

Pelindungan hukum terhadap keuangan negara dan potensi fraud pasca pengakhiran bank perantara = Legal protection for state finances and the banking industry regarding the termination of the bridge bank

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Abstrak

Kewenangan LPS dalam melakukan resolusi bank gagal bertambah sejak diundangkannya UU PPKSK, yakni dengan membentuk bank perantara. Pembentukan bank perantara hanya sementara, karena bank perantara wajib dijual kembali dengan harga wajar, dilakukan secara terbuka dan transparan, serta pemilik baru bank perantara boleh mendominasi kepemilikan sahamnya selama 20 tahun. Pengaturan yang demikian berpotensi merugikan keuangan negara karena frasa harga wajar bersifat multi tafsir dan juga berpotensi terjadi fraud karena dari berbagai literatur disebutkan bahwa dominasi kepemilikan saham erat kaitannya dengan tata kelola bank yang buruk. Untuk menganalisa pelindungan hukum apa yang dapat dilakukan, penelitian yang digunakan adalah penelitian doktrinal. Pengumpulan data dengan cara wawancara dengan LPS dan studi literatur, kemudian diolah dan dianalisa dengan metode kualitatif dan analitis deskriptif. Hasil penelitian menunjukkan bahwa penjualan dengan harga wajar adalah perintah undang-undang yang harus dipenuhi oleh LPS. Oleh karenanya, perlu melibatkan BPK untuk mengawasi LPS agar penjualan Bank Perantara dilakukan secara terbuka dan transparan. Keterlibatan OJK juga diperlukan untuk mengawasi secara intensif bank eks Bank Perantara dalam hal pemilik barunya mendominasi saham guna menghindari terulangnya bank eks Bank Perantara menjadi bank gagal karena ikut campurnya pemilik dalam pengelolaan bank.

.....LPS's authority to resolve failed banks has increased since the promulgation of the PPKSK Law, namely by establishing bridge banks. The formation of an bridge bank is only temporary, because the brigde bank must be resold at a fair price, carried out openly and transparently, and the new owner of the bridge bank may dominate its share ownership for 20 years. Such an arrangement has the potential to be detrimental to state finances because the phrase fair price has multiple interpretations and also has the potential for fraud because various literature states that the dominance of share ownership is closely related to poor bank governance. To analyze what legal protection can be done, the research used is doctrinal research. Data were collected by means of interviews with LPS and literature studies, then processed and analyzed using qualitative and descriptive analytical methods. The research results show that selling at a fair price is a legal order that must be fulfilled by LPS. Therefore, it is necessary to involve the BPK to supervise LPS so that sales of Bridge Banks are carried out openly and transparently. The involvement of the OJK is also needed to intensively supervise the former Bridge Bank in the event that its new owner dominates the shares in order to avoid a repeat of the former Bridge Bank becoming a failed bank due to the owner's interference in bank management.