the future
- 15. All the special places that witnessed my academic journey during my time as a student in Yogyakarta: Pascasarjana Library, Taman Batu, Ngesis, Menara Kopi, Motekar, Taman Pintar Bookstore, several wonderful museums and galleries in Yogyakarta, and lastly, my favorite place for doing assignments, contemplating, and discussing: Kumpeni Coffee
- 16. Finally, special thanks to Yogyakarta for being my second home. Incredibly beautiful city. I can't imagine a more relaxing and peaceful place to live than Yogyakarta. Thank you for being as witness as well as facilitating my transformation from a clueless little boy to a young man with a myriad of dreams and aspirations. Everywhere I go, Yogya will always be in my heart.

May Allah SWT bless this work, and may it be a valuable reference for many, especially for the academic community of the Faculty of Law, Universitas Muhammadiyah Yogyakarta.

Wassalamu'alaikum Wr. Wb.

Yogyakarta, 02 November 2022

Avaya Ruzha Avicenna NIM. 20180610381

### TABLE OF CONTENT

PAGE OF APPROVAL	ii
ENDORSEMENT PAGE	iii
STATEMENT OF ORIGINALITY	iv
МОТТО	v
ACKNOWLEDGMENT	vi
PREFACE	vii
TABLE OF CONTENT	x
LIST OF ABBREVIATION	xii
ABSTRACT	xiii
CHAPTER I	1
INTRODUCTION	1
A. Background	1
<ul><li>B. Research Questions</li><li>C. Objective of Research</li></ul>	6
CHAPTER II	7
LITERATURE REVIEW UNIVERSITAS MUHAMMADIYAH	7
A. Indonesian Property Law	7
1. Definition of Property	7
2. Classification of Property	
3. Property Rights	12
4. Type of Property Rights	12
B. Blockchain Technology	24
1. Brief Overview of Blockchain Technology	24
2. Blockchain Development History	26
3. Consensus Mechanism in Blockchain	28
C. Smart Contract Program	28
D. Tokenization	29
E. Non-Fungible Token (NFT)	30
1. Definition and The Work Mechanism of Non-Fungible Token (NFT)	30
2. Non-Fungible Token (NFT) Implementation in Various Fields	
F. Security Arrangements in Indonesian Securities Law	
1. Securities in General	34

2. Quasi Security (Persoonlijke Zekerheid/Jaminan Penanggungan)	35	
3. Absolute Securities (Zakelijke Zekerheid/Jaminan Kebendaan)		
CHAPTER III	46	
RESEARCH METHOD	46	
A. Research Type	46	
B. Research Approaches	46	
C. Research Sources	47	
1. Legal Materials	47	
2. Non-Legal Materials		
D. Sources Collection Techniques		
E. Analysis Technique		
CHAPTER IV	50	
ANALYSIS AND DISCUSSION	50	
A. The Position of Non-Fungible Token (NFT) within the Indonesian Proper	•	
System		
1. A Brief Introduction of Non-Fungible Token (NFT)		
2. Characteristics of Non-Fungible Token (NFT)		
3. Work Mechanism of Non-Fungible Token (NFT)		
4. Analysis on Characteristics and Work Mechanism of NFT	59	
B. The Concept of NFT's Application as Collateral for Secured Loan in Inde	onesia 71	
1. Overview of NFT as Collateral for Secured Loan within Existing Indon Securities Law		
2. Challenges in NFT's Collateralization and the Urgency of Reforming Indonesian Property Law		
CHAPTER V		
CONCLUSION AND RECOMMENDATION		
A. Conclusion	82	
B. Recommendation		
BIBLIOGRAPHY		
ATTACHMENTS		

## LIST OF ABBREVIATION

- NFT : Non-Fungible Token
- CC : Indonesian Civil Code
- GG : Government Regulation
- MoTR : Minister of Trade Regulation
- DApps : Decentralized Applications
- DeFi : Decentralized Finance

