

The Role of Notaries in Commodity Futures Trading from the Perspective of Islamic Economic Law at Pt Equityworld Futures Semarang

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Abstract. *Background: Commodity futures trading is one of the important instruments in the financial market that provides hedging opportunities and speculation on future commodity prices. In Indonesia, this activity is regulated and supervised by the Commodity Futures Trading Supervisory Agency (BAPPEBTI) and is carried out through futures exchanges such as the Jakarta Futures Exchange (JFX) or the Indonesia Commodity and Derivative Exchange (ICDX). In this transaction, the validity and legal force of the contract are very important to avoid disputes and ensure legal certainty for the parties. This is where the role of a notary becomes significant as a public official who validates the deeds of agreement and guarantees their formal validity. However, in the legal context, futures trading activities are often questioned as halal because they are feared to contain elements of gharar (uncertainty), masyir (gambling), and excessive speculation. Therefore, it is important to examine how the role of notaries in this futures trading can be aligned with the principles of Islamic economic law. Research Objectives: - to analyze the role of notaries in the creation and legalization of commodity futures trading contracts on futures exchanges. -assess the conformity of commodity futures trading practices with the principles of Islamic economic law. -explains how notaries can help maintain the validity of contracts so that they do not conflict with sharia principles, and become part of a legal system that guarantees justice and transparency in economic activities. The research method uses a normative legal research method, namely research that focuses on the analysis of legal norms.*

Keywords: *Commodity; Futures; Principles; Trading.*

1. Introduction

The implementation of national development cannot be separated from the influence of the increasingly improving international situation. In a global context, fundamental changes that occur in various parts of the world continue. Attention

to solving economic problems has become the main agenda for all countries. For Indonesia itself, the general target to be achieved is the growth of an attitude of independence through increasing community productivity. In order to achieve these targets, development policies are based on equitable development, high economic growth, and the creation of healthy and dynamic national stability.

Indonesia's economic growth in 1996 reached 8.0 percent, which was higher than the previous 2 years which was only 7.5 percent. Meanwhile, population growth could be suppressed at 1.6 percent on average each year. Economic growth that was much higher than population growth, made per capita income continue to increase, namely by US\$ 1118.¹

In line with the priority of economic development, the trade industry sector continues to grow and develop to bring Indonesia to an efficient economy and have high competitiveness on a global scale. To that end, in order to show Indonesia's seriousness in implementing agreements with the World Trade Organization (WTO), Asia-Pacific Economic Cooperation (APEC), and the ASEAN Free Trade Agreement (AFTA), several deregulation policies were formed, including tariff reductions, investment, credit policies, and trade in five main sectors (agriculture & plantations, mining & energy, industry, fisheries & maritime, finance, foreign currency & government bonds), where these five sectors become commodities that can be traded in commodity futures trading.

Based on Law Number 32 of 1997 concerning futures trading as amended by Law Number 10 of 2011, Commodity Futures Trading is defined as everything related to the activity of buying and selling commodities with margin withdrawals and with settlement later based on futures contracts, sharia derivative contracts, and other derivative contracts.²The commodities referred to here are all goods, services, rights and other interests, and every derivative of commodities that can be traded and become the subject of a contract. futures, sharia derivative contracts and other derivative contracts.³

This commodity futures trading industry initially before there was a legal basis that regulated it, it turned out that it had been widely carried out by the community where the trading partners were directly with futures traders, using the trader's system, the trading rules were limited to agreements between traders and the community and the place of the trading transaction was determined by both parties, so there were no special rules and places to carry out futures trading transactions. Then because it was felt that there was a need for a special official container under government regulations, an exchange was formed.

¹Laporan Pelaksanaan Pembangunan Nasional sebagai lampiran Pidato Kenegaraan Presiden Republik Indonesia pada sidang Dewan Perwakilan Rakyat tahun 1997.

²Law Number 10 of 2011 concerning Commodity Futures Trading, Article 1, paragraph 1.

³Law Number 10 of 2011 concerning Commodity Futures Trading, Article 1 paragraph 2.

The exchange is a place where sellers and buyers meet with a transaction mechanism that is determined for a contract, goods, and services trading transaction. The existence of this exchange is very necessary because the exchange is a place where trust is formed between sellers and buyers, and with the support of a mutually agreed trading mechanism from various parties interested in trading, therefore transparent, effective and efficient transactions can be created.

