

**Crimes by the State in the Case
Obtaining Bailout Policy
By Naming Short Term Funding Facilities (FPJP)
At Century Bank (A Criminological Review)**

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Abstrak

Kebijakan pemberian *bailout* atau dana talangan dengan penamaan Fasilitas Pendanaan Jangka Pendek (FPJP) kepada Bank Century, sejak digulirkan tahun 2008, hingga saat ini, telah menimbulkan kontroversi di tengah masyarakat. Kontroversi itu, karena adanya pandangan bahwa kebijakan tersebut dinilai sebagai tidak layak dan menimbulkan kerugian bagi keuangan negara karena hanya menguntungkan salah satu pihak saja. Dalam tinjauan kriminologi, kebijakan tersebut dapat dipandang sebagai kejahatan yang berada dalam ruang lingkup *White Collar Crime* (WCC), dilakukan oleh korporasi birokrasi negara. Berdasarkan hal tersebut, pertanyaan penelitiannya adalah:

1. Mengapa di dalam mensikapi kasus Bank Century, di antara berbagai alternatif pemecahan masalah, kebijakan yang diambil oleh KSSK adalah *bailout* yang ternyata dikemudian hari disalah gunakan oleh Bank Century.
2. Kebijakan baru apa yang diperlukan untuk mencegah terulangnya kasus Bank Century.

Dengan pendekatan metode kualitatif, sifat kejahatan dari kebijakan FPJP Bank Century, ternyata tidak bisa hanya dilihat dari aspek pengambilan kebijakannya saja. Tetapi, perlu dilihat dari seluruh rangkaian kegiatan yang menunjukkan terjadinya kejahatan baik di Unit Operasional Bank Century, unit pengambilan kebijakan (KSSK-BI-LPS), dan unit pelaksana kebijakan (LPS). Hasil penelitian menunjukkan bahwa:

1. Peristiwa atau bentuk kejahatan di Unit Operasional Bank Century dan LPS selaku pelaksana kebijakan FPJP Bank Century, merupakan peristiwa kejahatan yang menghimpit atau bersinggungan satu sama lain. Menyebabkan pengambilan kebijakan FPJP Bank Century, memiliki kandungan/ sifat-sifat jahat (kriminogenik), sebagai kejahatan yang dilakukan oleh birokrasi Negara/kejahatan negara.
2. Peristiwa atau bentuk kejahatan yang terjadi di Unit Operasional Bank Century merupakan “penyebab” mengapa pengambilan kebijakan FPJP mengandung gen atau sifat-sifat kriminal. Sedangkan peristiwa/bentuk kejahatan yang terjadi di Unit Pelaksana Kebijakan, yakni LPS, adalah sebagai “akibat” yang membentuk FPJP Bank Century menjadi kejahatan Negara yang dapat dilihat secara nyata.
3. Memisahkan satu sama lain dari peristiwa/bentuk kejahatan yang terjadi pada masing-masing Unit Operasional tersebut di atas, mengakibatkan bentuk dan sifat kejahatan negara dalam pengambilan kebijakan FPJP Bank Century tidak terlihat secara sempurna/tidak kasat

mata/tersamar karena peristiwa atau bentuk kejahatannya menyebar (*diffusion*) sesuai tugas pokok, fungsi dan kewenangan masing-masing.

4. Hal itulah yang menyebabkan pembuat kebijakan pemberian FPJP kepada Bank Century terisolasi dari pandangan bahwa kebijakan yang salah dan merugikan adalah kejahatan.
5. Untuk mencegah terulangnya perbuatan serupa, direkomendasikan perlu ada mekanisme kontrol sosial yang melibatkan peran serta masyarakat yang lebih luas, misal optimalisasi peran DPR-RI melalui pemberian izin prinsip sebelum kebijakan digulirkan.

Kata Kunci : *Bailout*, Fasilitas Pendanaan Jangka Pendek (FPJP), Penyertaan Modal Sementara (PMS), *White Collar Crime*, kejahatan korporasi birokrasi Negara/ kejahatan Negara (*state crime*).

