

ABSTRACT

M. Zen. Efforts to Control Criminal Activity in The Banking Regulation Policy Approach and The Application of Criminal Law. Dissertation under the guidance of esteemed Prof. Dr. H. Faisal Santiago, SH, MM as Promoter and Dr. Darwati, SH, MH as Ko. Promoter.

Increased banking activity in serving the needs of society and in supporting the national economic growth rate, resulting in bank vulnerable to aberrations that lead to acts/crimes can occur at any time. For it is necessary to be tackled through regulatory policy approach and the application of criminal law. The existing regulatory policy approach to the provisions of Article 46 to Article 50A law number 10 of 1998 to formulate a criminal threat against criminal banks.

Problems in this dissertation, (a) How regulatory policy legislation in combating crime in the area of banking ?, (b) What factors are an obstacle in the prevention of crime in the area of banking ?, and (c) How the application of the criminal as a tool in the prevention of criminal offenses in banking ?. In this study, using a normative legal research methods, combined with empirical legal research as supporting material/complementary, by describing, analyzing and evaluating of all laws relating to criminal offenses in the field of banking and synergized to see the practice in the application of criminal to impose criminal sanctions against per-petrators of criminal acts in the banking sector who was sentenced by the trial judge, by using the theory of criminal law policy, the theory of the legal system, and other progressive legal theory, to answer and analyze to the formulation of the problem raised. Research results were found, it was concluded that (a) The regulatory policies legislation is not sufficient in the fight against crime in the area of banking, (b) Still found some obstacle in the fight against crime in the area of banking, both from the aspect os substance, structure and culture, and (c) in the application of the criminal, the decision handed down is still a positive-legalistic (judges as the mouthpiece of the law) without going to dig more deeply in accordance with the laws that live and thrive in the community. Suggested (a) necessary re-orientation, re-conceptualisation and re-formulation by improving/ revising of the Banking Law Number 10 of 1998, (b) The need to improve the quality of human resources and facilities and infrastructure of law enforcement officers, and (c) It is expected that the trial judge in the verdict against perpetrators of criminal acts in the field of banking, can use legal approach progressive, pro-justice and pro-people.