



The Role of the OJK and PPATK in Law Enforcement against Banking Crimes in Indonesia

Farhan Fathur Rahman¹, Indah Sari Br. Barus², Qori Asvifah Bintang³, Rafly Alikhsan Sikumbang⁴

¹Sunan Kalijaga State Islamic University Yogyakarta

^{2,3,4}State Islamic University of North Sumatra Medan

E-mail: 22203011040@uin-suka.ac.id indah020623104@uinsu.ac.id qori0206232054@uinsu.ac.id
raflaysikumbang120@gmail.com

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Abstract

Banking is a strategic pillar in supporting the national economy, but this sector is vulnerable to criminal acts that threaten financial stability. This study aims to examine the types of banking crimes and analyze the crucial role of two main institutions, namely the Financial Services Authority (OJK) and the Financial Transaction Reports and Analysis Center (PPATK), in preventing and eradicating them. Banking crimes are defined as unlawful acts related to banking business activities and are subject to criminal penalties, including violations of licenses, bank secrecy, and unauthorized business activities, many of which are integrated with money laundering. The OJK functions as a regulator and supervisor that ensures bank compliance with prudential banking principles and Good Corporate Governance (GCG). Meanwhile, PPATK, as a Financial Intelligence Unit (FIU), focuses on analyzing Suspicious Financial Transaction Reports (LTKM), tracing the flow of funds (financial tracing), and monitoring compliance with Anti-Money Laundering and Prevention of Terrorism Financing (APU-PPT). The synergy between the OJK's supervisory function and the PPATK's financial intelligence is the main key in maintaining the integrity and public trust in the Indonesian financial system.

I. INTRODUCTION

Banking plays a vital role as an intermediary institution connecting those who have funds with those who need them, so public trust in it must always be maintained. However, banking activities are not without the risk of criminal acts that harm customers, financial institutions, and the country's economic stability. These crimes include abuse of authority, embezzlement of customer funds, fictitious credit granting, manipulation of financial reports, and money laundering, the perpetrators of which can involve both internal parties (bank employees or officials) and external parties.

To monitor and prosecute violations in the financial sector, the government has established the Financial Services Authority (OJK) and the Financial Transaction Reports and Analysis Center (PPATK). The OJK is tasked with regulating and supervising all financial services activities, including banking. The PPATK plays a specific role in preventing and eradicating money laundering (TPPU) through the analysis of suspicious financial transactions. Synergy between these two institutions is essential to

maintaining the integrity of the national financial system. The purpose of this writing is:

1. Defining banking crimes.
2. Identifying types of banking crimes based on the law.
3. Analyzing the role of OJK in law enforcement in the banking sector.
4. Analyzing the role of PPATK in preventing and eradicating financial crimes.

II. RESEARCH METHODS

The research method used is normative legal research. This type of research focuses on analyzing legal provisions, namely Law Number 10 of 1998 concerning Banking, Law Number 21 of 2011 concerning the Financial Services Authority (OJK), and Law Number 8 of 2010 concerning Money Laundering (TPPU), as well as related legal literature. The data used is secondary data in the form of primary legal materials (regulations) and secondary legal materials (books, journals, and research results).

III. RESULTS AND DISCUSSION

A. Research result

Definition and Classification of Banking Crimes

Banking crimes (Tipibank) specifically refer to prohibited and punishable acts specifically outlined in Articles 46 to 50A of the Banking Law. These Tipibank crimes harm the interests of various parties, including banks, customers, the banking system, and the wider community.

In general, the types of Tipibank based on the Banking Law are grouped as follows:

1. Criminal Offenses Related to Licensing (Article 46): Collecting funds from the public (current accounts, deposits, savings, etc.) without a business permit from the Head of Bank Indonesia, is punishable by a maximum prison sentence of 15 years and a maximum fine of IDR 200 billion.
2. Criminal Acts Related to Bank Secrecy Provisions (Articles 47 and 47A): Includes the act of forcing a bank to provide confidential information without a written order, or the actions of members of the Board of Commissioners/Directors/bank employees who intentionally provide information that must be kept confidential, or intentionally do not provide information that must be fulfilled. There are several exceptions to bank secrecy, including for tax purposes, settlement of state receivables, justice (criminal/civil), exchange of information between banks, requests from account holders, the interests of heirs, and in relation to reporting obligations to the PPATK.
3. Criminal Offenses Relating to Bank Development and Supervision (Article 48): Intentionally or negligently not providing information or reports that must be fulfilled to Bank Indonesia (previously) in the context of guidance and supervision.
4. Criminal Offenses Related to Bank Business Activities (Article 49): Includes making false records in bookkeeping or reports, removing/not entering records, changing/damaging bookkeeping records, requesting or receiving illegal rewards for personal gain in the context of credit facilities, and not implementing the necessary steps to ensure the bank's compliance with the Banking Law.
5. Criminal Acts Relating to Affiliated Parties (Article 50): Affiliated Parties (such as commissioners, directors, employees, public accountants, shareholders, etc.) who intentionally do not take the necessary steps to ensure the bank's compliance with the provisions of the Banking Law.
6. Criminal Acts Relating to Bank Shareholders (Article 50A): Shareholders who deliberately order the Board of Commissioners, Directors, or bank employees to take or not take action that results in the bank not implementing the compliance steps regulated in the Banking Law

The Role of the OJK in Preventing Banking Crimes

The Financial Services Authority (OJK) has the authority to regulate and supervise all activities in the financial services sector, including banking, in accordance with Law No. 21 of 2011. The main task of the OJK is to organize regulations and supervision to prevent irregularities or criminal acts such as fraud, corruption, and money laundering. The main roles of OJK include:

- 1) Implementation of Prudential Banking Principles: Require banks to maintain capital adequacy ratios and ensure prudent risk management.
- 2) Good Corporate Governance (GCG) Supervision: Ensuring that banks have a strong internal oversight

structure to minimize operational risks.

- 3) **Transparency and Accountability:** Monitor the implementation of information technology in the banking system so that all transactions are recorded systematically, minimize data manipulation, and ensure transaction security.
- 4) **AML-CFT Compliance Monitoring:** Supervise the implementation of banks' obligations to report suspicious transactions to the PPATK (in accordance with Law No. 8 of 2010) in order to detect illegal fund flows.
- 5) **Law Enforcement Cooperation:** Establishing cooperation with the Indonesian National Police, the Corruption Eradication Commission (KPK), and other law enforcement agencies in prosecuting criminal acts, where the OJK acts as a compliance supervisor.

B. Discussion

The Role of PPATK in Preventing and Eradicating Banking Crimes

The Financial Transaction Reports and Analysis Center (PPATK) is an independent institution (Financial Intelligence Unit) established under Law No. 8 of 2010 concerning Money Laundering (TPPU). The PPATK plays a crucial role, given that most banking crimes are closely related to money laundering.

The Role of PPATK in Prevention and Eradication:

1. **Receiving and Analyzing Financial Transaction Reports:** Analyze Suspicious Financial Transaction Reports (LTKM), Cash Financial Transaction Reports (LTKT), and Fund Transfer Reports to detect indications of banking crimes such as illegal fund flows.
2. **Financial Tracing:** Tracing the origins, purpose of transactions, and modus

operandi of crimes, the results of which are used as financial intelligence evidence for law enforcement officials.

3. **Bank Compliance Supervision:** Monitoring bank compliance with reporting requirements and implementation of Know Your Customer (KYC) principles.
4. **Submission of Analysis Results and Blocking:** Submitting analysis results containing strong indications of crime to investigators, and can order the temporary blocking of accounts suspected of being involved in criminal acts to prevent the loss of assets.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Banking crimes are violations of the law committed through banking activities or against the banking system, including misappropriation of funds, data manipulation, and money laundering, which threaten the stability of the financial system. The Financial Services Authority (OJK) acts as the primary supervisor and regulator to ensure banks' compliance with prudential principles and good corporate governance (GCG). Meanwhile, the Financial Transaction Reports and Analysis Center (PPATK) acts as a financial intelligence agency, focusing on analyzing suspicious transactions and tracing assets. Effective handling of banking crimes depends heavily on synergy between the OJK and PPATK, which complement each other in compliance oversight and financial crime detection.

B. Suggestion

We hope this article will be beneficial to readers. We welcome constructive suggestions and criticisms to improve and refine future scientific papers.

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