Abstract

The policy of providing bailouts with the naming of the Short Term Funding Facility (STFF) to the Century Bank, since it was rolled out in 2008, until now, has caused controversy among the people. The controversy was due to the view that the policy was considered inappropriate and caused losses to the state finances because it was seen to only benefit one particular party/group. In a criminological review, the controversy can be seen (assumed) as a crime within the scope of the White Collar Crime (WCC), committed by the state bureaucratic corporation. Based on this, the research questions are:

1. Why is responding to the Century Bank case, among the various alternative solutions to the problem, the policy taken by the KSSK was a bailout that was later misused by Century Bank?
2. What new policies are needed to prevent a repeat of the Century Bank case?

With a qualitative method approach, the nature of crime from Century Bank's STFF needs to be seen from the whole series of activities that show the occurrence of crime both in the Century Bank Operational Unit, the policy making unit (KSSK-BI-LPS), and the policy implementation unit (LPS). The research showed that:

1. Phenomenon or forms of crime in Century Bank Operational Units and LPS as implementing Century Bank STFF policies are events/forms of crime which coincide or intersect with each other. Causing the decision making of Century Bank's STFF policy by the competent authority, containing evil / criminogenic properties, such as a crime committed by the State bureaucracy/state crime.
2. Events or forms of crime that occurred in Century Bank Operational Units are the "causes" why STFF policymaking contains genes or criminal traits. While the events/forms of crime that occurred in the Policy Implementation Unit, namely LPS, are as a "result" that formed the Century Bank STFF into a state crime that can be seen clearly.
3. Separating each other from the events/forms of crime that occurred in each of the Operational Units mentioned above, resulting in the form and nature of state crime in making Century Bank STFF policies not seen perfectly / invisible / disguised because events or forms of crime spread (diffusion) according to the main tasks, functions and respective authorities.
4. These factors have caused policymakers to provide STFF to Bank Century with isolation from the view that wrong and harmful policies are crimes.
5. To prevent the recurrence of similar actions, it is recommended that there is a need for social control mechanisms that involve broader community participation, for example optimizing the

role of the house of representatives (DPR-RI) through granting principle permission before the policy is rolled out.

Keywords: *Bailout, Short-Term Funding Facility (STFF), Temporary Equity Participation (TEP), White Collar Crimes, State bureaucratic association crime / State crime (state crime).*

Preliminary

Century Bank's FPJP policy not only raises problems from the aspect of providing its policies, but also from the aspects of its resolution through the role of LPS in the PMS scheme, which turned out to have caused losses to state finances, was felt to have tarnished a sense of justice that grew in the midst of society . However, the nature of the loss and the emergence of a sense of injuring justice, isolated from the view that the act was a "crime" through rules that are formal legal.

If the statutory regulations which form the basis of the implementation of this policy are not changed, then these laws and regulations have the potential to be used as a means of obedience (compliance), but also at the same time disobedience or deviation (evasion) or evasion (evasion) (Lawrance Friedman, 1975) from lawsuits (risks) for the resolution of other similar cases in the form of making similar policies.

Based on the formulation of the problem, 2 (two) research questions were proposed, namely:

1. Why in responding to the Century Bank case, among the various alternative solutions to the problem, the policy taken by the KSSK is a bailout which turned out to be abused by Century Bank in the future ?
2. What new policies are needed to prevent a repeat of the Century Bank case ?

Research Methods.

To answer the two research questions, the case study was conducted using a qualitative approach (John W Cresswell, 2016: 4-5) by placing the Century Bank FPJP Giving Policy by the Policy Making Authority as a whole case. The whole case is intended that the granting of Century Bank FPJP policy is not a stand-alone event. But events that intersect with banking crime events that previously occurred in the Century Bank Operational Unit itself, so that he was

declared a bank failed to have systemic impact. Furthermore, it is seen how the nature of this crime is formed, through policies adopted by policy makers (KSSK), and implemented by policy implementers, namely LPS in this case.

