

Comparative study of financial supervisory bodies with regards to banking activities in Indonesia, France, and the United Kingdom = Perbandingan pengaturan dan pengawasan perbankan oleh otoritas jasa keuangan di Indonesia, Perancis, dan Inggris

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Abstrak

Otoritas Jasa Keuangan OJK merupakan lembaga pengawas jasa keuangan di Indonesia, yang mengikuti model lembaga pengawas terintegrasi. OJK didirikan berdasarkan Undang-undang Nomor 21 Tahun 2011. Penelitian ini merupakan penelitian yuridis-normatif yang dilakukan melalui perbandingan hukum. Tugas pengaturan dan pengawasan sektor perbankan yang semula dijalankan oleh Bank Indonesia kini beralih kepada dengan didirikannya lembaga pengawas tersebut. Penelitian ini membahas kewenangan yang dimiliki OJK dalam menjalankan tugas pengaturan dan pengawasan perbankan, serta membandingkannya dengan tugas pengaturan dan pengawasan perbankan yang dijalankan oleh lembaga pengawas jasa keuangan di Negara lain. Perbandingan ini dilakukan terhadap *Autorit des Marchés Financiers AMF* dan *Autorit de Contrôle Prudentiel et de Résolution ACPR* di Perancis yang dianggap berhasil, dan terhadap *Financial Services Authority FSA* di Inggris yang dianggap gagal dan telah dibubarkan dan digantikan oleh *Financial Conduct Authority FCA* dan *Prudential Regulation Authority PRA* yang dianggap berhasil. Perbandingan dalam penelitian ini ditinjau melalui kewenangan lembaga dalam menjalankan tugas pengaturan dan pengawasan perbankan di negaranya, mengenai independensi lembaga, dan mengenai hubungan antara lembaga pengawas tersebut dengan bank sentral di negaranya masing-masing.

.....Otoritas Jasa Keuangan OJK is the Indonesian financial services authority and was established as an integrated supervisory body under the Law No. 21 Year 2011. This thesis is a juridical normative research through the comparative study of law. The regulation and the supervision of banking activities was performed by the Indonesian Central Bank, otherwise known as Bank Indonesia, until the establishment of the OJK, which then resulted to the transfer of the said regulatory and supervisory authority over the banking sector onto the OJK. This thesis first elaborates the OJK's authority to regulate and to supervise the banking sector before comparing it later on with the financial supervisory authorities of two other countries. The comparison is conducted upon the *Autorit des Marchés Financiers AMF* and the *Autorit de Contrôle Prudentiel et de Résolution ACPR* in France, which are considered successful and not only upon the *Financial Services Authority FSA* in the United Kingdom which failed, but also with its replacing authorities that are the *Financial Conduct Authority FCA* and the *Prudential Regulation Authority PRA*. The said comparison is done through the analysis of each institutions' authorities in performing banking regulation and supervision and their independency, along with their institutional relationship with the Central Bank of each their respective country.