One of the exchanges in Indonesia is the Jakarta Futures Exchange. The Jakarta Futures Exchange was established on August 19, 1999 by AEKI (Indonesian Coffee Exporters Association) and FAMNI (Federation of Indonesian Vegetable Oil Associations) initiating the movement to establish the exchange. After one year later, the Jakarta Futures Exchange obtained official permission from the Commodity Futures Trading Supervisory Agency (BAPPEBTI) in 2000 and collaborated with the Indonesian Futures Clearing House as a clearing and guarantee institution in futures trading.

The Jakarta Futures Exchange conducted its first trading in late 2000 for robusta coffee and olein products. Then in 2002 the Jakarta Futures Exchange added a traded product in the form of gold commodities. Trading for these products can be carried out directly by the public in the futures exchange using a system provided by the exchange, where another term for this trading system is the multilateral trading system. In 2005, precisely on June 30, 2005, the Jakarta Futures Exchange introduced the Alternative Trading System (SPA) for the first time.⁴

Alternative Trading System is a trading system related to the buying and selling of derivative contracts other than futures contracts and sharia derivative contracts carried out outside the futures exchange, bilaterally with margin withdrawals registered with the Futures Clearing House.⁵ Although in the bilateral system, commodity trading transactions are carried out outside the exchange, using a system from traders through futures brokers, the transaction records are still submitted to the Jakarta Futures Exchange to then be reported to the futures clearing and guarantee party to guarantee the settlement of futures trading transactions, in this case for clearing and guarantees carried out by the Indonesian Futures Clearing, and remain under the supervision of the Commodity Futures Trading Supervisory Agency (BAPPEBTI). Since it was first inaugurated by the government until now, the products traded on the Jakarta Futures Exchange have continued to increase. Until now in 2020 there have been 18 multilateral products and 8 SPA products. The establishment of the exchange marked the beginning of the futures trading industry officially realized in Indonesia.

⁴Bahan Ajar Bagi Calon Wakil Pialang Berjangka, Jakarta: Tim Penyedia, 2019, p. 82.

⁵Law Number 10 of 2011 concerning Commodity Futures Trading, Article 1 paragraph 10.

Futures trading as a trading platform is increasingly in demand by the public, especially in developed countries, especially with the support of the WTO, APEC, and AFTA agreements, making this type of trade increasingly developed. We can see this in the transparent transaction process based on market mechanisms involving many participants and trade organizers, and its scope is not limited to a particular country or continent, but throughout the world.⁶

Every policy made by the government certainly has its purpose, including in Commodity Futures Trading. Commodity Futures Trading has the following objectives: first, as a means of risk management through hedging activities, second, as a means of price discovery, third as an investment alternative, and to realize market transparency and efficiency.⁷ Through these functions, futures trading is expected to become a driving force for the country's economy.

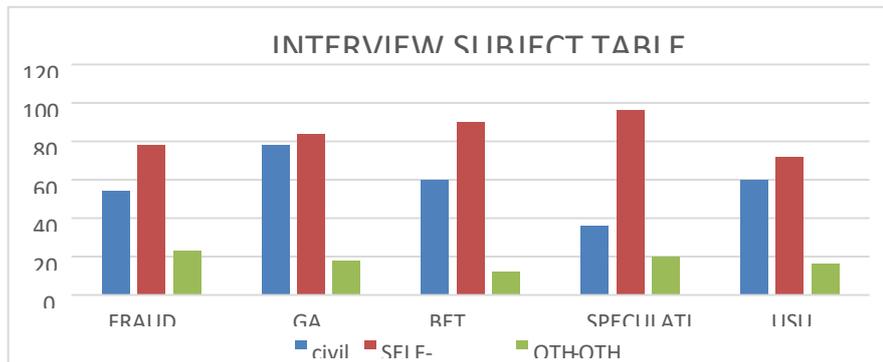
The government's mission to improve the country's economy through futures trading is not as easy as turning the palm of your hand. There are many obstacles that must be faced by this trade, one of which is that many illegal companies disguised as futures trading that commit fraud to the public by promising large returns through types of gold trading, forex, stock market indexes and others, even though they are not members of an official company under the auspices of the government that has the right to conduct futures trading.