Approach Theory

Whereas the nature of this crime was formed in the aspect of policy making by KSSK along with its ranks and policy implementation by LPS. However, the nature of this crime, referring to Sutherland (1983: 234-265) is "isolated" from the view as a crime, because of the internalization of the perpetrators, that even their actions are a form of violation of norms, ethics, and taste justice that develops in the midst of society, but they live it not as a crime. In this regard, the author's approach to isolation theory from Sutherland is used as a reference to explain the symptoms of crime in this case study on Century Bank FPJP.

Proposition

Based on that, the process of taking and implementing Century Bank FPJP policy as a public issue (public issue), has a criminogen content, will be seen sociologically relevant, through the approach of involvement of individual roles (the role of policy makers and implementers) as creative actors in the concept of sociological imagination (Charles Wright Mills, 1962). In this regard, the authors submit 7 (seven) propositions:

- a. Making Century Bank FPJP policy is a legitimate action;
- b. Century Bank FPJP policy making is done because there is a monopolistic authority;
- c. Monopolistic authority in making Century Bank FPJP policies can be misused;
- d. Century Bank FPJP policy can have a detrimental and criminal effect;
- e. There are several alternatives in Century Bank FPJP policies that are not detrimental (state finances);
- f. The granting of Century Bank FPJP is not based on a comprehensive analysis, but relies on normative authority;
- g. Policy makers granting FPJP to Century Bank were isolated from the view that wrong and harmful policies were evil.

Research result

Of the seven propositions above, if abstracted in narrative form, then the propositions in part; (a), (b), (c), and (d), will reflect the answers to the first research question, namely:

"Making Century Bank FPJP policy is a legitimate action, which is carried out because there is a monopolistic authority. The monopolistic authority in making Century Bank FPJP policies, can be misused, can have a detrimental impact, and can be categorized as a crime".

Whereas the propositions in parts (e), (f), and (g), if abstracted in narrative form, will reflect the answers to the second research question, namely:

"There are several alternative Century Bank FPJP policies that are not detrimental (e). (However), this policy was not adopted. (This is) caused by:

1. The granting of Century Bank FPJP is not based on a comprehensive analysis, but relies on normative authority (proposition part –f));
2. The policymaker granting FPJP to Century Bank was isolated from the view that wrong and harmful policies were evil (proposition part-g).

Discussion

1. Making Century Bank FPJP Policy is a Legal Act.

The FPJP policy to Century Bank can be declared as a legal action if we only look at it from the normative and formal juridical aspects. Why is that ? This is due to the existence of monopolistic authority inherent in the position, main duties and functions as well as the legal authority of the policy makers, which are collected in the Financial System Stability Committee (KSSK), which was formed based on Perpu Number 4 of 2008 concerning Safety Net Financial system. The KSSK consists of elements of the Ministry of Finance of the Republic of Indonesia where the Minister of Finance is the Chairperson of the Committee, the Board of Governors of Bank Indonesia (BI) as a member, the Deposit Insurance Agency (LPS) as a member and other related elements in the financial sector who work and take action according to laws and regulations. prevailing laws. The Financial Services Authority (OJK) as an institution separate from BI was not formed at that time. So that the role of BI in the functions of the Central Bank, Lender of the Last Resort (LoLR), and supervision and guidance and regulators as the authority in the financial services sector is still very dominant (Perry Warjiyo and Juhro, 2017: 23).

On November 20, 2008, based on BI Governor's Letter Number: 19/232 / GB / Rahasia, BI determined PT. Bank Century Tbk as a failed bank that is suspected of having a systemic impact. Furthermore, KSSK, through Decree Number 04 / KSS.03 / 2008, November 21, 2008, determined Bank Century Tbk as a bank that failed to have a systemic impact, and handed over its handling to LPS (see Notes to Century Bank's Financial Statements for Years Ended In June 30, 2009 and 2008: 8-9; see also Ahmad Yani Mas, "Dissertation", 2020: 98 - 99; 106-107).

