

Praktik persaingan usaha tidak sehat dalam kegiatan bancassurance di Indonesia = Unfair competition practices in bancassurance activities in Indonesia

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Abstrak

[ABSTRAK

Dewasa ini kegiatan bancassurance mulai menjadi hal yang sangat diminati baik oleh perusahaan asuransi, bank maupun bagi nasabah sendiri karena memiliki berbagai keuntungan di dalam pelaksanaannya. Adapun yang menjadi permasalahan dalam tesis ini adalah Bagaimana kedudukan hukum kegiatan bancassurance di Indonesia dan bagaimana kegiatan bancassurance dilihat dari hukum persaingan usaha serta apakah terdapat pelanggaran hukum persaingan usaha dalam rangka kegiatan bancassurance? Kesimpulan: Pertama, aturan hukum terkait bancassurance diatur di dalam beberapa peraturan perundangundangan, yaitu Undang-Undang Nomor 7 Tahun 1992 sebagaimana telah diubah dengan Undang-undang Nomor 10 Tahun 1998 tentang Perbankan, Undangundang Nomor 40 Tahun 2014 tentang Perasuransian, serta secara khusus diatur baik dalam peraturan lainnya, salah satunya adalah dalam Surat Edaran Bank Indonesia Nomor 35/12/DPNP. Kedua, aturan-aturan dalam rangka kegiatan bancassurance yang ada pada saat ini telah sejalan ketentuan-ketentuan yang ditetapkan oleh hukum persaingan usaha dan tidak akan terjadi pelanggaran hukum persaingan usaha yang sehat bila dijalankan sesuai aturan yang berlaku.

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ABSTRACT

These day bancassurance activities began to be very attractive either by the insurance company, banks and for the customers themselves as having various advantages in its implementation. The main issue in this literature focuses on the legal position of bancassurance activities in Indonesia and seen how the bancassurance activities from the sight of competition law as well as whether there is a violation of competition law in the context of bancassurance activities? Conclusion: The first conclusion, the law related to bancassurance is set in some legislation, namely The law of Republic Indonesia No. 7 of 1992 as amended by The law of Republic Indonesia No. 10 of 1998 regarding Banking, The law of Republic Indonesia No. 40 of 2014 regarding Insurance, as well as specifically regulated either in other regulations, one of which is the Bank Indonesia Circular Letter No. 35/12/DPNP. The second conclusion, the rules in the framework of the existing bancassurance activities at this time has aligned the provisions laid down by competition law and will not be a violation of fair competition laws when run according to the rules.;These day bancassurance activities began to be very attractive either by the

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