

Penerapan prinsip mengenal nasabah (know your customer principles) untuk mencegah dan memberantas money laundering pada bank umum dan kendala-kendala yang dihadapi

Ester Yuliani Iskak, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=110866&lokasi=lokal>

---

## Abstrak

Perkembangan perbankan (seperti e-banking dan Rahasia Bank) memudahkan terjadi money laundering karena bank banvak menawarkan instrumen perbankan dimana pelaku kejahatan pencucian uang (money laundering) memungkinkan untuk dilakukan perpindah.tr dana dengan cepat dari sate bank ke bank lainnya bahkan melampaui haws vurisdiksi negara. Instrument perbankan memudahkan penempatan uang/liana yang herasal dari kejahatan diubah menjadi uang harta yang legal.

Pokok permasalahan dalam penelitian ini adalah a) mengapa kebijakan Prinsip Mengenal Nasabah perlu ditcrapkan pada kegiatan perbankan., b) bagaimana upaya penerapat: Prinsip Mengenal Nasabah yang dilakukan oleh bank umu dan jika diperhadapkan dengan. rahasia bank, dan bagaimana kendala-kendala yang dihadapi dalam menerapkan Prinsip Mengenal Nasabah.

Metode penelitian yang digutiakatt adalah penelitian yuridis kuantitaf dan spesirkasi penelitian bersifat des]criptif analitis dengan men2kaji bahan-hahan kepustakaan. dan penelitian lapangan yaitu dengan r+tenganalisa Kebijakan dan Prosedur Prinsip Mengenal Nasaban.

Hasil penelitian menunjukkan praktek pencucian uang mempunyai akibat yang 1-umpleks yakni mcron2rong perbankan, merugikan rnasyarakat, dan negara yang berdampak mcnghambat pembangunan nasional. Adapun perannkat hukum yang diterapkan berupa Undang-undang Tindak Pidana Pencucian Uang dan Peraturan Bank Indonesia tentang Prinsip Mengenal Nasabah secara materi sudah cukup memadai\_naniun dalam pelaksanaannya terutama oleh perbankan belum berjalan efeklif karena terdapat beberapa kendala baik di perbankan sendiri belum optimal melaksanakan Prinsip Mcngenai Nasabah karena pertimbangan adanya kemungkinan kehilangan nasabah. Upaya penerapan: Prinsip Mengenal Nasabah yang dilakukan oleh bank umum adalah dengan Cara menunjuk Direktur Kepatuhan dan membentuk UKPN untuk melaksanakan penerapan prinsip ini melakukan pemhuatan sistem teknologil software guns memonitor transaksi dan monitoring profile nasabah dan terus mengadakan pengembangan dari sistem-sistem yang sudah ad memberikan pelatihan penerapan Prinsip Mengenal Nasabah kendaa pejabat dan staf bank. Kerahasiaan bank sebagai asas yang bersifat terbuka memungkitikan pemantauan transaksi dan rekening nasabah diberlakukan dengan mengadakan prosedur penyimpangan atasnya. Menurut Undang-undang Perhankan bank metnberikan data nasabah atas penninlaan pihakpihak tertentu sedangkan PB1 tentang Prinsip Meagan Nasabah dan UU TPPU mengecualikannya dengan inisialif dari pihak Bank. Kendala-kendala yang dihadapi yaitu rnasyarakat yang belum memahami dan menerima pemberlakuan Penerapan Prinsip Mengenal Nasabah, dan adanya rasa kekhawatiran akan kehilangan nasabah apabila menerapkan Prinsip Mengenal Nasabah, adanya sikap kurang kooperatif dari pihak nasabah itu sendiri. belum tersosialisasikan dengan baik tentang adanya peraturan tentang Prinsip Mengenal Nasabah dalam

masyarakat.

Untuk efektifnya mencegahan mernberantas pencucian uang penerapan prinsip ini perlu adanya dukungan dan kerjasaina dari pemerintah, bank dan masyarakat.

<hr>

The developments of the banking sector (such as e-banking and Bank Secrecy) make it easy for money Laundering to be committed, as many banks offer banking instruments by which perpetrators of money laundering can transfer quickly funds from a bank to another even beyond the jurisdiction of a country. The banking instruments make it easy for such perpetrators to place money/assets gained from a crime to be converted into legal cash/asset.

The main issues in this study are a) why the policy. on the "Know Your Customer Principle" needs to be applied to banking activities, b) how have the efforts at the application of the "Know Your Customer Principle" been made by commercial banks and if it is confronted with bank secrecy, and c) what are the constraints faced in the application of the "Know Your Customer Principle".

The Methods of study used are juridical, normative study and the specifications of the study are analytical and descriptive by referring to bibliographic materials, and field studies, by analyzing the Policy on and Procedure for the Know Your Customer Principle."

The results of study show that money laundering practices have made complex impacts of undermining the banking sector, harming the public and the state, which in turn, make the impact of disrupting national development. The legal instruments applied in the form of the Law on the crime of Money Laundering and the Regulation of the Bank of Indonesia on the "Know Your Customer" Principle have materially been reasonable, but, in practice, mainly in terms of the banking sector have not yet proceeded effectively, because there are still some constraints in the banking sector itself. Those banks themselves have not optimally practiced the "Know Your Customer" Principle due the fear of losing customers. The efforts to apply the "Know Your Customer" Principle by commercial banks are to appoint the Director of Compliance and to form UKPN in order to realize the application of this principle; to develop a technological system/software in order to monitor transactions and customers' profiles, and continue developing the existing systems, to give training programs of application of the "Know Your Customers" Principle to the bank officials and staffs. Bank secrecy as an open principle enables the monitoring of transactions and accounts to be put into effect by applying the procedure for deviation there from. Under the Banking Law, a bank gives a customer's data at the request of particular parties while the PBI on the "Know Your Customers Principle and the TPPU Law exempts it on the initiative of the banks. The constraints to be faced: the fact that the general public has poor understanding and accepts the application of the "Know Your Customers" Principle; the fear of losing customers if the "Know Your Customer" Principle is applied, a Less cooperative attitude shown by customers themselves, and poor familiarization of the general public with the regulation on the "Know Your Customer Principle.

For the effective prevention and eradication of money laundering, the application of this principle requires the support and cooperation of the government, the banking sector, and the general public.