

Transparansi Beneficial Owner dalam Praktik Penanaman Modal Asing di Indonesia = Beneficial Owner Transparency in Foreign Investment Practices in Indonesia.

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Abstrak

ABSTRAK

Implementasi transparansi beneficial owner yang diwajibkan oleh Peraturan Presiden No. 13 Tahun 2013 tentang Penerapan Prinsip Mengenali Pemilik Manfaat dari Korporasi Dalam Rangka Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang Dan Tindak Pidana Pendanaan Terorisme tidak hanya bermanfaat untuk keperluan pencegahan tindak pidana pencucian uang, namun juga dapat diterapkan untuk menstabilkan kegiatan ekonomi, khususnya di sektor penanaman modal asing yang sampai saat ini masih melakukan praktik nominee. Penelitian yang dilakukan merupakan penelitian normatif yang difokuskan untuk mengkaji penerapan kaidah-kaidah atau norma-norma dalam hukum positif. Penelitian ini bersifat deskriptif analisis yaitu menggambar, menelaah, menjelaskan secara tepat atau menganalisis suatu peraturan perundang-undangan. Analisis implementasi proses transparansi beneficial owner dalam praktik penanaman modal asing perlu dilakukan agar dapat diterapkan dengan memperhatikan peraturan-peraturan terkait, seperti Undang-Undang Penanaman Modal, Undang-Undang Perseroan Terbatas, dan Peraturan Kepala Badan Koordinasi Penanaman Modal. Disisi lain, hal tersebut dapat membuat pelaku nominee tidak nyaman karena hubungan nominee yang dibuat secara privacy akan diminta untuk diungkapkan sehingga terdapat akibat hukum yang terjadi. Implementasi kewajiban pelaporan informasi beneficial owner pada badan usaha diperlukan adanya standar prosedur yang berlaku umum agar mempermudah setiap korporasi mengetahui pada tahap apa saja mereka perlu menyampaikan informasi beneficial owner.

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ABSTRACT

Implementation of the transparency of beneficial owner required by Presidential Regulation No. 13 of 2013 concerning Application of Principle of Recognizing Corporations Beneficial Owner in the Context of Prevention and Eradication of Money Laundering and Funding of Terrorism is not only useful for the purposes of preventing money laundering, but can also be applied to stabilize economic activities, particularly in the sector of foreign direct investment who are still practicing nominee. The research conducted is a normative study focused on studying the application of the rules or norms in positive law. This research is a descriptive analysis that is drawing, analyzing, explaining precisely or analyzing a statutory regulation. An analysis on implementation of the beneficial owner transparency process in foreign direct investment activities needs to be carried out so that it can be applied with due regard to relevant regulations, such as Investment Law, Company Law and Head of Investment Coordinating Board Regulation. On the other hand, it can make the nominee actors uncomfortable due to the nominee relationships made in privacy will be asked to be disclosed so that there are legal consequences occurred. Implementation of the obligation for reporting a beneficial owner's information at a business entity requires a generally accepted standard procedure to make it easier for every corporation to know at what stage they need to submit a beneficial owner's information.