ETHICS AS AN ATTEMPT TO CONTROL BANKING CRIMES

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This study aims to examine and criticize the existence of ethics in the banking business. Bankers in conducting their duties can not be removed with ethics , and ethical theory as well as the work of evil in the basic theory. Therefore, it is expected to maintain moral ethics in their behavior. This research criticize and evaluate the implementation of ethics contained in the principles of good corporate governance in general.Target to be addressed is what are the things that cause a banker breaking,on the other hand there are bankers who obedient. This research using secondary data as initial data that led to the initial conclusion , and using primary data for comparison with the current situation that occurred (empirical). Study tries to fill this gap previous research related to the importance of ethics in business, which has been largely ignored byresearchers,especiallythescienceofcriminology.

Keywords: Ethics , Control , Crime , Banking.

I. PREFACE

Crime in banking as part of economic crime. Economic crime is usually referred to as white-collar crime (white collar crime). Economic crime is a crime that has economic motives and usually done by people who have the intellectual ability and have an important position in society, and was related to his job.

Banking crimes, mostly carried out by the internal, in terms of criminological called white collar crime (white collar crime).Different modes to do with the mode of conventional crime, while the value of the object is very large theft (Wiryosukarto, 2012).

Banking crime is not merely a violation of regulations relating to banking, but there needs to be some things that lead to violations / crimes committed by bankers and bank officials, which is associated with his work and even his post. It was like proposed in the study, that some professional crime differs significantly from conventional crime. First, a professional criminal involved in the life of criminal behavior for the purpose of economic gain, or even as a livelihood. Second, highly developed professional career criminals. Third, in committing a crime, supported with sufficient professional skills. Fourth, professional criminals enjoy a high status in the community. And fifth, professional criminals are usually able to avoid detection and is quite successful in avoiding prison (Clinard-Quinney, 1972).

Data Banking Crime Police Headquarters in 2011

No	Bank	Value (Rupiah)	Case	Performers
1	A	6 million	Forgery and burglary	cash office supervisor
2	B	18 billion	Forgery signature on the withdrawal slip	Customer Service
3	C	-	Counterfeiting slip letter of credit	Chairman
4	D	1,9 billion and US$ 110,000	Embezzlement of customer funds	Head Teller
5	E	2,5 billion	Embezzlement	Customer funds
6	F	16,63 billion	Embezzlement	Customer funds
7	G	111 billion	Deposit Investment Fraud	Head Branch

Source: Adapted from Compass .com 2011

Of crime data bank above , shows that the banking crime , both in the government and private commercial banks , of which there are many cases , have considerable value for money , as well as most of the perpetrators were in or the bankers . These cases is not the first case (before the economic crisis of 1997) , some time before the crime in the banking sector, which we know as the evil " white collar " has several times occurred for instance the case of BNI bank and others.

To minimize and detect the occurrence of crime in the banking company , the company should focus on corporate governancebased on a set of ethical principles that guide the company to make a decision or action . In addition ,developing a corporate governance framework to reduce the risk and detection offraud that might arise (Nabhan - Hindi , 2009) .

Efforts to deter violations and bank fraud , Bank Indonesia has made a Rule of Good Corporate Governance , as well as ethical guidelines for commercial banks , issuing and Regulations on Test Fit and Proper Test (Fit and Proper Test) which is intended for prospective bank officials . Both regulations are closely related to behavioral and ethical issues , especially for bankers to run the bank's operations A crime that occurred in banking, for it can be argued that the opinion Cressey (1968) pointed out that the crimes committed by them is related to the job, no breach of trust by the manager. There is a conflict between the role of a businessman with a role as a professional, as well as to rationalize their crimes.As in the above data , the figures showed that almost all bank crimes committed by those who have a position or authority for each task , such as director , branch manager , deputy director , head teller , supervisor , and so on . Of these conditions , the managers , are ideally before taking office have passed the fit and proper test and after that , in carrying out his duties the principles of corporate governance (GCG) as ethical .

II. THEORY

Ethics is the study of all things good and evil in human life , especially regarding the movements of thought and feeling which can be a consideration and feelings , in the form of its intention to act (Zubair , 1995) . With ethics , humans are expected to behave in the absence of guidance , especially in their role , both as individuals and in society . Similarly, ethics is the science which deals with morality or a science that investigates moral behavior (Bertens , 2004) . Ethics is a reflection of what is called "self control" , because everything was built and applied from and to the interests of social groups (professional) itself . To get the same concept of the good and bad assessment for all human beings to an act in a group , space and time.In the business community , especially the banking business , the code of conduct has been defined as the Code of Conduct in business activities in the company (Code of Corporate and Business Conduct), an implementation of one of the principles of Good Corporate Governance.

Code of ethics , demanding the bankers to conduct ethical business practices are the best in all things done on behalf of the bank . If this principle is deeply embedded in the culture of the bank (bank culture) , all bankers in the bank should try to understand and try to adhere to the " which should " and " which should not be " carried out in the banking business . Violation of the Code of Conduct is a serious matter , even be categorized as a violation of the law or the so-called crime . Therefore there is the aggrieved party , in this case is the loss of material.