Many are trapped by these fraudulent investment companies, the current facts show that there are still many people who cannot distinguish between official and unofficial companies. This has an impact on the good name of the futures trading industry which is tarnished by fraudulent companies that commit fraud. As a result, until now futures trading has had difficulty developing in Indonesia because the response from the community is less supportive of futures trading. For approximately 20 years since it was officially launched in Indonesia from 2000-2020, the average transaction volume in futures trading each year is 89,609,056.33 transaction volumes or only 33.36% per year of the current population of Indonesia which as of June 2020 was 268,583,016 people.⁸ This percentage implies that the growth of futures trading in Indonesia is still not optimal, because there are still many people who have not participated in futures trading.

Based on data from interviews with the public that researchers conducted over a period of 2 years from the end of 2018 to 2020, it shows that many people still do not really understand what commodity futures trading really is. The following diagram shows the public's response in viewing futures trading.

⁶Kementerian Perdagangan Republik Indonesia. (2018). *Perdagangan Berjangka Komoditi*, Jakarta: Badan Pengawas Perdagangan Berjangka Komoditi. p. 3.

⁷Kementerian Perdagangan Republik Indonesia. (2018). *Perdagangan Berjangka Komoditi*, Jakarta: Badan Pengawas Perdagangan Berjangka Komoditi, p. 8. www.bps.go.id. Accessed November 1, 2020.



303	FRAUD	GAMBLING	BET	SPECULATION	USURY
civil servant	54	78	60	36	60
SELF-EMPLOYED	78	84	90	96	72
ETC	23	18	12	20	16

From the diagram above, it shows that until now the response given by the community in viewing futures trading is still less than positive. Of the 303 people who were grouped into 3 job backgrounds, namely as civil servants, self-employed and certain other professions, it turned out that 155 people responded that futures trading was a fraud, 180 considered gambling, 162 people thought that futures trading was a bet, 152 people thought that this trade was speculation, and 148 thought that there was usury in futures trading. These negative responses were none other than due to the lack of public knowledge about futures trading. As a result, because of this lack of understanding, the community is less precise in interpreting futures trading. Many still think that this trade is a fraud, gambling, embezzlement of funds, and not infrequently people think that this futures trading is a phantom trade.

Because these negative mindsets affect the understanding of the majority of society, including Indonesian Muslims who still doubt the sharia side of futures trading. The public still doubts whether this futures trading meets the standards in Islamic trading or not. It is feared that this futures trading still touches on the prohibitions of trading in Islam, namely usury, gharar, and maisir. This is in line with what was conveyed by the President Director of the Jakarta Futures Exchange and the President Director of the Indonesian Futures Clearing House at the Futures Industry Prospects seminar in October 2018, that there are three inhibiting factors for the development of futures in Indonesia, namely first, the public does not understand the future prospects of futures trading, second, the character of the

community is still dominated by conventional investment and trade, third, negative public perception of commodity futures trading.⁸

In fact, regarding futures trading, apart from having a clear legal basis, namely Law Number 321997 as amended by Law Number 10 of 2011, futures trading has also been regulated by a separate fatwa, namely the Fatwa of the National Sharia Council Number 82/DSNMUI/VIII/2011 concerning commodity trading based on sharia principles on the commodity exchange, where in the fatwa, in addition to containing various provisions regarding general provisions for commodity futures trading, provisions regarding what kind of trading it is, provisions related to the commodity exchange, provisions regarding trading mechanisms, both physical handover and with further sales, it is also clearly stated regarding the legal provisions stating that commodity trading on the exchange, both in the form of physical handover trading and in the form of further trading, is permissible by fulfilling the provisions stipulated in the fatwa. However, the existence of the fatwa on commodity futures trading seems to have not been able to answer the concerns and doubts in the minds of the public regarding the sharia of futures trading itself.

2. Research methods

The research method used in this study is the normative legal research method. Normative research methods are often referred to as naturalistic research methods, because the research is conducted in existing situations and objects.⁹For the situation referred to in this study, namely the fact of the slow pace of development of futures trading at the Jakarta Futures Exchange and the public response to futures trading. And the object referred to in this study is the multilateral and bilateral trading system used in futures trading at the Jakarta Futures Exchange. In terms of the object studied, this study is included in field research, this is because the research process is carried out directly at the research location, namely at the Jakarta Futures Exchange and PT Equityworld Futures Semarang. The approach uses a qualitative descriptive approach. Descriptive research is research that seeks to reveal facts or events, objects, activities, processes and humans as they are.¹⁰Through a qualitative descriptive approach, researchers will reveal facts related to futures trading by describing the commodity futures trading system comprehensively and in depth.