Another normative rationale is that, according to the then Minister of Finance, the decision to save Century Bank on November 21, 2008, could not be judged based on the current conditions. Because at that time the condition of Indonesian and global banking was under heavy pressure due to the global crisis. The KSSK decision at that time was to avoid a chain crisis in the banking sector whose impact was far more expensive and more devastating due to the 1998 crisis. "By minimizing its costs and being managed by good management, Century Bank has the potential to be sold at a good price" (See: Closing Speech of Boediono As a Witness in the Budi Mulya Case, in: Mas Ahmad Yani, "Ibid." P.106 - 107; and p.116-117).

Another normative rationality is that what the KSSK does is in line with the rationality that develops in the realm of public policy studies and is lived in by the Century Bank FPJP policy makers. W.I. Jenkin (1978: 15), for example formulates public policy as:

"A set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where these decisions should, in principle, be within the power of these actors to achieve" (serangkaian keputusan yang saling terkait yang dibuat oleh seorang aktor atau sekelompok aktor politik berkenaan dengan tujuan yang dipilih beserta cara-cara untuk mencapainya dalam situasi tertentu, keputusan-keputusan tersebut, secara prinsip berada dalam kewenangan kekuasaan dari para aktor tersebut).

Another definition that is no less broad is as stated by Thomas R Dye (1978: 1) which states that public policy is "whatever the government chooses to do or not to do" (tindakan apa pun yang dipilih oleh pemerintah untuk dilakukan atau tidak dilakukan).

Based on the description above, it can be stated, that the policy making of the provision and implementation of the bailout in the form of Short Term Funding Facilities (FPJP) to Century Bank, viewed from the formal juridical side, and the meaning of the concept of public policy which is defined too broadly is legal. This broad opportunity is basically a form that can close or isolate from the view or stigma that the act is wrong, in this case it is isolated through

justification which are conceptually and scientifically justified because the meaning of public policy itself is interpreted very highly too broad of it. This is the theoretical and practical answer to the proposition part (a / 1), namely that making Century Bank FPJP policy is a legitimate action.

2. Monopolistic authority in making Century Bank FPJP policy, can be misused, can have a detrimental impact, and can be categorized as a crime (proposis b / 2; c / 3; d / 4).

However, legitimate action through monopolistic authority will at the same time open a very broad opportunity that also allows policy makers to violate laws or norms, or ethics, or existing rules. This opportunity can be seen theoretically in the relationship between Principals and Agents in the pattern of relations of the State Bureaucracy. In practical terms, it can be seen in full in a series of crime events, both those that occurred in the Century Bank Operational Unit, in the Operational Unit of Century Bank FPJP policy making, and in the Operational Unit implementing Century Bank FPJP policies, namely LPS (see Dissertation Manuscript pp. 84-102).

According to Rahayu and Vishnu (2019), in general the bureaucracy (read-state corporation), was identified as an instrument of the government as an executive body to embody various policies that had been decided by the President / Prime Minister (in this case - the President of the Republic of Indonesia-writer), as the highest executive authority holder. The relationship between the President and the government bureaucracy is top down or commanding, which in the realm of public administration, is usually explained through principal-agent theory. The principal-agent theory uses an economic and legal approach.

This form of principal-agent relationship is usually illustrated by politicians as principals. While agents are bureaucrats who are bound in a political "contract". The hope, bureaucrats as agents can carry out or execute a policy with the results according to the expectations of politicians as principals. But in practice it is certainly not that simple. Because there is no guarantee that the agent, in this case the bureaucracy will automatically produce an effective policy effect, as desired by politicians as the principal. This is caused, the agent or bureaucracy has its own interests, except if the incentive system created by politicians as the principal is in accordance with their expectations. In addition, the bureaucracy as the agent, usually positions itself better to gain knowledge through practical experience, so that it has

expertise specifically for the field he worked on (Moe, 1984, in: Amy YSRahayu and Vishnu Juwono, 2019: 7).

