

Pengawasan terintegrasi terhadap induk dan anak perusahaan di bidang perbankan dan jasa keuangan (suatu tinjauan terkait dengan konglomerasi keuangan) = An integrated supervision on parents and subsidiaries in banking and financial services companies an overview of financial conglomerates

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Abstrak

[ABSTRAK

Tesis ini membahas mengenai pengawasan terintegrasi yang dilakukan oleh Otoritas Jasa Keuangan (?OJK?) terhadap Induk dan Anak Perusahaan di bidang Perbankan dan Jasa Keuangan atau kajian terkait dengan konglomerasi keuangan. Perkembangan globalisasi dalam sistem keuangan di Indonesia menyebabkan setidaknya terdapat 31 (tiga puluh satu) grup usaha di bidang perbankan dan jasa keuangan. Dalam rangka mencegah resiko sistemik dan dampak moral hazard terhadap aktivitas grup usaha jasa keuangan, OJK tengah menyiapkan pedoman, kebijakan, dan peraturan terkait dengan pengawasan terintegrasi terhadap konglomerasi keuangan berbasis resiko. Rumusan masalah yang akan dibahas dalam Tesis ini adalah bagaimanakah peran OJK dalam pengawasan terintegrasi terhadap induk dan anak perusahaan di bidang perbankan dan jasa keuangan ,bagaimana arah kebijakan OJK dalam pengawasan terintegrasi terhadap induk dan anak perusahaan di bidang perbankan dan jasa keuangan, dan hubungan induk dan anak perusahaan di bidang perbankan dan jasa keuangan jika ditinjau dengan teori Piercing The Corporate Veil. Tesis ini disusun dengan dengan metode penulisan yuridis normatif untuk menghasilkan data deskriptif analitis. Hasil penelitian menyimpulkan bahwa peran OJK dalam pengawasan terintegrasi terhadap induk dan anak perusahaan di bidang perbankan dan jasa keuangan adalah salah satunya melakukan pengawasan terintegrasi terhadap induk dan anak perusahaan berbasis resiko selain itu, arah kebijakan yang akan dikeluarkan oleh OJK terkait dengan pengawasan terintegrasi adalah OJK akan mengeluarkan Peraturan OJK terkait dengan Good Corporate Governance Terintegrasi, Manajemen Resiko Terintegrasi, dan Permodalan Terintegrasi, selain itu melalui pendekatan teori Piercing The Corporate Veil terdapat perluasan tanggung jawab Induk Perusahaan terhadap tindakan yang dilakukan oleh anak-anak perusahaannya.

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ABSTRACT

This thesis is discussed about an integrated supervision conducted by Financial Services Authority (?FSA?) on the parents and subsidiaries in banking and financial services companies or study on the financial conglomerates. The globalization of the financial system in Indonesia caused at least 31 (thirty one) business group in the fields of banking and financial services. In order to prevent the systemic risk and moral hazard effects on the activity of the financial services group's business, the FSA is preparing the guidelines, policies, and regulations relating to the supervision of financial conglomerates based on integrated risk. The issues that will be discussed in this thesis are, what is the FSA's role on controlling the parents and subsidiaries companies in the banking and financial services sector, what kind of the FSA's policy on controlling the parent and subsidiaries companies in the field of banking and financial services sector, and

the relationship between parents and subsidiaries companies if linked with the Piercing The Corporate Veil Theory. This thesis also prepared by the juridish normative method to generate normative descriptive analysis. The research concludes that the FSA's role on the integrated supervision of the parents and subsidiaries companies is, OJK will conduct the supervision based on the integrated risk and OJK will issued a number policies in form of OJK's regulations, namely Integrated Good Corporate Governance, Integrated Risk Management, and Integrated Capital Adequacy Ratio regulations, further through the Piercing The Corporate Veil approach the Parents Company is liable for the action conduct by its subsidiaries.;This thesis is discussed about an integrated supervision conducted by Financial Services Authority (FSA) on the parents and subsidiaries in banking and financial services companies or study on the financial conglomerates. The globalization of the financial system in Indonesia caused at least 31 (thirty one) business group in the fields of banking and financial services. In order to prevent the systemic risk and moral hazard effects on the activity of the financial services group's business, the FSA is preparing the guidelines, policies, and regulations relating to the supervision of financial conglomerates based on integrated risk. The issues that will be discussed in this thesis are, what is the FSA's role on controlling the parents and subsidiaries companies in the banking and financial services sector, what kind of the FSA's policy on controlling the parent and subsidiaries companies in the field of banking and financial services sector, and the relationship between parents and subsidiaries companies if linked with the Piercing The Corporate Veil Theory. This thesis also prepared by the juridish normative method to generate normative descriptive analysis. The research concludes that the FSA's role on the integrated supervision of the parents and subsidiaries companies is, OJK will conduct the supervision based on the integrated risk and OJK will issued a number policies in form of OJK's regulations, namely Integrated Good Corporate Governance, Integrated Risk Management, and Integrated Capital Adequacy Ratio regulations, further through the Piercing The Corporate Veil approach the Parents Company is liable for the action conduct by its subsidiaries., This thesis is discussed about an integrated supervision conducted by Financial Services Authority (FSA) on the parents and subsidiaries in banking and financial services companies or study on the financial conglomerates. The globalization of the financial system in Indonesia caused at least 31 (thirty one) business group in the fields of banking and financial services. In order to prevent the systemic risk and moral hazard effects on the activity of the financial services group's business, the FSA is preparing the guidelines, policies, and regulations relating to the supervision of financial conglomerates based on integrated risk. The issues that will be discussed in this thesis are, what is the FSA's role on controlling the parents and subsidiaries companies in the banking and financial services sector, what kind of the FSA's policy on controlling the parent and subsidiaries companies in the field of banking and financial services sector, and the relationship between parents and subsidiaries companies if linked with the Piercing The Corporate Veil Theory. This thesis also prepared by the juridish normative method to generate normative descriptive analysis. The research concludes that the FSA's role on the integrated supervision of the parents and subsidiaries companies is, OJK will conduct the supervision based on the integrated risk and OJK will issued a number policies in form of OJK's regulations, namely Integrated Good Corporate Governance, Integrated Risk Management, and Integrated Capital Adequacy Ratio regulations, further through the Piercing The Corporate Veil approach the Parents Company is liable for the action conduct by its subsidiaries.]