3. Results and Discussion

The role of notaries and legal relations in commodity futures trading in Indonesia

⁸Mr. Stephanus Paulus Lumintang. Direktur Utama Bursa Berjangka Jakarta dalam Seminar Prospek Industri Berjangka 2018.

⁹Sugiyono, (2007). *Metode Penelitian Pendidikan: Pendekatan Kuantitatif, Kualitatif, dan R&D*, Bandung: Alfabeta. p. 14-15.

¹⁰Andi Prastowo. (2016). *Memahami Metode Penelitian: Tujuan Teoritis dan Praktis*, Yogyakarta: Ar-Ruzz Media, p. 203.

1) Understanding Commodity Futures Trading

Based on Law No. 32 of 1997 concerning futures trading as amended by Law No. 10 of 2011, Commodity Futures Trading is defined as everything related to the activity of buying and selling commodities with margin withdrawals and with settlement later based on futures contracts, sharia derivative contracts, and other derivative contracts.¹¹The commodities referred to here are all goods, services, rights and other interests, and any derivatives of commodities that can be traded and become the subject of futures contracts, sharia derivative contracts and other derivative contracts.¹²

A futures contract is a standardized form of contract to buy or sell a commodity with later settlement as specified in the contract traded on a futures exchange. Meanwhile, what is meant by a derivative contract is a financial contract whose value is derived from the performance of another entity such as an asset, commodity, index, interest rate or other commonly known as the "underlying". Derivatives are one of the main categories of financial instruments, in addition to equity (stocks) and debt securities (bonds and mortgages). Derivatives include a variety of financial contracts including futures, forwards, swaps, options or other variations such as caps, floors, collars and credit default swaps.¹³

These derivative transactions are divided into two parts, namely:

a. In the exchange (exchange trade derivatives)

It is a derivative instrument traded on a special derivatives exchange (known as a futures exchange) and generally uses the services of a futures broker as an intermediary.

b. Over the counter derivatives

It is a bilateral contract (involving two parties) that is carried out outside the exchange or without using a futures broker (direct transaction between the parties).

These derivative instruments have the following functions:

- a) Hedging
- b) Leverage
- c) Investment strategy
- d) Speculation

¹¹Law Number 10 of 2011 concerning Commodity Futures Trading, Article 1, paragraph 1.

¹²Law Number 10 of 2011 concerning Commodity Futures Trading, Article 1 paragraph 2.

¹³Bahan Ajar Calon Wakil Pialang Berjangka Tahun 2019, Jakarta: Tim Penyedia, 2019. p. 78.

Meanwhile, sharia derivative contracts based on Article 1 paragraph 7 of Law Number 10 of 2011, what is meant by a sharia derivative contract is a derivative contract that is in accordance with sharia principles. Based on Article 2 of the Commodity Futures Trading Supervisory Agency Regulation Number 3 of 2019, it is stated that commodities that can be used as subjects of sharia derivative contracts traded on the Futures Exchange include all commodities as referred to in Article 1 and have received a fatwa from the National Sharia Council, Indonesian Ulema Council.

The following commodities can be traded on the Futures Exchange as stated in Article 1 of the Commodity Futures Trading Supervisory Agency Regulation Number 3 of 2019:

- a. Commodities in the agricultural and plantation sectors include: coffee, palm oil and its derivatives, rubber, cocoa, pepper, cashew nuts, cloves, peanuts, soybeans, corn, copra, tea.
- b. Commodities in the mining sector include: gold, tin, aluminum, fuel oil, natural gas, electricity, coal.
- c. Commodities in the industrial sector include: granulated sugar, polywood, pulp & paper, yarn, cement, fertilizer.
- d. Commodities in the fisheries and marine sector include: shrimp, fish, seaweed.
- e. Commodities in the financial sector include: foreign currency and Government Bonds of the Republic of Indonesia.
- f. Commodities in the digital asset sector include: crypto assets

