

Otoritas Jasa Keuangan : analisa hukum terhadap pengaturan dan pengawasan di sektor jasa keuangan = Financial Services Authority : analysis of the regulation and supervision in financial services sector

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Abstrak

Undang-undang mengenai pembentukan Otoritas Jasa Keuangan (UU OJK) mengatur bahwa pengaturan dan pengawasan di sektor jasa keuangan dilaksanakan oleh OJK yang independen. OJK diatur berfungsi menyelenggarakan sistem pengaturan dan pengawasan yang terintegrasi terhadap keseluruhan kegiatan di dalam sektor jasa keuangan. Dengan demikian, pembaharuan pengaturan keuangan dalam UU OJK merupakan pembaharuan mengenai pengaturan dan pengawasan di sektor jasa keuangan yang dilaksanakan oleh OJK sebagai badan tunggal dan melaksanakan fungsinya secara terintegrasi. Sehubungan dengan itu, UU OJK belum tepat untuk diberlakukan. Karena OJK hanya melaksanakan fungsi microsupervisory, sedangkan fungsi macrosupervisory melekat pada Bank Indonesia. Demikian pula, pengaturan keuangan dalam UU OJK bukan pengaturan keuangan secara terintegrasi, tetapi gabungan pendekatan secara Institusional dan Fungsional yang dilaksanakan oleh satu badan tunggal yaitu OJK. Dengan berlakunya UU OJK, perlu pembaharuan mengenai pengaturan koordinasi diantara OJK, Bank Indonesia, dan Lembaga Penjamin Simpanan. Demikian pula halnya dengan pengaturan mengenai Forum Koordinasi Stabilitas Sistem Keuangan untuk menjaga stabilitas sistem keuangan yang terdiri atas Menteri Keuangan, Gubernur Bank Indonesia, Ketua Dewan Komisiner OJK, dan Ketua Dewan Komisiner Lembaga Penjamin Simpanan.

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The financial services authority act known as Undang-Undang tentang Otoritas Jasa Keuangan (UU OJK) regulates that the regulation and supervision in financial services sector is performed by an independence financial services authority known as Otoritas Jasa Keuangan (OJK). OJK is regulated to do function performing an integrated financial regulation and supervision system over all of the activities in financial services sector. The financial regulation reform then become the removal of the regulation and supervision authority in financial services sector to OJK as a single authority and performs integrated function. However, financial regulation in financial services sector as regulated in UU OJK is not suitable to be performed. Because OJK only performs the microsupervisory function, meanwhile the macrosupervisory is inherent to Bank Indonesia (BI) as Central Bank. Likewise, the financial regulation as in UU OJK is not an integrated financial regulation, but a combination of institutional and functional approach that is performed by OJK as a single body. By the enactment of UU OJK, the reform is still needed to regulate the coordination between OJK, BI, and Lembaga Penjamin Simpanan (LPS/ Deposit Insurance Corporation). The reform is needed also for the financial system stability forum in order to protect the stability of financial system between Minister of Finance, Governor of Central Bank, Chairman of OJK, and Chairman of LPS.