

Independensi lembaga Otoritas Jasa Keuangan dan kedudukannya dalam struktur ketatanegaraan dan administrasi Negara Republik Indonesia = The independence of the Indonesia Financial Service Authority and its position in the state organization structure and state administration of the Republic of Indonesia

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Abstrak

Otoritas Jasa Keuangan adalah lembaga yang independen dan bebas dari campur tangan pihak lain, yang mempunyai fungsi, tugas, dan wewenang pengaturan, pengawasan, pemeriksaan, dan penyidikan terhadap industri jasa keuangan. Penelitian ini menggunakan metode yuridis normatif, menganalisis lembaga Otoritas Jasa Keuangan, kedudukan lembaga Otoritas Jasa Keuangan dalam struktur ketatanegaraan termasuk hirarkhinya terhadap lembaga Negara lainnya serta kedudukan lembaga Otoritas Jasa Keuangan dalam struktur administrasi Negara Republik Indonesia termasuk melakukan analisis mengenai independensi lembaga Otoritas Jasa Keuangan sebagai lembaga independen baik dari aspek institutional independence, functional independence meliputi goals independence dan instrument independence, serta administrative independence meliputi financial independence dan personeel independence. Otoritas Jasa Keuangan adalah lembaga Negara, dalam struktur ketatanegaraan digolongkan sebagai lembaga Negara lapis kedua, sedangkan dalam administrasi Negara, merupakan lembaga Negara yang berada di luar pemerintah dan bukan bagian dari kekuasaan eksekutif. Otoritas Jasa Keuangan merupakan lembaga Negara independen yang memerlukan perhatian pada aspek administrative independence.

<hr>The Indonesia of the Financial Services Authority is an independent of the other party, which has function, duties, and authority to manage, control, examine, and investigate the financial service industries. This research adopts a normative juridical method, analyzing the Financial Services Authorities Institution, the position of Financial Services Authorities Institution in State Administration structure including its hierarchy to the other State institutions and the position of the Financial Services Authorities institutions in the administrative structure of the Republic of Indonesia including conducting analysis regarding the independence of the Financial Services Authorities institution, functional independence aspects including goals independence and instrument independence and administrative which includes financial independence and personnel independence. This study concludes that the Indonesia Financial Services Authority is a State institution, classified in the state organization as the second stratum State institution, whereas in the State administration, it is a State institution outside the Government and not constituting the part of the executive power. The Financial Services Authorities is an Independent State institution whose administrative independence shall be observed.