2) Legal Basis for Commodity Futures Trading

- a. Law Number 32 of 1997 as amended by Law Number 10 of 2011 concerning Commodity Futures Trading
- b. Government Regulation Number 49 of 2014 concerning the Implementation of Commodity Futures Trading
- c. Government Regulation Number 10 of 1999 Concerning Procedures for Inspection in the Field of Commodity Futures Trading
- d. Decree of the Head of Bappebti Number 94/BAPPEBTI/PER/04/2021 Concerning Commodities That Can Be Used as Subjects of Futures Contracts, Sharia Derivative Contracts and Other Derivative Contracts.
- e. Decision/Regulation & Circular of the Head of Bappebti

f. National Sharia Council Fatwa Number 82/DSN-MUI/VIII/2011 concerning Commodity Futures Trading Based on Sharia Principles on the Commodity Exchange.

c. The Purpose of Regulation, Development, Guidance and Supervision of Commodity Futures Trading

a To realize futures trading activities that are orderly, fair, efficient, effective and transparent and in a healthy competitive atmosphere.

b Protecting the interests of all parties in Futures Trading.

c Realize activity Trading Futures as means of managing price risk and forming transparent prices.

d. Benefits of Commodity Futures Trading

The benefits and functions of this commodity futures trading as conveyed by Donny Raymond (Director of Jakarta Futures Exchange) include as price formation and hedging. This is in accordance with what was conveyed by the Main Commissioner of Jakarta Futures Exchange (Ardiansyah Parman) that with this futures trading, a price reference can be created and also as hedging for companies that need commodities as raw materials in their production process.

In general, futures trading has three benefits, namely:

a As a means of risk management through hedging activities. Hedging is carried out when market players experience the risk of commodity price fluctuations in the physical market can be minimized by making transactions in the futures market, where the transaction value in futures trading as a risk transfer is equivalent to the transaction value in the physical market.

b The second function in futures trading is to be a means of price discovery, where the price formation itself can occur due to the matching between the selling offer price and the buying offer price at the same price level for a particular type of contract and delivery month.

The following is an illustration of the formation of commodity prices:

BID	OFFER	
	10,500	5 lots
	10,300	6 lots
	10,200	3 lots
	10,000	1 lot
2 lots	9.900	

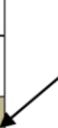
3 lots	9,750
4 lots	9,600
5 lots	9,500
4 lots	9.100

Lot: letter of trade

If an investor wants to place a sell order, the best price in the BID column is 9,900 (2 lots). Then he decides to take it all, and the order is done.

BID		OFFER	
		10.500	5 lot
		10.300	6 lot
		10.200	3 lot
		10.000	1 lot
2 lot	9900	9900	2 lot
3 lot	9750		
4 lot	9600		
5 lot	9500		
4 lot	9100		

Investor jual 9900



If the order queue, both BID and OFFER, is not DONE by the end of the trading day, the system will automatically cancel all orders and investors must re-enter new orders the next day.

c As an alternative investment (investment enhancement). As we all know that until now there are many types of investments that we can find in Indonesia, such as investments in the stock market, money market, bonds, mutual funds, property, land and so on, and transactions in commodity futures trading can also be a means of investment where the provisions, methods, risks and profit opportunities are different from other types of investments, because indeed every investment field has its own advantages and disadvantages.

e. History of Commodity Futures Trading

Historically, Commodity Futures Trading first appeared in the United States in 1800, where the purpose of this trade was to minimize the risk arising from changes in commodity prices. In 1840, the marketing of secondary crops in

Chicago experienced a very difficult time. At the beginning of the planting season when demand was very high, prices became very high. While during the harvest season when the number of secondary crops was very abundant, because the number of requests was small, the prices of these commodities would drop drastically. In addition to the problem of the season, another problem was the slow transportation route which resulted in slow distribution. To solve this problem, a market was needed as a meeting point between sellers and buyers. And in 1848 the Chicago Board of Trade (CBOT) was established. The purpose of the CBOT itself is as a place of exchange between sellers and buyers. And to facilitate these activities, it is necessary to make a sales and purchase agreement in the future or what is often called a forward contract.¹⁴

Forward contract is a legal agreement and contract between the seller and the buyer by listing the specifications of a commodity which includes the quantity, price, delivery time and future receipt location.¹⁵ Because it was felt that there was a lack of quality standards and delivery times, so that there were often broken promises between the parties in the trade, the CBOT standardized the forward contract in 1865. The forward contract became the early history of the creation of futures contracts or futures trading.

