

Persyaratan anggota direksi perusahaan publik ditinjau dari peraturan otoritas jasa keuangan nomor 33/POJK.04/2014 tentang direksi dan dewan komisaris emiten atau perusahaan publik = Requirement of the member of the board of directors of public company referring to the otoritas jasa keuangan regulation no 33/POJK.04/2014 concerning the board of directors and the board of commissioners of the issuer or public company / Erni Hernan Mardiana

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Abstrak

ABSTRAK

Tesis ini membahas mengenai persyaratan yang harus dipenuhi oleh Anggota Direksi Perseroan, sebagai organ yang berwenang dan bertanggung jawab penuh atas pengelolaan Perseroan, terutama bagi Perusahaan Publik. Dalam rangka meningkatkan penerapan prinsip good corporate governance bagi Perusahaan Publik, maka Otoritas Jasa Keuangan (OJK) sebagai pengawas Pasar Modal Indonesia telah mengeluarkan Peraturan tentang Direksi dan Dewan Komisaris Emiten atau Perusahaan Publik dimana didalamnya diatur juga mengenai persyaratan menjadi Anggota Direksi Perusahaan Publik. Penelitian ini dinilai penting karena dalam prakteknya masih banyak pihak-pihak yang belum mengetahui secara detail atas persyaratan Anggota Direksi Perusahaan Publik, yang dapat berpotensi dikenakannya sanksi bagi Perusahaan Publik atas adanya pelanggaran pemenuhan persyaratan Anggota Direksi Emiten atau Perusahaan Publik. Penulisan ini menggunakan metode penelitian hukum normatif (yuridis normatif) untuk menjawab permasalahan sebagai berikut: pertama, mengenai perbandingan ketentuan persyaratan Anggota Direksi Perusahaan Publik berdasarkan Undang-undang Perseroan Terbatas dan Peraturan OJK tentang Direksi dan Dewan Komisaris Emiten atau Perusahaan Publik, dan kedua, mengenai peranan OJK dalam menangani adanya pelanggaran terhadap pemenuhan persyaratan Anggota Direksi Emiten atau Perusahaan Publik

ABSTRACT

This thesis discusses the requirements to be fulfilled by a Member of the Board of Directors of the Company, as the organ who has authority and full responsibility for the management of the Company, especially for Public Company. In order to improve the application of the principles of good corporate governance for the Public Company, Otoritas Jasa Keuangan (OJK) as the supervisor of the Capital Market in Indonesia, has issued Regulations concerning the Board of Directors and Board of Commissioners of the Issuer or Public Company where as it regulated the requirements as well to become a member of the Board of Directors of Public Company. This research is important due to during the practicing there are many parties who do not understand in detail on the requirements of the Board of Directors of Public Company, which can potentially have sanctions for violations of Public Company on their eligibility for the requirement of the Directors of Public Company. This writing method is utilizing the normative legal research to address the problem as follows: first, regarding the comparison of clause requirements of Directors Public Company pursuant to Company Law and OJK Regulation concerning the Board of

Directors and the Board of Commissioners of Issuer and Public Company, and second, regarding the role of the OJK in addressing violations for the fulfillment of the members requirements of the Public Company Board Directors.