

ABSTRACT

THE EXERCISE OF REGULATING AND MONITORING FUNCTIONS TOWARD MICRO FINANCIAL INSTITUTIONS IN LAMPUNG BY FINANCIAL SERVICE AUTHORITY (A Study in Sari Makmur Farmer Group Micro Agribusiness Finance Cooperation)

By

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The Financial Service Authority (OJK) is an integrated institution toward the whole regulating and monitoring system for activities in financial service sectors including activities in banking, capital market, insurance, pension fund, funding institution and other financial institutions such as micro financial institutions. Based on Article 28 of Law number 1 in 2013 about Micro Financial Institution (the Law of MFI), it states that education, regulation, and monitoring of micro financial institution (MFI) is conducted by the Financial Service Authority (OJK). This education and monitoring are delegated to the regional government. If a regional government is not yet ready, the Financial Service Authority may delegate the education and monitoring to other appointed parties. However, since the Law of MFI was enacted in 2013 until 2015, there was no other party had been appointed by the Financial Service Authority, especially for the Sari Makmur Farmer Group Micro Agribusiness Finance Cooperation (Sari Makmur FGMAFC).

The problems in this research were how did the forms of regulating and monitoring functions toward micro financial institution by the Financial Service Authority; what were the inhibiting factors in exercising the regulating and monitoring functions toward micro financial institution by the Financial Service Authority. This research used normative and empirical jurisdiction approaches. Data were collected by librarian research and field study. Data were processed with editing, classification, and data systematization. Informants in this research were Non-bank Financial Industry Monitoring Division of Financial Service Authority in Lampung province and management of Sari Makmur Farmer Group Micro Agribusiness Finance Cooperation (Sari Makmur FGMAFC) in Metro.

The research results showed that the forms of regulating and monitoring functions toward micro financial institution by the Financial Service Authority were that the Financial Service Authority provisioned operational policies of regulations related to micro financial institution (MFI), the monitoring by the Financial Service

Authority was conducted in forms of direct and indirect investigations. The inhibiting factors in exercising the regulating and monitoring functions toward micro financial institution by the Financial Service Authority were the internal factor where human resource competence of the MFI administrators were not sufficient because many MFI administrators in villages were not undergraduate degree and they still required assistances including in the administrations and financial reporting; less personnel from the Financial Service Authority because these functions should have been delegated to the regional government, while the Financial Service Authority would have coordinated with the appointed parties; and the external factor where it was difficult to conduct data inventories of MFIs which were not yet in forms of legal entities and mapping of MFIs which met the qualifications of being MFI, minimum information received by public about MFI, there was no same perceptions about MFI regulations between Cooperation Office, small and middle sized businesses, and notary especially in validating the basic article of association of MFI Cooperation, so that this could inhibit process to create legal entity for the MFI Cooperation. The notary fee was perceived to be expensive and burdening MFIs with limited capitals and this made educations to MFIs to be difficult. Employee rotation and shifting often occurred in the regional government environment, including civil servants who were appointed to monitor directly the MFIs. MFIs locations were far enough to monitor by the Financial Service Authority because the monitoring task was still on the hand of the Financial Service Authority.

Keywords : The Exercise Of Regulating and Monitoring, Micro Financial Institution, Financial Service Authority.