Futures trading first conducted at the Chicago Board of Trade in 1865. The fundamental difference between forward and futures lies in the way of negotiating to determine the price. In forward, the price is determined by auction and openly involving many buyers and sellers. While in futures, sellers and buyers are bound by the rules and regulations of CBOT membership. Then in the 1900s the futures market experienced rapid growth, and many commodity exchanges emerged such as the Chicago Mercantile Exchange, The New York Cotton Exchange. The New York Sugar Exchange, Chicago Butter and Egg Board and many other exchanges. In Indonesia itself, a special exchange has been established to trade various commodities, namely the Jakarta Futures Exchange (Jakarta Futures Exchange) which was officially established in 1999.

To better understand the difference between futures and forwards, please see the following table:

Category	Futures	Forwards
Specification	Standard	Tailor made (agreement)
Organization	Centralization	Decentralization
Regulation	Supervised by a body	Self-regulated
Default risk	Uniform default risk of clearing house	Direct exposure to counter party risk

¹⁴ www.aspebtindo.org. Accessed on 27 February 2020.

¹⁵ Marina Denic, Snezana Popovic, & Lidija Barjaktarovic, Pentingnya Kontrak Forward dalam Krisis Keuangan, *Journal of Central Banking Theory and Practice*, Vol. 2, p. 255

Users	The speculators	Trade orientation
Level handover asset	Low	Tall
Price fluctuations	Limited (daily limit)	Unlimited
Margin	Initial and maintenance	Not explicit
Cash flow	Daily settlement	Lumpsum (only one time)
Liquidity in market	secondary Very liquid	Illiquid

Regulatory Body in Commodity Futures Trading:

a. Ministry of Trade as a regulator in futures trading, where in Law Number 10 of 2011 Article 1 paragraph 25, what is meant by minister is the minister who organizes government affairs in the field of trade.

b. Commodity Futures Trading Regulatory Agency (BAPPEBTI) The Commodity Futures Trading Supervisory Agency or Bappebti was established based on Law Number 32 of 1997 as amended by Law Number 10 of 2011 concerning commodity futures trading, which is one of the echelon I units under the auspices of the Ministry of Trade. Bappebti was officially established on September 27, 1999 based on Presidential Decree Number 115 of 1999 which was later renewed several times, most recently by Presidential Decree Number 37 of 2001. The main task of Bappebti is to regulate, develop, foster, and supervise futures trading activities in order to realize orderly, fair, efficient, effective, and transparent futures trading activities and in a healthy competitive atmosphere. In addition, it is also to protect all parties in prohibited futures trading practices.¹⁶

c. Jakarta Futures Exchange

a. Definition of Futures Exchange

An exchange is a place where sellers and buyers meet with a transaction mechanism that is determined for a contract trade transaction, goods and services.

An exchange can be formed if the following elements are present, namely:

- 1). The existence of buyers
- 2). The presence of sellers
- 3). There is a price

¹⁶Tulkit PT Equityworld Futures Semarang, p. 2.

- 4). There is delivery of goods and services provided
- 5). Guaranteed delivery of goods and payment settlement

The existence of the exchange itself is very important. Here is the importance of an exchange:

- 1). First, because the stock exchange is a place where trust is formed between sellers and buyers.
- 2). Within the exchange there is a trading mechanism that is mutually agreed upon by various interested parties.
- 3). Existing transactions occur transparently, effectively and efficiently.

In Indonesia itself, the exchanges for various commodities are divided into two, namely the Jakarta Futures Exchange and the Indonesia Commodity and Derivatives Exchange.

Based on Article 1 paragraph 4 of Law Number 10 of 2011, a futures exchange is a business entity that organizes and provides a system and facilities for commodity buying and selling activities based on futures contracts, sharia derivative contracts and other derivative contracts.

Jakarta Futures Exchange (BBJ) is the first exchange established by Law Number 10 of 2011 concerning Commodity Futures Trading. The Jakarta Futures Exchange was established on August 19, 1999 by 4 palm oil plantations, 7 palm oil refineries, 8 coffee exporters, 8 capital market brokerage firms and 2 trading companies. The paid-up capital was only 11.4 billion rupiah out of the 40 billion approved capital. The Jakarta Futures Exchange met all the requirements written in Law Number 32 of 1997 as amended by Law Number 10 of 2011 and received a Bappebti license and conducted its first trading day on October 15, 2000. Furthermore, on March 17, 2004, BBJ presented awards to the players in the futures trading industry by the Minister of Trade (Dini Soewandi). After being inaugurated by the government, BBJ launched many new commodity products, including an organized physical CPO market on June 23, 2009, JFX Syariah products on October 13, 2011, which were inaugurated by the Minister of Trade.