The principal-agent relationship pattern as described above, can be practically seen in its entirety in a series of crime events, both that occurred in the Century Bank Operational Unit, in the Operational Unit for Bank Century FPJP policy making, and in the Operational Unit implementing Century Bank FPJP policy, namely LPS (see Dissertation Manuscripts pp. 84-102). The crime events spread (diffusion), but are strung together into a single unit (monopolistic), and at the same time closed (isolated) through legislation that is enforced in carrying out their main duties, functions and authority. The possibility of unification (monopolistic) between legal actions which are both wrong and / or cause losses can be seen from; (1) aspects of the act, and (2) due to acts of policy making.

2.1. Aspect of actions

From the aspect of actions, both in the process of acquisition and merger of the three banks that formed the background for the formation of Century Bank Tbk, as well as after the merger (the period of giving FPJP policy and the takeover of Century Bank by LPS), it is very likely that collusion practices, abuse of authority , and providing incorrect information (fraudulent misrepresentation), by covering up or obscuring the actual conditions. So that the nature of the crime is not visible.

The nature of the crime of practices of abuse of authority and the provision of incorrect information (fraudulent misrepresentation) in the case of providing Century Bank FPJP (bailout) policy, according to the opinion of the author, is only felt there, if the result of abuse of authority or the provision of incorrect information has become a real cause of loss or injury to other parties (actual risk). Because, if there is no loss or injury to other parties, practices of abuse of authority or the provision of such incorrect information, will be isolated from the stigma of being a "crime" and not cause problems, both economically, as well as positive laws (laws and regulations) invitation). In this framework, the form of crime from policy making has not yet come to the surface, because it has not caused loss victims. Therefore, in the practices of economic and business activities, including in making policy / decision to take an action, even if done in a way cheating or violating ethics, and even breaking the law, always happens and is considered normal. Meanwhile, if a loss occurs, the loss will generally be placed and perceived

as a "risk" for business in the business. This is in line with the isolation theory from Sutherland (1983: 234-265).

2.2. Due to Policy Making

With regard to the above, the possible way to look at the level of error, and the possibility of who has to be morally responsible and formal legality for the existence of Century Bank's FPJP policy, is to first review the aspects of the consequences that result actual victims (actual risk). In this framework, the consequences of Century Bank's FPJP policy can be seen in: how much the actual loss befell the victims (actual risk) of the consequences of this policy. The real victims of this policy are: (1) the state through the role of LPS as the executor of Century Bank's FPJP policy; and (2) Fund Deposit Customers (savers / depositors).

In this case, the real victims of state financial losses can be seen through losses incurred at the Deposit Insurance Corporation (LPS). Factually financially, the loss is the difference in the amount of funds provided by LPS in the form of FPJP in the amount of PMS, which is Rp.6.7 Trillion + Rp.1.4 Trillion = Rp.8.1 Trillions, less the sale proceeds at J.Trust of Rp.4.4 Trillion = Rp.3.7 Trillion (Aziar Zain: 2016: 4-5). Compare with the results of the BPK calculation, the state loss in the Century case is Rp. 7.4 T, not Rp. 6.7 T. Whereas losses incurred by depositors, due to the implementation of Century Bank's FPJP policy, can also be seen from Century Bank customers who suffered losses in banking crime incidents that occurred at Century Bank Operational Units, as experienced by, among others, Mrs Gayatri and family Rp. 69 billion (interview on 7 February 2019), Go Linawati and friends totaling Rp. + 45 billion (see MA ruling number 2838K / Pdt / 2011), and Mr. Wahyudi for - + 70 billion (see MA ruling Number 1131 K / Pdt / 2015, September 28, 2015: Pages 11-12-13 and 82).

Whereas until now, except for victims on behalf of Wahyudi who have received partial compensation from Century Bank, there are still a group of customers who have been victims of being directly harmed financially, time and energy, or physically and mentally because they have not received their rights to date, even though their lawsuit against Century Bank was won. Thus, quantitatively the level of loss can be seen (see Supreme Court decision number 2838K / Pdt / 2011: 11-12-13).

