

## Tying arrangement dalam produk perbankan di bidang perkreditan ditinjau dari aspek hukum persaingan usaha

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### Abstrak

[<b>ABSTRAK</b><br>

Skripsi ini membahas mengenai tying arrangement dalam produk perbankan di bidang perkreditan ditinjau dari aspek hukum persaingan usaha di Indonesia dan Amerika Serikat. Latar belakang penelitian skripsi ini adalah semakin banyaknya produk perbankan di bidang perkreditan yang diikat dengan produk asuransi dimana hal tersebut berpotensi melanggar hukum persaingan usaha. Penelitian ini menggunakan metode pendekatan yuridis normatif dengan metode analisis data deskriptif kualitatif. Hasil penelitian menunjukkan bahwa terdapat beberapa perbedaan dalam penerapan ketentuan tying arrangement dalam kasus produk perbankan di bidang perkreditan pada hukum persaingan di Indonesia dan Amerika Serikat, yaitu metode pendekatan yang digunakan dan konsep kekuatan ekonomi dalam menganalisa suatu kasus tying, keberadaan undang-undang khusus dan lembaga khusus untuk mengatur dan mengawasi kasus tying arrangement di sektor perbankan; serta kriteria-kriteria yang perlu dibuktikan dalam suatu kasus tying dalam produk perbankan di bidang perkreditan yang diatur dalam Pedoman Pelaksanaan Pasal 15 yang dikeluarkan oleh Komisi Pengawas Persaingan Usaha. ;

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<b>ABSTRACT</b><br>

The focus of this study is tying arrangement of banking products in the credit sector reviewed under competition law. The background of this research is the spread of banking products in credit sector, which many of those are tied to insurance products whereby has the potential to violate competition law. This research used a normative judicial approach with qualitative descriptive method of data analysis. The results showed that there are several differences in the implementation of tying arrangement provision in the credit banking products in Indonesia and USA competition law, which are the approach method and the economic power concept used by the trial in solving tying cases, the existence of special law and special institution to regulate and supervise tying arrangement issues in banking sector; and the criterias has to be proved in a case of tying in banking product in credit sector which has been arranged in the implementation of Article 15 Law No. 5 Year 1999 guidelines issued by the Commission. ;The focus of this study is tying arrangement of banking products in the credit sector reviewed under competition law. The background of this research is the spread of banking products in credit sector, which many of those are tied to insurance products whereby has the potential to violate competition law. This research used a normative judicial approach with qualitative descriptive method of data analysis. The results showed that there are several differences in the implementation of tying arrangement provision in the credit banking products in Indonesia and USA competition law, which are the approach method and the economic power concept used by the trial in solving tying cases, the existence of special law and special institution to regulate and supervise tying arrangement issues in banking sector; and the criterias has to be proved in a case of tying in banking product in credit sector which has been arranged in the implementation of Article 15 Law No. 5 Year 1999

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