(Mari Elka Pangestu), Chairman of the MUI (KH. Ma'ruf Ali), and Minister of Religious Affairs PPH Head of Bappenas (Armida Alisjahbana). Then the launch of cocoa futures contracts on December 15, 2013, coffee futures contracts and gold futures contracts on December 20, 2013, the physical coal market on July 1, 2014.¹⁷

b. Types of Trading on the Jakarta Futures Exchange

¹⁷Interview with the President Director of the Jakarta Futures Exchange on 14 January 2021.

In the Jakarta futures exchange there are several types of trading, namely: 1). Multilateral/on exchange

2). Bilateral/ Over the Counter (OTC)/ Alternative Trading System (SPA)

3). Organized physical market

4). Sharia contracts and sharia derivatives

c. Commodities traded on the Jakarta Futures Exchange

In the Jakarta Futures Exchange, the number of traded commodities is increasing day by day, including options on futures contracts and financial futures contracts. Because there are so many types of commodities, to make it easier, these commodities are grouped into several fields. Based on the Decree of the Head of Bappebti Number 3 of 2019 concerning commodities that can be used as subjects of futures contracts, sharia derivative contracts, and other derivative contracts traded on the futures exchange. Commodities that can be used as subjects of futures contracts, sharia derivative contracts, and other derivative contracts traded on the futures exchange are as follows:

No.	Field	Commodity
1	Commodity in field agriculture and plantation	Coffee, palm oil and its derivatives, rubber, cocoa, pepper, cashew nuts, cloves, peanuts, soybeans, corn, copra, tea
2	Commodity in field mining and energy	Gold, tin, aluminum, fuel oil, natural gas, energy electricity, coal
3	Commodities in the industrial sector	Sugar, plywood, pulp and paper, yarn, cement, fertilizer
4	Commodity in field fisheries and maritime	Shrimp, fish, seaweed
5	Commodity in field finance	Foreign currency, Government Bonds (SUN) Republic Indonesia
6	Commodities in the digital asset sector	Crypto assets

Meanwhile, commodities that can be used as the subject of futures contracts, sharia derivative contracts, and other derivative contracts traded outside the futures exchange are:

1). Stock index

2). Gold index

3). Foreign currency

4). Foreign single shares

d. Drivers of Commodity Prices

1). There is supply and demand

Demand growth is faster than supply availability, mainly driven by emerging economies such as China, Brazil, Russia and Asia as a whole.

2). Season

Around 50%-80% of commodity prices are influenced by seasons. For example, during winter, oil and gas prices soar, and then correct again in summer, this also affects the movement of commodity prices.

3). Natural Disasters

The threat of floods, storms and earthquakes damage crop fields, production processes and disrupt harvest cycles.

4). War and Territorial Struggle

From the past until now, commodities have always been a source of disputes and conflicts between countries. For example, the oil conflict in the Middle East and the power struggle in the Ivory Coast.

1) Indonesian Futures Clearing House (KBI)

Indonesian Derivatives Clearing House (KBI) was established on August 25, 1984, PT Kliring Berjangka Indonesia (Perseso) or abbreviated as KBI is one of the authorities in the Futures and Derivatives Industry in Indonesia which is currently fully owned by the Government of the Republic of Indonesia. On September 4, 2001 through the Decree of the Head of the Commodity Futures Trading Supervisory Agency (BAPPEBTI) No. 128/IX/2001, KBI obtained an operational license as a Futures Clearing Institution. Based on the Decree, KBI can carry out its main functions, namely clearing, guaranteeing, and settling all futures and derivatives transactions on the Exchange/Off-Exchange registered by each Clearing Member. Currently, KBI clears and guarantees the settlement of transactions that occur on the Jakarta Futures Exchange (BBJ) as well as transactions that occur outside the Exchange carried out by its members. In addition to this, KBI can also support the existence of exchanges or other institutions for futures and/or derivative transactions as long as the exchange or institution has obtained an operational permit from BAPPEBTI.¹⁸

Business Actors in Commodity Futures Trading:

¹⁸Marketing Kit PT. Equityworld Futures Semarang, p. 3.

a. Futures Trader

Based on Article 1 paragraph 21 of Law Number 10 of 2011, what is meant by a futures trader is a member of a futures exchange who is only entitled to carry out futures contract transactions, sharia derivative contracts and other derivative contracts on the futures exchange for himself or his business group. The following is a list of official futures traders on the Jakarta Futures Exchange that have been approved by Bappebti:

