

Analisis hukum peraturan otoritas jasa keuangan nomor 22/POJK.04/2016 tentang segmentasi perizinan wakil perantara pedagang efek = Legal analysis of financial services authority regulation number 22/POJK.04/ 2016 concerning segmentation of securities broker dealer representative licensing

Puri Ranggawacana, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20502074&lokasi=lokal>

Abstrak

Peraturan Otoritas Jasa Keuangan Nomor 22/POJK.04/2016 tentang Segmentasi Perizinan Wakil Perantara Pedagang Efek mengatur segmentasi perizinan Wakil Perantara Pedagang Efek ke dalam dua bentuk sub perizinan yaitu izin Wakil Perantara Pedagang Efek Pemasaran dan izin Wakil Perantara Pedagang Efek Pemasaran Terbatas. Adapun Perantara Pedagang Efek memiliki fungsi selain fungsi pemasaran, yaitu fungsi manajemen risiko, fungsi pembukuan, fungsi kustodian, fungsi teknologi informasi, fungsi kepatuhan dan fungsi riset. Menjadi pertanyaan kemudian mengapa Otoritas Jasa Keuangan hanya mengatur terkait segmentasi pada fungsi pemasaran tetapi tidak pada fungsi manajemen risiko, fungsi pembukuan, fungsi kustodian, fungsi teknologi informasi, fungsi kepatuhan dan fungsi riset. Berdasarkan hasil penelitian penulis, baik yang berasal dari penelaahan peraturan terkait maupun hasil wawancara dengan pejabat Otoritas Jasa Keuangan, tujuan utama diterbitkannya peraturan tersebut adalah untuk meningkatkan jumlah tenaga pemasaran bagi Perusahaan Efek yang melakukan kegiatan usaha sebagai Perantara Pedagang Efek. Berdasarkan fakta, jumlah pemohon izin Wakil Perantara Pedagang Efek Pemasaran memang bertambah cukup signifikan sehingga dapat dikatakan bahwa Penerapan Peraturan Otoritas Jasa Keuangan ini tergolong efektif. Penetapan peraturan ini berdampak kepada seluruh ketentuan lain yang menyebutkan terkait dengan Wakil Perantara Pedagang Efek harus dimaknai bahwa termasuk di dalamnya pemegang izin Wakil Perantara Pedagang Efek, Wakil Perantara Pedagang Efek Pemasaran, dan Wakil Perantara Pedagang Efek Pemasaran Terbatas. Kedepan, penulis berharap agar Otoritas Jasa Keuangan dapat melakukan segmentasi Wakil Perantara Pedagang Efek pada fungsi selain fungsi pemasaran.

.....The Financial Services Authority Regulation No.22/POJK.04/2016 concerning Segmentation of Securities Broker Dealer Representative Licensing arranged the segmentation of Securities Broker Dealer Representative licenses into two sub-licensing forms, namely the Securities Broker Dealer Representative for Marketing license and the Securities Broker Dealer Representative for Limited Marketing license. While the Securities Broker Dealer has other functions besides the marketing function namely the risk management function, bookkeeping function, custodian function, information technology function, compliance function and research function. The question then becomes, why does the Financial Services Authority only regulate segmentation related to the marketing function but not to the risk management function, bookkeeping function, custodian function, information technology function, compliance function and research function. Based on the results of the author's research, both from the review of relevant regulations and the results of interviews with Financial Services Authority officials, the main purpose of the issuance of these regulations is to increase the number of marketers for Securities Companies conducting business activities as Broker Dealer. Based on the facts, the number of applicants for licensing of the Securities Broker Dealer Representative for Marketing license has indeed increased significantly enough so that it can be said that the

Application of the Financial Services Authority Regulation is quite effective. The stipulation of this regulation has an impact on all other provisions that related to Securities Broker Dealer Representative must be interpreted as including the holders of Securities Broker Dealer Representative for Marketing license and Securities Broker Dealer Representative for Limited Marketing license. In the future, the authors hope that the Financial Services Authority could segment the Securities Broker Dealer Representative in other than the marketing function.