

Tinjauan hukum tentang batasan batasan dan pengecualian dalam ketentuan rahasia bank = Legal review on limitations and exceptions in the bank secrecy regulation

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Abstrak

[Tesis ini membahas tentang ketentuan rahasia bank di Indonesia sebagaimana yang diatur dalam Undang-Undang Perbankan. Namun pada kenyataannya, batasan-batasan tentang rahasia bank itu sangatlah sempit, dan tidak melindungi nasabah peminjam. Selain itu, terdapat banyak pengecualian dari ketentuan rahasia bank di peraturan perundang-undangan lain, bahkan yurisprudensi hakim. Penelitian ini dikaji dengan menggunakan teori hukum dari Lon L. Fuller dan menggunakan metode penelitian yuridis normatif dengan menggunakan pendekatan historis dan pendekatan komparatif. Penelitian ini bertujuan untuk mengetahui batasan-batasan dan pengecualian dari ketentuan rahasia bank di Indonesia. Dalam penulisan ini juga mencantumkan beberapa pengaturan mengenai rahasia bank dari beberapa negara. Hasil penelitian ini menyimpulkan agar ditambahkan ketentuan untuk melindungi data nasabah debitur dengan kolektibilitas pinjaman lancar dan menambahkan ketentuan pengecualian dari ketentuan rahasia perbankan di undang-undang perbankan. Hasil penelitian ini juga menyarankan agar Undang-Undang Perbankan menambahkan nasabah debitur dalam pengertian rahasia bank dan menambahkan ketentuan pengecualian atas rahasia bank; This Thesis discusses about bank secrecy regulation in Indonesia as stipulated in the Banking Act. However, limitations on bank secrecy was very narrow, and not to protect borrowers. In addition, there are many exceptions from bank secrecy regulation in other legislation, even from jurisprudence of the judges. This study examined using the legal theory of Lon L. Fuller and using normative juridical research method using a historical approach and comparative approach. This study aims to determine the limitations and exclusions of bank secrecy provisions in Indonesia. In this paper also lists some arrangements regarding bank secrecy from several countries. Results of this study concluded that the added provisions to protect the data of debtors with loans collectibility smoothly and added exemption from the provisions of banking secrecy in banking laws. This study aims to determine the limitations and exceptions of bank secrecy regulation in Indonesia. Results of this study suggest that the Banking Act adds borrowers in terms of bank secrecy and adds exceptions to bank secrecy provisions, This Thesis discusses about bank secrecy regulation in Indonesia as stipulated in the Banking Act. However, limitations on bank secrecy was very narrow, and not to protect borrowers. In addition, there are many exceptions from bank secrecy regulation in other legislation, even from jurisprudence of the judges. This study examined using the legal theory of Lon L. Fuller and using normative juridical research method using a historical approach and comparative approach. This study aims to determine the limitations and exclusions of bank secrecy provisions in Indonesia. In this paper also lists some arrangements regarding bank secrecy from several countries. Results of this study concluded that the added provisions to protect the data of debtors with loans collectibility smoothly and added exemption from the provisions of banking secrecy in banking laws. This study aims to determine the limitations and exceptions of bank secrecy regulation in Indonesia. Results of this study suggest that the Banking Act adds borrowers in terms of bank secrecy and adds exceptions to bank secrecy provisions]