

INTISARI

Penelitian ini merupakan analisis kebijakan perbankan mikro yang dilakukan secara komprehensif, yaitu sejak Bank Indonesia memberlakukan *Basel Core Principles* (BCP) sampai dengan beralihnya tugas pengawasan ke Otoritas Jasa Keuangan. Selama periode tersebut, dari data menunjukkan telah banyak BPR yang ditutup dibandingkan dengan bank umum, sebagian besar BPR yang ditutup adalah akibat *fraud*.

Studi kebijakan ini menganalisis efektivitas peranan aktor pengambil kebijakan pengawasan dan pelaksana kebijakan pengawasan dan dampak penetapan kebijakan perbankan untuk BPR terhadap kemungkinan timbulnya *fraud* dalam pengelolaan BPR.

Penelitian ini menemukan bahwa *fraud* dapat terjadi akibat lemahnya kebijakan pengawasan, selain itu penelitian menganalisis *fraud* dari teori agensi, teori asimetri, dan nilai-nilai *good corporate governance*, serta akibat perbenturan kebijakan, khususnya terhadap Bank Perkreditan Rakyat di Indonesia.

Analisis menunjukkan bahwa *fraud* dapat terjadi karena kelemahan pengawasan yang merupakan salah satu penyebab utama terjadinya *bank mismanagement* yang pada akhirnya menimbulkan kegagalan bank (*bank failure*), campur tangan atau intervensi pemilik bank dalam operasi bank, adanya kejahatan perbankan, belum efektifnya implementasi *self regulatory policy* pada bank-bank yang diindikasikan oleh kelemahan manajemen risiko dan kelemahan internal kontrol, pengurus bank yang kurang kompeten dan tidak independen, dan rendahnya integritas pemilik dan pengurus bank.

Penulis merekomendasikan penggunaan suatu model, model ini merupakan kajian terhadap kebijakan pengawasan BPR dan kasus *fraud* yang terjadi, model ini penulis sebut sebagai *Asteria Model*. Model ini menawarkan perubahan kebijakan terhadap UU dan ketentuan yang mengatur mengenai BPR, hal tersebut dilakukan dalam upaya mengembalikan posisi strategis BPR setelah mengalami masa suram selama 28 tahun. Hendaknya penataan BPR difokuskan pada 3 aspek yaitu Ketentuan Kelembagaan BPR, Pengawasan BPR dan Perlindungan Nasabah.

Kriteria BPR perlu dipertegas, agar BPR dapat **beroperasi layaknya sebagai bank yang dikelola menggunakan azas-azas modern (*Good Corporate Governance*) dan berbasis Risiko**, sehingga mempunyai keunggulan yang lebih baik dibandingkan dengan lembaga keuangan lainnya.

Kata kunci : kebijakan pengawasan BPR, BPR, *fraud*, *agency theory*, *assymetric information*, *good corporate governance*, *Asteria Model*.

ABSTRACT

This research is a micro banking policy analysis which was comprehensively implemented by, since the Bank of Indonesia applied the Basel Core Principles (BCP) towards the overtaking duty to the Financial Services Authority (OJK). During the periods, based on collective data, we found there were rural banks (BPR) closed more than the general banks, and most of them were closed due to fraud.

The study of this policy analyzed the effectiveness of the role of decision makers in supervising and agents in executing the policy. It also analyzed the impact of banking policy establishment to rural banks towards the possibilities of having fraud in managing rural banks.

The research found that fraud could occur due to lack of supervision. It also analyzed fraud from the theories of agency, asymmetry, and values of good corporate governance point of views. In other cases fraud is likely to occur because of the conflict of policies, particularly towards rural banks in Indonesia.

The analysis showed that fraud could happen due to lack of supervision which could lead to be one of the major causes of bank mismanagement, and in the end it could cause bank failure, bank owner's intervention towards the operation, banking crime, ineffective self regulatory policy implementation to banks indicated by the lack of risk management, internal control, incompetent and nondependent bank personnel, and the lack of bank owner and personnel's integrity.

It is recommended that there should be application of a model as a perspective of supervision policy towards rural banks and fraud cases, called as *Asteria Model*. It offers a policy changes towards law and regulation regarding rural banks in order to put back the strategic position of rural banks after experiencing a 28-year bad moment. It is expected that the management of rural banks shall be focused on three aspects, the rural bank institutional regulation, supervision, and customer protection.

The criteria of rural banks need to be clearly stated they are able to operate as banks managed through modern principles (Good Corporate Governance) and risk management. It is then expected that rural banks would have better benefits than other financial institutions.

Keywords: Rural Bank Supervision Policy, Rural Banks, Fraud, Agency Theory, Asymmetric Information, Good Corporate Governance, Asteria Model.