Thus it can be stated that the making of Century Bank FPJP policy is a legitimate action because there is a monopolistic authority. The monopolistic authority in making Century

Bank FPJP policies, can be misused, can have a detrimental impact, and can be categorized as a crime, because of the possibility of merging (coincide or mixing) between legal acts / actions with illegal actions that always occur.

This is the theoretical and practical answer to the proposition section (2), namely that the Century Bank FPJP policy making is carried out because there is a monopolistic authority based on the principal-agent relationship pattern that is top-down (from the highest authority-holder to the policy implementer) , can be misused, can have a detrimental impact, and can be categorized as a crime (proposis b / 2; c / 3; d / 4).

In this regard, and to see / determine whether Century Bank's legal FPJP policy is formal legality, is a form that can be categorized as an act that contains elements of crime (illegitimate) or not, then the following description can provide answers to these questions.

3. Policy on Granting Century Bank FPJP as a State Crime.

Century Bank's FPJP policy as a form of crime (a state crime in this case), is seen through the falsification of further propositions in the following sections, namely: (proposition part - e / 5) There are several alternative Bank Century FPJP policies that are not detrimental (state finances). However, this alternative is not pursued by policy makers (ways / falsification techniques). This is because: The provision of Century Bank FPJP is not based on a comprehensive analysis, but relies on normative authority (proposition section f / 6); and Policy makers granting FPJP to Century Bank are isolated from the view that wrong and harmful policies are evil (proposition part g / 7).

It is known, that the provision of a bailout or bailout in the form of providing Short Term Funding Facilities (FPJP) to Century Bank by the policy-making authority, is as a form of public policy, which is taken to overcome the bank (century) which at that time was decided, was in a position of failure pay systemic impact. This policy, as we will later know, raises shocks and speculative issues in the community about the practices of corruption-collusion and nepotism in client patron relations between the bureaucracy of state power and the stakeholders who are in the Century Bank entity. The question is why such issues arise? It can be seen from the description based on the propositions section (e / 5), (f / 6), and (g / 7) below.

Based on the proposition (e / 5) above, it can be stated that the bailout (bailout) which in the true sense is a form of assistance that is common in an economic activity (see Aziar Zain:

2016: 11-12), will be able to deemed inappropriate, if the activity is carried out in ways that violate the rules, norms, propriety, or ethics, and end up with the emergence of victims (material and immaterial losses) to one party.

According to Zain (2016: 14), for companies in the form of banks, bailout funds are generally recorded on the equity side to increase capital. That is because banks are bound by provisions that require certain amounts of capital (Capital Adequacy Ratio). The increase in capital will greatly assist banks in supporting their operations. That is why such a process is often referred to as Recapitalization. The party conducting the bailout usually applies a number of very strict requirements to the company being bailout. Starting from improving work programs, tightening costs, to cutting management and employee bonuses. The goal is that the company (bank) that is bailed out can provide adequate returns for the bailout funds released. If these very strict requirements are not met, then it is impossible for bailout funds to be disbursed.

Examples with these very stringent requirements, for example, the bailout conducted by the United States government due to a major crisis that occurred in 2008 to a number of companies including banks (Zain, 2016: 33-34). In the United States, after a fierce debate, finally the United States Congress in October 2008 approved a bailout of US \$ 700 billion through a program called TARP (Trouble Asset Relief Program). Bailouts are provided with very strict requirements, including:

- The recipient must pay or return the TARP bailout fund, the principal plus interest within a period that is adjusted to the agreed work plan - generally for a period of 10 to 20 years;
- Settlement of troubled assets is carried out under government supervision;
- While using TARP funds, companies are prohibited from giving bonuses to company officials and employees, and are prohibited from distributing dividends.

