



PROCEEDINGS

The 4th International Conference on Sustainable Innovation (ICoSI) 2020

Cutting Edge Innovations for Sustainable Development Goals

Universitas Muhammadiyah Yogyakarta (Indonesia)

October 13 - 14 2020

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Focal Conferences



- ✔ (ICPU) The 2nd International Conference on Pharmaceutical Updates
- ✔ (ICOMS) The 6th International Conference on Management Sciences
- ✔ (ICLAS) The 9th International Conference on Law and Society
- ✔ (ICMHS) The 4th International Conference Medical and Health Sciences
- ✔ (ICAF) The 6th International Conference for Accounting and Finance
- ✔ (ILEC) The 2nd International Language and Education Conference
- ✔ (ICONURS) The 2nd International Conference on Nursing
- ✔ (ICITAMEE) The 1st International Conference on Information Technology, Advanced Mechanical and Electrical Engineering
- ✔ (IConARD) International Conference on Agribusiness and Rural Development
- ✔ (ISHERSS) The 2nd International Symposium on Social Humanities Education and Religious Sciences
- ✔ (ICONPO) The 10th International Conference on Public Organization
- ✔ (DREAM) The 5th Dental Research and Exhibition Meeting
- ✔ (ICHA) The 5th International Conference on Hospital Administration
- ✔ (ICOSA) The 3rd International Conference on Sustainable Agriculture





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Preface by the Chairperson of the 4th ICoSI 2020



Dr. Yeni Rosilawati, S.IP. S.E., MM.

Assalamu'alaikum Wr. Wb.

All praise is due to Allah, the Almighty, on whom we depend for sustenance and guidance. Prayers and peace be upon our Prophet, Muhammad SAW, his family and all of his companions.

On behalf of the organizing committee, it is my pleasure and privilege to welcome the honourable guests, distinguished keynote & invited speakers, and all the participants.

With the main theme of “Cutting-Edge Innovations on Sustainable Development Goals (SDGs)”, the 4th International Conference on Sustainable Innovation (ICoSI) 2020 serves as a forum to facilitate scholars, policy makers, practitioners, and other interested parties at all levels from Indonesia and abroad to present their novel ideas, promote cutting-edge research, and to expand collaboration network. The conference has about 1373 participants participating from more than 8 countries 4 continents all over the world, making this conference a truly international conference in spirit.

This multidisciplinary conference was first held in 2012 and has undertaken various changes and adopted to the current technological trends of our education system. From having this conference with just 175 participants back in 2012 we have come a long way in making the conference a huge success with more than 1373 participants participating in this two-day conference.

Formerly, this conference consisted of only 9 (nine) focal conferences. This year, there are 14 focal conferences from various disciplines, namely: 1) The 2nd International Conference on Pharmaceutical Updates (ICPU), 2) The 6th International Conference on Management Sciences

(ICoMS), 3) The 9th International Conference on Law and Society (ICLAS), 4) The 4th International Conference Medical and Health Sciences (ICMHS), 5) The 6th International Conference for Accounting and Finance (ICAF), 6) The 2nd International Language and Education Conference (ILEC), 7) The 2nd International Conference on Nursing (ICONURS), 8) The International Conference on Information Technology, Advanced Mechanical and Electrical Engineering (ICITAMEE), 9) The 2nd International Conference of Agribusiness and Rural Development (IConARD), 10) The 10th International Conference on Public Organization (ICONPO), 11) The 2nd International Symposium on Social Humanities Education and Religious Sciences (ISHERSS), 12) The 5th Dental Research and Exhibition Meeting (DREAM), 13) The International Conference on Hospital Administration (ICHA), and 14) The 3rd International Conference on Sustainable Agriculture (ICoSA).

Accordingly, We are proud to announce that this year, the 4th ICoSI 2020 breaks the Museum Rekor-Dunia Indonesia (MURI) record as the Virtual Multidisciplinary Conference with the Largest Number of Area of Fields in Indonesia

In addition, this year, this conference holds special value since this is the first conference in the history of our university where the entire conference is taking place remotely on a digital platform through the use of advance technologies due to the Covid-19 Pandemic.

I would take this opportunity to express my highest respect to the Rector of Universitas Muhammadiyah Yogyakarta, Dr. Gunawan Budiyanto who gave approval and ensured the maximal support from all the faculty members of Universitas Muhammadiyah Yogyakarta (UMY) that made this event a big success. In addition, my appreciation goes to all the support teams who have provided their valuable support and advice from planning, designing and executing the program.

Let me conclude my speech by encouraging the delegates to participate with an increasing number in all the activities and discussions through the digital platforms for the next two days. I wish everyone a successful, safe, and fruitful conference.

Thank you!

