

PERBANDINGAN ANTARA SISTEM HUKUM BANK MERGER DAN AKUISISI DI INDONESIA DAN KOREA SELATAN = COMPARATIVE STUDY ON LEGAL SYSTEM REGARDING BANK MERGERS AND ACQUISITIONS BETWEEN INDONESIA AND REPUBLIC OF KOREA

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Abstrak

Dalam beberapa tahun terakhir, proses pembekuan industri keuangan melalui merger antara bank besar dan mapan di banyak negara perlu perhatian lebih dekat. Masalah menjadi lebih jelas dalam beberapa tahun terakhir karena pemerintah memberi isyarat arah baru dalam kebijakan keuangannya dan mulai membuka pasar keuangannya dengan persaingan asing. Namun, fenomena ini tidak hanya muncul di Korea Selatan, tapi juga di Indonesia. Dalam hal ini, penelitian ini bertujuan untuk mengetahui bagaimana undang-undang mengenai perubahan merger dan akuisisi bank sebelum dan sesudah krisis ekonomi 1998 antara Indonesia dan Korea Selatan. Apalagi penelitian ini mengetahui undang-undang yang mengatur merger dan akuisisi bank dilaksanakan di kedua negara. Penelitian ini dikategorikan sebagai penelitian hukum normatif. Di antara tiga metode penelitian, pertanyaan pertama menggunakan pendekatan historis. Pertanyaan kedua menggunakan pendekatan komparatif, yang berfokus pada persamaan dan perbedaan bagaimana hukum diterapkan di Indonesia dan Republik Korea. Pelaksanaan UU tersebut diwawancarai oleh profesional Bank di Indonesia dan di Korea Selatan. Penelitian ini mengacu pada data sekunder untuk mempelajari topik penelitian. Informasi tentang UU mengenai merger dan akuisisi bank di Indonesia dan Korea Selatan dikumpulkan dari buku, jurnal dan artikel sebagai referensi untuk menangani penelitian ini. Sepanjang penelitian ini, saya telah menyimpulkan bahwa undang-undang dan peraturan di kedua Negara telah lebih spesifik dan diperkuat setelah Krisis Ekonomi tahun 1998. Selain itu, amandemen tersebut berhasil diterapkan di bidang perbankan saat ini, dan memperbaiki merger bank dan proses akuisisi.

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In recent years, the restricting process of the financial industry through mergers between large and well-established banks in many countries deserves a closer look. Problems became more apparent in recent years as the government signaled a new direction in its financial policy and began to open up its financial market to foreign competition. However, this phenomenon not only arises in Korea, but also in Indonesia. In this respect, this study aims to find out the laws regarding bank merger and acquisition changed before and after the economic crisis of 1998 between Indonesia and the Republic of Korea. Moreover, to find out the laws regulating bank mergers and acquisition executed/implemented in both countries. This research is categorized as normative legal research. Amongst three research method, the first research question uses historical approach. Second research question uses comparative approach, which focus on the similarities and differences on how law is implemented in Indonesia and Republic of Korea. The implementation of the Law is interviewed by the professional of the Bank in Indonesia and in Republic of Korea. This research refers to secondary data in order to study the topic of the research. Information about laws regarding bank merger and acquisition in Indonesia and South Korea is collected from books, journals and articles as the reference to address this research. Throughout this research, I have been reached in a conclusion that the

laws and regulations in both Countries have been more specified and reinforced after the Economic Crisis of 1998. Moreover, those amendments are successfully implemented in current banking field, and improved the bank mergers and acquisitions process.