Not all companies or banks in crisis receive bailout funds. Only really decent companies and banks are supported with these funds. As an illustration, the number of companies and banks that are bailedout is 640 companies. While in the same period, as many as 153 problem banks remained closed or liquidated. Companies that receive large TARP funds in the United States include: American International Group Inc. (US \$ 182 billion), Fanni Mae (US \$ 84 billion), General Motor Corp (US \$ 50 billion), JP Morgan (US \$ 25 billion), Wells Fargo

(US \$ 25 billion), Freddi Mac (US \$ 10 billion), Goldman Sach Group Inc. (US \$ 10 billion), Morgan Stanley (US \$ 10 billion).

Interestingly, in a relatively short period of time, almost all companies receiving TARP funds have paid in installments or returned them to the government. Even some of them have returned completely. The efforts of bailout recipients to return and repay TARP funds were mainly motivated by the release of stringent bailout rules, namely the prohibition of distributing bonuses to executives and bailout company employees. The amazing thing is that at the end of 2012, the Fed as the executor of the TARP fund program announced it had obtained a surplus or profit in managing funds to bailout a number of companies and banks.

Another interesting thing in managing the TARP fund program, is that during the program, there is an independent non-governmental organization called Pro-Publica that routinely investigates, monitors, and announces to the public every dollar of withdrawal or repayment of TARP funds. According to the Pro-Publica Report as of March 2014, the position of the TARP funding program is as follows:

- Out of a total of 640 companies receiving bailouts, 28 of them have fully refunded TARP funds;
- Some companies accept TARP not all at once, but in several withdrawals until mid-2010;
- The balance of the use of TARP funds is US \$ 615 billion. The total amount returned was US \$ 387 billion, including interest income and other costs.

The concepts mentioned above, do not appear to be a concern and consideration for policy makers, who should become their basic knowledge and competence as the authority of policy makers (individual and collective awareness of them). This in the context of sociology, for example, can be related to the concept of social imagination Charles Wright Mills (1962) and the Concept of "craftsmanship", Personal Trouble and Public issues in the Housebuilding Industry, *Labor & Industry: a Journal of the Social Economic Relations of Work*, 7 (3) pp.67-83 (see Ari Wahyu Prananta, 2017, "Anti-Corruption Cultural Awareness Movement, Academic Intellectuals in the Intellectual Craftmanship Perspective of C Wriyth Mills: Proceeding International On Ethnicity and Globalization, Surabaya 3 - 4: 122- 135), argues about the role of intellectuals (intellectual craftsmanship) in the context of establishing an ethical dilemma awareness empirically, where intellectuals have the role of individuals who are free in seeing the role of a macroscopic and molecular. However, it seems that the concept of social imagination from

C.W.Mills, is unknown and not lived as an individual or collective consciousness between them. Thus, the principle of prudence and professional responsibility is also neglected in this regard. The data shows this, for example:

At the DGI meeting, November 20, 2008, it was learned that Century Bank's capital adequacy ratio was negative 3.53 percent and still had a maturity obligation of a total of Rp.859 billion or greater than the value of the Short-Term Funding Facility (FPJP) that had been disbursed by BI worth Rp.689 billion.

"Siti Chalimah Fadjriah said that based on the BI supervisory assessment, Century Bank was not classified as a systemic individual bank, but when viewed from a macro perspective, Century Bank was classified as systemic. Halim Alamsyah also explained that Century Bank's problems did not have a systemic impact because Century Bank's role in the real sector classified as small, lending is also not too significant and the role of Century Bank can be replaced by other banks," explained the prosecutor (in the case of Budi Mulya indictment).

However, due to fears KSSK would not approve Century Bank's proposal as a bank failing to have a systemic impact, Budi Mulya, abusing his authority, stated that he disagreed with the data attachment submitted by Halim Alamsyah and requested that Halim's data not be attached.

Budi Mulya's request was supported by Miranda Goeltom because there was only one criterion that had a systemic impact related to Century Bank. Miranda also requested that Halim's data attachment not be included because later it would be crowded.

"Furthermore, Boediono asked the approval of each member of the BI Board of Governors regarding Century, and all members of DGBI stated that they agreed that Century Bank was determined as a failed bank that was suspected of having a systemic impact," said the prosecutor (in a trial on the Budi Mulya indictment case).