Wassalamu'alaikum Wr. Wb.

Yogyakarta, Indonesia, 14 October 2020



Welcoming Remarks by the Rector of Universitas Muhammadiyah Yogyakarta



Assoc. Prof. Dr. Gunawan Budiyanto

Innovation is the beginning of the development of technology, and technology is a development machine that is expected to provide benefits to humans and provide the smallest possible impact on environmental quality. In the concept of sustainable development, development must improve the quality of human life without causing ecological damage and maintain the carrying capacity of natural resources.

International Conference on Sustainable Innovation (ICoSI) is an international conference which is an annual conference held by the University of Muhammadiyah Yogyakarta (UMY), Indonesia. In 2020 this raises the issue of "Cutting-Edge Innovations on Sustainable Development Goals." Therefore, on behalf of all UMY academics, I would like to congratulate you on joining the conference, hoping that during the Covid-19 Pandemic, we can still provide suggestions and frameworks for achieving sustainable development goals.

About The 4th International Conference on Sustainable Innovation (ICoSI) 2020

Cutting Edge Innovations for Sustainable Development Goals

The 2030 Agenda for Sustainable Development is enacted by the United Nations as a shared blueprint for peace and prosperity for people and the planet, now and into the future. It consists of strategies to improve health and education, reduce inequality, and spur economic growth while also conserving natures by 2030.

This year, however, at the first one-third of its timeline, the SDG Reports shows that the outbreak of COVID-19 did hinder the achievement, or at least decelerate the progress of achieving the 17 goals. In fact, according to the report, “some number of people suffering from food insecurity was on the rise and dramatic levels of inequality persisted in all regions. Change was still not happening at the speed or scale required”, accordingly.

Therefore, in this event of pandemic, the quantity and quality of research, innovation, and more importantly multi-disciplinary collaboration are indispensable. Furthermore, there needs to be clear ends of those works. That is how those research are applicable and benefits directly to the society. That is how those research is incorporated as the drivers of policy making, and used practically in the society. Hence, the stakeholders especially the triple helix of higher education institution, government, and industry must be re-comprehended and supported to reach the common goal of the SGD.

International Conference on Sustainable Innovation (ICoSI) has been essentially attempting to strengthen this regard since its first establishment. One of the goals of ICoSI is to provide primarily a platform where scholars, practitioners, and government could grasp the development and trends of research. Hopefully, meeting these actors altogether would result in stronger collaboration, sophisticated and advantageous research, and brighter ideas for further research. Based on these reasoning, this year, the 4th ICoSI 2020 UMY is themed ‘Cutting-edge Innovations for Sustainable Development Goals’.

Improving from last year conference which brought nine focal conference, this year ICoSI 2020 UMY brings 14 disciplines, from social sciences, natural sciences, and humanities. ICoSI 2020 received as much as 1005 papers. The paper works submitted in ICoSI 2020 UMY will be published in Atlantis Proceedings, IOP Proceedings, National/International Journals, and ICoSI ISBN-indexed Proceedings.

Nevertheless, ICoSI believes that publication is only the beginning of research dissemination. The publications will enhance the chance of the research known by wider audience, and then used, applied, and incorporated at either system, institutional, or personal level of human lives.





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TRACK ECONOMICS, LAW, EDUCATION, SOCIAL, AND HUMANITIES



Trusts Concept Settings in Management Limited Company

Reni Anggriani^{1,*}, King Faisal²

¹ Faculty of Law, Universitas Muhammadiyah Yogyakarta

² Faculty of Law, Universitas Muhammadiyah Yogyakarta

* E-mail: anggriani@umy.ac.id

ABSTRACT

The concept of trust is very much needed to guarantee legal certainty for the management of the company to what extent the responsibility of the manager to complete the work in the management of the company is. Thus, how trusts strategies in operating the company ought to be identified and understood so that the managers are not mistaken and can escape risks. Danger according to Laurance (Crane, 2013). Uncertainty isn't sure of what will happen in the future. The greater the chance the greater the confusion. So the danger will definitely affect both the manager and the company that he manages. In practice, there are sometimes managers in the field who don't know the concept of trust. In the other hand, the company's management is being asked to take full responsibility for what it handles. And grudges the problem is how to handle the trusts in business management? This research was conducted normatively, using the laws and regulations applicable to it. The aim of this research is to find out if a limited company requires trust arrangements in its management. In the limited liability company law regulations on the principle of trusts were not governed normatively.

Keyword: *Trusts, Limited Liability Company, Company Management.*

1. INTRODUCTION

The concept of trust is indispensable to ensure legal certainty for the management of the company to what extent the manager's responsibility to complete the work in the management of the company. Thus, how the trust strategy in operating the company should be identified and understood so that the Director is not wrong and at risk.