No.	Futures Trader Name
1	PT.
2	PT Aperdi
3	PT Asia Nusa Prima
4	PT.
5	PT. Capital Megah Mandiri
6	PT Danpac Main Finance
7	PT Halim Mitradana International
8	PT Harta Internasional Investama
9	PT Inter Multiinvest Fortuna
10	PT Ivo Mas Tunggal
11	PT.
12	PT Karya Prajona Fishermen
13	PT.
14	PT Menara Mas Investments
15	PT Pan Emperor
16	PT Panca Nabati Prakasa
17	PT Nusantara Plantation III (Persero)
18	PT Permata Hijau Sawit
19	PT Prolindo Buana Semesta
20	PT Realtime Forex Indonesia
21	PT Royal Assetindo
22	PT Sentra Arta Maxima
23	PT.
24	PT. Forexindo Indonesia Business
25	PT World Index Investment

b. Futures Trading Broker

Based on Article 1 paragraph 17 of Law Number 10 of 2011, what is meant by a futures broker is a business entity that carries out commodity buying and selling activities based on futures contracts, sharia derivative contracts, and other derivative contracts on behalf of customers by withdrawing a certain amount of funds or securities as a margin to guarantee the transaction. The following is a list of official futures brokers under Bappebti:

No	Brokerage Firm	No	Brokerage Firm
1	PT Abi Commodity Futures	2	PT Agrodana Futures
3	PT Asia Tradeport Futures	4	PT Best Profit Futures
5	PT CCAM Futures Indonesia	6	PT Central Capital Futures
7	PT Century Investment Futures	8	PT Intelligent Indonesia Futures
9	PT CGS-CIMB Futures Indonesia	10	PT Cyber Futures
11	PT Didi Max Futures	12	PT Equityworld Futures
13	PT Esandar Arthamas Futures	14	PT Eternity Futures
15	PT Finex Futures	16	PT First Sate Futures
17	PT Gatra Mega Futures	18	PT Global Intra Futures
19	PT Global Capital Investment Futures	20	PT HFX International Futures
21	PT Indosukses Futures	22	PT Interpan Pacific Futures
23	PT International Business Futures	24	PT International Mitra Futures
25	PT Jalatama Artha Futures	26	PT Java Global Futures
27	PT. Contact Perkasa Futures	28	PT Kresna Investa Futures
29	PT Mahadana Asta Futures	30	PT Maxco Futures
31	PT Mega Menara Mas Futures	32	PT Menara Mas Futures
33	PT Mentari Mulia Futures	34	PT Monex Investindo Futures
35	PT MRG Mega Futures	36	PT Nine Stars Futures
37	PT Pacific Duaribu Futures	38	PT PG Futures
39	PT Philip Futures	40	PT Premier Equity Futures
41	PT Pruton Mega Futures	42	PT Real Time Future
43	PT Rifan Financindo Futures	44	PT Royal Trust Futures
45	PT Saga Fx Futures Center	46	PT Sentratama Investor
47	PT Sinarmas Futures	48	PT Soege Futures
49	PT Solid Gold Futures	50	PT Straits Futures Indonesia

51	PT Topgrowth Futures	52	PT TRFX Garuda Futures
53	PT Trijaya Pratama Futures	54	PT United Asia Futures
55	PT Universal Futures	56	PT Valbury Asia Futures

c. Futures Trading Advisor

4. Conclusion

Commodity futures trading is viewed from the normative legal aspect of both positive law and Islamic law, that this trading system is one of the trading systems that has a strong legal umbrella, both positive law and Islamic law. Viewed from the aspect of the contract, because the pillars and conditions are perfect, the contract in futures trading is a valid contract. In addition to the pillars and conditions being fulfilled, this commodity futures trading is also free from elements that are prohibited in Islamic economics, namely usury, gharar and maisir. Viewed from the aspect of morality, commodity futures trading is based on the maqhasid sharia which refers to five basic principles, namely the principle of justice (al-'adalah), the principle of honesty and transparency (alshidq wa al-bayan), the principle of wealth circulation (al-tadawul), the principle of togetherness, unity and mutual assistance (al-jama'ah wa al-i'tilaf wa al-ta'awun), the principle of providing convenience and eliminating difficulties (altaysir wa raf al-haraj).

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