Based on these data / information, it can be stated that in making Century Bank FPJP policy, the condition actually reflects the neglect of alternative (choice) policies that have the potential not to cause harm to state finances. This means that, in fact there are a number of alternative Century Bank FPJP policies that are not detrimental (state finances) (part - e / 5 proposition). However, this alternative is not pursued by policy makers (ways / falsification techniques). This is caused by :

1. The granting of Century Bank FPJP is not based on a comprehensive analysis, but relies on normative authority (proposition part - f / 6); and
2. Policymakers granting FPJP to Century Bank were isolated from the view that wrong and harmful policies are evil (proposition part - g / 7).

Conclusion

Based on the description above, it can be concluded, that:

1. In responding to Century Bank's default condition, the provision of a bailout in the form of policy making in the form of FPJP, and PMS to Century Bank by the Policy Making Authority was the only choice that resulted in the policy making meeting on November 20, 2008, on the grounds that the Bank Failed Systemic impact that seems forced.
2. The policy turned out to be misused in the future by Century Bank, causing losses to the state finances (BPK's audit results said, this case had caused state financial losses of up to Rp.7.4 trillion).
3. Policies that can be misused and cause losses to state finances are not used as the basis for basic considerations in the decision making process by the Policy Authority. That was caused by:
 - a. The granting of a bailout in the form of FPJP to Century Bank under the PMS scheme by LPS, is not based on a comprehensive analysis, but relies on normative authority, which is formal legal, scientific, and technical.
 - b. That is why policy makers gave Century FPJP with PMS schemes, isolated from the view that wrong and harmful policies are evil.
4. That to see the content or nature of the crime of the FPJP granting policy by the legal authority, it must be seen from the crime that occurred in the Century Bank Operational Unit, and which occurred in the LPS operational unit as the executor of the policy.
5. Events or forms of crime that occurred at Century Bank are the "causes" why FPJP policy making contains genes or evil traits. While the events / forms of crime that occurred at LPS, were as a "result" that formed the Century Bank FPJP policy into a crime that could be seen clearly, because it caused losses to the state finances.
6. Separating each other from the events / forms of crime that occurred in each of the Operational Units, resulting in the form and nature of crimes for the taking and implementation of Century Bank FPJP policies, not seen perfectly, because the crime events spread (diffusion) in each each authority in accordance with the main tasks, functions and authorities.

Thus the conclusion of the results of this study in an effort to answer 2 (two) research questions above.

Suggestions / Recommendations

In line with the enactment of Law Number 9 Year 2016 Regarding Prevention and Handling of Financial System Crisis, which at the time of handling the financial crisis of Century Bank in 2008-2014 had not yet been formed, especially with regard to the formal control of banking crimes in the criminal justice system for similar cases Century Bank, it is necessary to propose / recommend the provision of additional rules / amendments to Act Number 9 of 2016 concerning Prevention and Management of the Financial Crisis, for example by including a clause in addition to Article 48, to be added as follows:

1. If the PMS / Intermediary Bank is to be sold at the time specified as regulated in this Law, until the final choice, which is, the difference occurs less than the PMS received in the context of establishing, operating and / or terminating or selling the Intermediary Bank, then the policy making to sell PMS in the form of an Intermediary Bank by LPS, must be done through a decision of the President of the Republic of Indonesia, after obtaining approval / permission "principle" from the DPR-RI. (The principle permit is intended to be approved in advance because it is in the context of overcoming an emergency situation).
2. This is a logical consequence that making this policy, according to the regulations above, cannot be prosecuted formally, both civil and criminal. However, if in the future it turns out that the policy is considered wrong, because for example, it has the potential to cause greater financial losses to the state, or to indicate distortion, the DPR-RI, can still play its role according to the functions and authorities inherent in exercising control over the government. So as to prevent the occurrence of losses and irregularities that are bigger and wider.

Thus, hopefully useful, thank you.

Depok, June 4, 2020.

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