The Board of Directors in carrying out the duties of authority in the company in this case is a Limited Liability Company, its duties and functions are as management and as a representation of the company based on the principle of "fiduciary duty" as enacted in Article 97 paragraph (2) of Law No. 40 of 2007 on Limited Liability Company, that: "Management as referred to in the paragraph (1) shall be carried out by each member of the board of directors in good faith and in full responsibility".

Fiduciary duty is an obligation established by law for a person who exploits another person, where one's personal interests are taken care of by another person, whose nature is only a momentary subordinate relationship.

2. DISCUSSION

Trusts come from equity. Equity according to Michael Bogdan comes from french2 equite, meaning justice or fairness i.e. justice. The concept of trust is not

known in the legal system in the Republic of Indonesia, which adheres to the Civil Law legal system, but according to Munir Fuady³ institutions trust which is typical of common law, actually in the civil law system is known similar concepts trust. such as the concept of trust "manpatio familiae", i.e. a transaction for the benefit of third parties has long been known in civil law. Such transactions are similar to trusts in common law.

According to Gunawan Widjaya, trusts are not born alone, but are part of a larger system of equity, where without equity there are no trusts. The birth of equity in the UK is not known for certain. In the fifteenth century leading up to the sixteenth century, there was a view and perception that the application and implementation of the rigid rule of law (common law) at that time often did not provide justice.

According to Henry Campbell equity is a synonym of natural truth or justice. But in this sense, the obligation is more ethical than juridical, the discussion is also moral. Whereas when viewed from the point of view of the legal system, equity is a legal system based on natural law / justice that arises has its own history.

At the time of king Henry II's reign the court was the Royal court and the writ system that enforced the Common Law was sourced on *yurisprudensi*. With the system writ, the case that can be tried is very limited and many people run to seek justice at the head of the church or Lord Chancellor. The court of the church is not contrary to the current law, there is only a difference

between the two courts in England which is that the Court of Chancery is based on church/canonical law and the judge is a clergyman.

Since then, another judicial system has been developed outside the law (court of law) that applies. This was done on the assumption that the king should continue to seek to give justice to his people. The concept of trust according to the Black's Law Dictionary is:

“The right, enforceable solely in equity, to the beneficial enjoyment of property to with another person holds the legal title; a property interest held by one person (the trustee) at the request of another (the settlor) for a benefit of a third party (the beneficiary). For a trust to be valid, it must include a specific property, reflect the settlor's interest, and be created for a lawful purpose”

Trust from that understanding, is a concept of separation of ownership between the owner of the property legally (legal owner) and the owner of the benefit of the object (beneficiary owner). This trust occurs if the party that initially owns and owns an object (settlor) then hands over the property of the property to another party (trustee) for the benefit of the third party) then hand over the property of the property to the other party (beneficiary), even though the trustee becomes the legal owner of the property, the trustee is only for the benefit of third parties domiciled as the manager, manager, and storage of the property. Meanwhile, its benefits or uses must be given to third parties (beneficiaries).

The concept of trust is purely unknown in the Indonesian legal system especially in the Civil Code, but is trying to be applied in the legal system in Indonesia. According to Subekti see similarities between trusts and legal institutions applicable in Indonesia.

Referencing Article 1317 of the Civil Code which reads as follows:

"It is also permissible to ask for the appointment of a promise for the benefit of a third party, if a promise, made by one self, or a gift he or she made to another, contains such a promise. Whoever has promised something like that cannot withdraw it when the third party has stated that it is to use it."

The agreement for a third party in this Article is referred to as *derden beding*, (promise for the benefit of third parties), where where the *beding* for the third party is in addition to a principal agreement made by two others, while in the event that the trust agreement is solely made to create the trust.

According to Sri Sunarni Sutanto there are 2 kinds or types 12 of trusts if viewed from the object or from the way it was formed, namely:

1. Private trusts, i.e. trusts for the benefit of a particular person or group of people.
2. Public trusts, i.e. trusts for public benefit purposes, for example trusts for the benefit of the progress of third parties.

According to Munir Fuady the 13 characteristic of the trust is to have 3 (three) parties involved namely settlor (original owner), trustee (owner legally after transfer), and beneficiary (beneficiary), but for the legalation of a beneficiary trust, must meet 3 (three) requirements namely as follows:

1. Certainty of words, i.e. the certainty of his words or his purpose (intention). In this case there must be certainty of words indicating that settlor is already firm with his decision by creating trusts.
2. Certainty of subject, i.e. certainty about the subject, namely objects or property.
3. Certainty of object, i.e. beneficiary who will receive benefits on this trust object. Transfer of ownership of an object or property will not create a trust if any of the existing conditions are not met.

