

KESESUAIAN PRINSIP KERAHASIAAN BANK DALAM PENERAPAN PRINSIP KYC DALAM INDUSTRI PERBANKAN DI INDONESIA

INTISARI

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Bank Indonesia Mengeluarkan Peraturan Nomor 3/10/PBI/ 2001 Tentang Pelaksanaan Prinsip mengenal nasabah yang dapat berakibat pada terlanggarnya Prinsip Kerahasiaan bank pada Undang-Undang Nomor 10 Tahun 1998 Tentang Perbankan. Penelitian ini dilakukan dengan tujuan untuk mengetahui perwujudan prinsip kerahasiaan bank dalam peraturan perbankan di Indonesia dan juga eksistensi prinsip kerahasiaan bank setelah diterapkannya prinsip mengenal nasabah (KYC) di Indonesia.

Penelitian ini menggunakan pendekatan normatif-empiris, data dikumpulkan melalui penelitian lapangan guna memperoleh data primer dan penelitian kepustakaan guna memperoleh data sekunder dan. Selanjutnya data yang terkumpul dianalisis dengan analisis data deskriptif kualitatif.

Kesimpulan dari penelitian ini adalah bahwa pada dasarnya peraturan mengenai prinsip kerahasiaan bank sudah terwujud dalam peraturan perundang-undangan bidang perbankan di Indonesia dan Prinsip kerahasiaan bank dapat dipertahankan karena ruang lingkup prinsip mengenal nasabah dengan prinsip kerahasiaan berbeda. Prinsip kerahasiaan bank pun tidak memiliki korelasi langsung terhadap prinsip mengenal nasabah karena prinsip kerahasiaan bank mengenai merahasiakan nasabah dan simpanannya sedangkan prinsip mengenal nasabah mengenai bank harus mengetahui bahwa dana yang dimiliki nasabah bukan berasal dari kejahatan.

Kata Kunci : Prinsip Kerahasiaan Bank, Prinsip Mengenal Nasabah, Hukum Perbankan

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THE SUITABILITY OF THE PRINCIPLE OF BANK SECRECY IN IMPLEMENTATION PRINCIPLE IN THE BANKING INDUSTRY IN INDONESIA

ABSTRACT

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Bank of Indonesia issued Regulation No. 3/10/PBI/2001 Concerning the implementation of the principle of know your customer may result in breaking the principle of the confidentiality of the bank on Act No. 10 of 1998 About banking. This research was conducted This report is written with the purpose of know the embodiment principle of bank secrecy in the banks in indonesia and also the existence of the principle of secrecy a bank before and after enactment of the principle know your client (KYC) in Indonesia.

This research uses the normative approach to empirical, data-collected through field research in order to obtain primary data and research libraries in order to obtain data and secondary. Furthermore the data collected was analyzed with a qualitative descriptive data analysis.

The conclusion from this study is that basically rules on bank secrecy principle already embodied in legislation in the banking field and the principle of the confidentiality of bank Indonesia could be maintained because of the scope of the principle with the principle of the confidentiality of clients get to know different. The principle of confidentiality of the bank did not have a direct correlation to know principle against the customer due to the principle of confidentiality of the bank concerning the secret of customer and stash whereas the principle of know your customer about the bank must know that customer-owned funds not derived from crime.

Keywords: Bank Secrecy Principle, Know Your Customer Principle, Banking Law