ABSTRAK

PELAKSANAAN FUNGSI PENGATURAN DAN PENGAWASAN TERHADAP LEMBAGA KEUANGAN MIKRO DI LAMPUNG OLEH OTORITAS JASA KEUANGAN

**(Studi Pada Koperasi Lembaga Keuangan Mikro Agribisnis
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Otoritas Jasa Keuangan (OJK) yang merupakan lembaga terintegrasi terhadap keseluruhan sistem pengaturan dan pengawasan kegiatan di dalam sektor jasa keuangan yaitu kegiatan jasa keuangan di sektor perbankan, kegiatan jasa Keuangan di sektor pasar modal dan kegiatan jasa keuangan di Sektor perasuransian, dana pensiun, lembaga pembiayaan, dan lembaga jasa keuangan lainnya yaitu Lembaga Keuangan Mikro. Berdasarkan Pasal 28 Undang-Undang Nomor 1 Tahun 2013 Tentang Lembaga Keuangan Mikro (UU LKM) menyatakan bahwa pembinaan, pengaturan, dan pengawasan LKM dilakukan oleh Otoritas Jasa Keuangan. Pembinaan dan pengawasan didelegasikan kepada Pemerintah Daerah Kabupaten/Kota. Dalam hal Pemerintah Daerah Kabupaten/Kota belum siap, Otoritas Jasa Keuangan dapat mendelegasikan pembinaan dan pengawasan kepada pihak lain yang ditunjuk. Namun hingga saat ini dari sejak diundangkan UU LKM tahun 2013 dan berlaku 2 tahun setelahnya yaitu 2015 pihak lain yang ditunjuk oleh OJK belum ada khususnya pada Koperasi LKMA Gapoktan Sari Makmur.

Permasalahan dalam penelitian ini adalah Bagaimanakah bentuk fungsi pengaturan dan pengawasan terhadap lembaga keuangan mikro oleh Otoritas Jasa Keuangan, Apakah faktor penghambat pelaksanaan fungsi pengaturan dan pengawasan terhadap lembaga keuangan mikro oleh Otoritas Jasa Keuangan. Metode penelitian yang digunakan adalah yuridis normatif dan yuridis empiris. Teknik pengumpulan data dilakukan dengan studi kepustakaan dan studi lapangan. Pengolahan data dilakukan dengan editing data, klasifikasi data, sistematika data. Narasumber penelitian ini adalah Bagian Pengawas Industri Keuangan Non Bank kantor Otoritas Jasa Keuangan Provinsi Lampung dan bagian pengelola Koperasi LKM Agribisnis Gapoktan Sari Makmur Kota Metro.

Hasil penelitian dan pembahasan Bentuk fungsi pengaturan dan pengawasan terhadap lembaga keuangan mikro oleh Otoritas Jasa Keuangan yaitu bahwa fungsi pengaturan OJK dengan cara menetapkan kebijakan operasional peraturan terkait LKM, bentuk pengawasan Otoritas Jasa Keuangan berupa pemeriksaan langsung dan pemeriksaan tidak langsung. Faktor penghambat pelaksanaan fungsi pengaturan dan pengawasan terhadap lembaga keuangan mikro oleh Otoritas Jasa Keuangan berupa Faktor Internal yaitu Kompetensi SDM pengurus LKM yang masih belum memadai karna banyak yang berada di desa/kelurahan bukan lulusan sarjana tertentu dan masih membutuhkan pendampingan termasuk dalam hal administrasi atau pencatatan laporan keuangan dan Kurangnya SDM dari Otoritas Jasa Keuangan dikarenakan seharusnya Pembinaan dan pengawasan didelegasikan kepada Pemerintah Daerah Kabupaten/Kota, nantinya OJK berkoordinasi bersama pihak yang ditunjuk. Serta Faktor Eksternal yaitu Sulitnya melakukan inventarisasi data LKM yang belum berbadan hukum dan *mapping* data LKM yang memenuhi syarat menjadi LKM, Minimnya informasi yang diterima oleh masyarakat mengenai LKM, Belum adanya kesamaan persepsi mengenai regulasi LKM di Dinas Koperasi dan UKM dan Notaris terutama yang menangani pengesahan anggaran dasar koperasi LKM, sehingga dapat menghambat proses pembedan hukuman koperasi LKM, Biaya notaris yang dirasa cukup mahal dan memberatkan LKM yang permodalannya terbatas hal ini yang membuat pembinaan sulit berjalan, Seringnya terjadi rotasi dan mutasi pegawai di lingkungan Pemerintah Daerah, termasuk pegawai pemda yang telah ditunjuk menjadi pengawas LKM , Jauh nya lokasi LKM untuk dilakukan pengawasan langsung oleh OJK dikarenakan banyak didaerah tugas pengawasan masih berada pada OJK.

Kata kunci: Pelaksanaan Pengaturan dan Pengawasan, Lembaga Keuangan Mikro, Otoritas Jasa Keuangan.