In Indonesia the trust institution that resulted in the onset of fiduciary relations and the concept of fiduciary duty in principle is historically not applicable, because Indonesia took the law from the Netherlands originating from France after codification. In Indonesia and in other civil law countries, there are also trust-like Rules, trust which comes from civil law or from other laws. The Agreement in Banking, is an example of Institutions trust, as stipulated in Bank Indonesia Regulation (PBI) No. 14/7/PBI/2012 dated November 23, 2012 on Trust Activities that add to the type of agreement that develops in banking practices, hereby called PBI Trust.

Trust is in the custody and management activities (trust). Banks in addition to receiving assets are also allowed to manage assets that are deposited based on the approval of the fund owner. The Custody Activity with Management (Trust) is different from the two services, because in this activity the Bank is given a broader authority of custody, namely the authority to manage financial assets provided by the owner of the fund in accordance with the special provisions that apply, namely PBI Trust.

Limited Liability Company as stipulated in Law No. 40/2007 on Limited Liability Company, Article 1 number 1 is a Limited Liability Company, hereby called the Company, is a legal entity that is a capital

alliance, established by agreement, conducts business activities with a basic capital that is entirely divided into shares and meets the requirements set forth in this Law and its implementation regulations.

In order to run the Limited Liability Company is regulated in the Law of PT, with the action of the law, the Articles of Association of the Company, and other provisions of the laws and regulations, should not reduce the obligation of each Company to adhere to the principles of good faith, the principle of propriety, the principle of propriety, and the principle of good corporate governance in carrying out the Company, thus the expectation that the Limited Liability Company will run properly.

Consideration of PT Law letter a states that the national economy held on the basis of economic democracy with the principle of togetherness, equitable efficiency, sustainable, environmentally minded, selfreliance, and by maintaining the balance of progress and national economic unity, needs to be supported by a solid economic institution in order to realize community welfare; with that sense community welfare; with that sense.

Limited Liability Company refers to Article 5 number 1 of the PT Law, carried out by the Board of Directors who are the organs of the Company, who are authorized and fully responsible for the management of the company for the benefit of the company in accordance with the purpose and purpose of the company and representing the company, both inside and outside the court in accordance with the provisions of the articles of association, meaning the Board of Directors has been fully trusted to run the company he leads.

A person as the Board of Directors of a Limited Liability Company, has a fiduciary duty (fiduciary duty) while he has a fiduciary capacity (fiduciary capacity). A person is said to have a fiduciary capacity if the business he is transacting or the money/property handled is nothis or hers, but rather the property and for the benefit of the other person, in which the other person has greattrustin him. Mean while, on the other hand he must have ahigh degree of good faith in carrying out his duties. The term "fiduciary trust" is used, either for trustee agreements in the sense of "technical trust"or for positions or legal relationships with lawyers (with their clients), trusts (guardians), executors, brokers, curators, public officials, or directors of a company (between the director and his company).

In this case it is the same as the practice of waqf, where property is handed over to the recipient of waqf, to be managed for the benefit of the people. And the recipient of the waqf should be able to exercise

confidence in the wealth that is given to him in the best way.

The Board of Directors in making decisions must have ethics. According to Haryatmoko, public ethics is a reflection of the standards/norms that determine good/bad, right/wrong behavior, actions and decisions to direct public policy in the framework of public service responsibility. This means that a decision or policy must be weighed for good and bad for the company, but the normative rules of decision-making that the Board of Directors must take based on the principle of fiduciary duty and trust do not exist.

Trust is indispensable in conducting business as well as in running a Limited Liability Company. The trust success in wielding corporation like powers suggests that the corporation's role in legal history was smaller than or at least diferent from the one we have long assigned to it. The role of the trust in history matters, because it pushes the central narrative into modern business law understanding.

The company's inability in this case the Board of Directors of the Limited Liability Company in running its company or its business to be able to inspire trust in the long term can make the arrangement more difficult, because everyone knows that a company's goals will change, and the private sector needs to think to have the longevity and opportunities generated by the company, thus the management of the Company is indispensable as a trust in achieving the company's goals. Trust in managing the company is given to the Board of Directors, who hold the mandate of the shareholders to run the company so that the purpose of the company can be realized properly including the Limited Liability Company as a legal entity.

3. CONCLUSION

There are 3 criteria for trust, namely Certainty of [7] words, Certainty of subject, and Certainty of object, i.e. the namely the beneficiary who will receive benefits on this trust object. The three criteria are not definitively set out in the Limited Liability Company Act thus it can be said that the concept of trust is purely unknown in the [8] Indonesian legal system. In Indonesia there is now a trust in the Capital Market Law which is the development of [9] trusts developed by the United States and adopted by Indonesia.

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