

Analisis yuridis peraturan anti pencucian dan pencegahan pendanaan terorisme pada perusahaan penyelenggara dompet elektronik = Juridical analysis of anti money laundering and prevention of terrorism financing in electronic wallet company organizer

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Abstrak

Berdasarkan Rekomendasi FATF Nomor 8, perusahaan penyelenggara dompet elektronik termasuk salah satu penyedia jasa keuangan yang harus menerapkan program anti pencucian uang dan pencegahan pendanaan terorisme. Hal ini diatur secara jelas dalam Undang-Undang Nomor 8 Tahun 2010 tentang Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang, Undang-Undang Nomor 9 Tahun 2013 Tentang Pencegahan dan Pemberantasan Tindak Pidana Pendanaan Terorisme serta Peraturan Bank Indonesia Nomor 19/10/PBI/2017 tentang Penerapan Anti Pencucian Uang dan Pencegahan Pendanaan Terorisme Bagi Penyelenggara Jasa Sistem Pembayaran Selain Bank dan Penyelenggara Kegiatan Usaha Penukaran Valuta Asing (PBI APU dan PPT). PBI APU dan PPT merupakan aturan yang secara spesifik dikeluarkan Bank Indonesia untuk mengatur terkait dengan program anti pencucian uang dan pencegahan pendanaan terorisme yang harus dilakukan oleh Penyelenggara Dompet Elektronik sebagai penyelenggara jasa sistem pembayaran. Adapun persyaratan yang harus dimiliki dan dilakukan oleh perusahaan penyelenggara dompet elektronik mencakup tugas dan tanggung jawab Direksi dan pengawasan aktif Dewan Komisaris, kebijakan dan prosedur tertulis, proses manajemen risiko, manajemen sumber daya manusia; dan sistem pengendalian internal. Penerapan PBI APU dan PPT dapat dilakukan melalui 3 (tiga) tahapan. Yaitu tahap persiapan, tahap eksekusi dan tahap evaluasi.

.....Based on FATF Recommendation No. 8, the electronic wallet company organizers is part of the financial institution that have to implement anti-money laundering and terrorism financing programs. This is clearly regulated in Law Number 8 Year 2010 concerning Prevention and Eradication of Money Laundering Act, Law Number 9 Year 2013 Concerning the Prevention and Eradication of Terrorism Financing and Bank Indonesia Regulation Number 19/10/PBI/2017 regarding Implementation of Anti Money Laundering and Prevention of Terrorism Financing for the Provider of Payment System Services Other Than Banks and Organizers of Money Changer Business (PBI APU and PPT). PBI APU and PPT are rules specifically issued by Bank Indonesia to regulate in relation to anti-money laundering and prevention of terrorism financing programs which should be applied by Electronic Wallet Company Organizer as payment service provider. The requirements that must be possessed and performed by electronic wallet company organizer include the duties and responsibilities of the Board of Directors and active supervision of the Board of Commissioners, written policies and procedures, risk management processes, human resource management; and internal control systems. Application of PBI APU and PPT can be done through 3 (three) stages. Which are the preparation stage, execution stage and evaluation phase.