

Analisis yuridis independensi Otoritas Jasa Keuangan dalam pengaturan dan pengawasan terhadap bank sebagai pihak yang dibebankan pungutan = An analysis of the juridical independence of the financial services authority OJK in regulating and supervising the banks as the parties on which levies are imposed

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Abstrak

[Otoritas Jasa Keuangan (OJK) merupakan lembaga independen dan bebas dari campur tangan pihak lain, yang berfungsi menyelenggarakan sistem pengaturan dan pengawasan yang terintegrasi terhadap keseluruhan kegiatan di dalam sektor jasa keuangan. Berdasarkan Undang-Undang Nomor 21 Tahun 2011, anggaran OJK bersumber dari APBN dan/atau pungutan dari pihak yang melakukan kegiatan di sektor jasa keuangan. Dengan adanya ketentuan yang memberikan kewenangan pada OJK untuk mengenakan pungutan kepada pihak bank dikhawatirkan akan menjadi ancaman terhadap independensi OJK dalam melakukan pengawasan terhadap bank. Penelitian ini mengangkat permasalahan mengenai prinsip independensi OJK dalam pengaturan dan pengawasan terhadap bank sebagai pihak yang dibebankan pungutan oleh OJK. Metode yang digunakan dalam skripsi ini adalah metode yuridis-normatif. Hasil dari penulisan ini menyatakan bahwa meskipun bank dikenai pungutan sebagai sumber pembiayaan kegiatan OJK, namun secara yuridis independensi OJK tetap dapat terjaga dalam pengaturan dan pengawasan terhadap bank. Hal ini mengingat pengaturan mengenai pungutan dan pelaksanaan tugas dan kewenangan OJK telah diatur dan memiliki dasar hukum yang jelas, baik dalam UU Nomor 21 tahun 2011 tentang OJK maupun dalam Peraturan Pemerintah Nomor 11 tahun 2014 tentang Pungutan OJK, dan diatur lebih lanjut dalam beberapa Peraturan OJK beserta peraturan pelaksanaannya secara jelas, rinci dan sesuai dengan tata kelola yang dapat dipertanggungjawabkan.

;The Financial Services Authority (OJK) is an independent agency which is free from interference by other parties. Its main function is to organize integrated systems of regulating and supervising all activities in the financial services sector. Based on Law No. 21 of 2011, the OJK budget comes from APBN and / or levies from the parties conducting activities in the financial services sector. With the provision which authorizes the OJK to impose levies on the banks, it is feared that it will remain a threat to the independence of the OJK in conducting supervision of the banks. This study raised issues regarding the principles of independence of the OJK in regulating and supervising the banks as the parties on which levies are imposed by the OJK. This thesis used normative juridical method. Results of this study revealed that although banks were imposed on levies as a financial source of the OJK activities, jurisdictionally the OJK independence in regulating and supervising the banks could still be maintained. This is because the provisions on levies and the implementation of tasks and authorities of the OJK have been governed, with a clear legal basis, both in Law No. 21 of 2011 concerning the OJK and Government Regulation No. 11 of 2014 concerning OJK Levies, and regulated further in OJK Regulations along with the Rules of Implementation in a clear, detailed way and in accordance with the accountable management.

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