III. BANKERS CODE

Bankers as one of a variety of professions , where they are incorporated into the business organization called the Bank . Profession into a group that has its own power and because it has a special responsibility , has a monopoly on a particular skill , so there is a danger of a profession that is closed to outsiders and themselves into a circle that is difficult to penetrate (Bertens , 2002) . In the banking world are accepted and adhered to by the national bankers and then settles into a normative. Ethical banking is a good habit or regulations in the banking world are accepted and adhered to by the national bankers and then settles into a normative (Simorangkir , 1985). The existence of a code of conduct , attempted to compensate for the state , which is expected to memperbasar public trust in the professions . Similarly, in order to function properly the profession , it is necessary to create a code of ethics created by the professional community . From there it will be black and white set his intention to embody moral values are essential , which are not imposed from outside .

Every banker in Indonesia are required to manage the bank in a healthy respect for the norms and banking are applicable , comply with all the values as basic guidelines in determining attitudes and actions . Banking norms recognized , accepted and adhered to the Code of Conduct contained in the Indonesian Bankers in the contents as follows:

1. A banker comply with and obey the laws and regulations applicable regulations.
2. Keep records correct on all transactions related to bank activities.
3. Refrain from unfair competition .
4. Not misuse authority for personal benefit.
5. Refrain from involvement in the decision -making kepentingan.gambilan event of a conflict.
6. Maintain confidentiality of customer and bank.
7. Can take into account the impact of any policy set merugikandari bank against economic , social and environmental .

8. Not accept gifts or rewards that enrich themselves in order to act in defiance of the rules can be personally and their families, which can enrich minimized .
themselves personally and their families.
9. Not committed a disgraceful act that could harm the image of his profession .

METHODOLOGY

In obtaining the required data , it will perform the following phasesStudies LibraryRead the case files District Court or the Supreme Court , literature , scientific journals , articles , case files related to the investigation of the problemof evil / banking violations Interviews .Conducted to determine what are the factors that encourage and influence the perpetrators perbankann it to do so . Interviewswill be conducted with the participants , whether they are in prison or who have completed their sentences. Data and Study SampleSecondary data required is data on banking crime obtained from official institutions , namely the South Jakarta District Court , Central Jakarta District Court , to the Supreme Court premises Republic of Indonesia in Jakarta . This is because in the process of doing research guidance in the completion of a dissertation , the Promoter suggestions have been changes in other research methods , namely a multiple case study.

ANALYSIS

Atthis stage, researchers have not beenable toconcludeon the whole, but onlyto the extentthe identification ofbank fraudcasesthat have beendecided bythe Supreme Court. So itis still thecase fileanalysisdocumentsthatthe perpetratorsbanking crimes .Theyhave broken the law, thebanking lawand code of ethicsas has beenenforced forthe bankers. For his actions, then the perpetratorsto be punishedin accordancewiththe level ofoffensethey have done.

CONCLUSION

Developments in the field of financial crime , particularly in the banking industry is still going on , especially in terms of quality . This dissertation research emphasis on ethics violations that can lead to a crime in banking. Banking crime in criminology included in the white collar crime , the perpetrator is a general characteristic of a highly educated , high social status . In the banking sector white collar crime , most perpetrators are men in the bank (banker) , with the victims were bank customers . Need for subsequent research , so that ethical issues in a variety of professions , especially bankers , further expanded . For the existence of something more womanly ethics precedence in discussing issues of human behavior ,

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BIBLIOGRAPHY

[1] Appelbaum H. Steven, et al. 2009. (Good) corporate governance and the strategic integration of meso ethics", Social Responsibility Journal, Vol. 5 Iss: 4, pp.525.

[2] Bertens, K. 2004. Etika. Jakarta. PT Gramedia Pustaka Utama.

[3] Holtfreter, Kristy, 2005. Is Occupational Fraud "Typical" white-collar crime? A Comparison of Individual and Organizational Characteristics. Journal of Crime Justice. Florida State University, College of Criminology, 634 West Call Street, Tallahassee, FL 32306-1127, United States

[4] Joseph, Heath. 2008. Business Ethics and Moral Motivation: A Criminological Perspective. Journal of Business Ethics 83:595–614 _ Springer 2008

[5] Lukviarman, Niki. 2004 "Etika Bisnis Tak Berjalan Di Indonesia: Ada Apa Dalam Corporate Governance?"Jurnal Siasat Bisnis: 139-156.

[6] Mackenzie, Craig. 2004. Moral Sanctions: Ethical Norms as a Solution to Corporate Governance Problems.The Journal of Corporate Citizenship 15: 49-61.

[7] Mugalu, Geoffrey, etc.2010. The Role of Senior Leadership in Ethical Behavior of Financial Institutions: A Case Study. Capella University.

[8] Mustofa, M. 2013. Metode Penelitian Kriminologi. Edisi Ketiga. FISIP UI Press.

[9] Mustofa, M. 2010. Kleptokrasi-Persekongkolan Birokrat-Korporat Sebagai Pola White Collar Crime di Indonesia. Jakarta: Kencana Prenada Media Group.

[10] Nabhan, Latif R.A, and Hindi, M. Nitham. 2009. Bank Fraud: Perception of Bankers in the State of Qatar. Academy of Banking Studies Journal, Volume 8, Number 1. Qatar University.

[11] Nitibaskara, T. R. 2001. Ketika Kejahatan Berdaulat. Jakarta: Peradaban.

[12] Phongstorn, Ermongkonchai. 2010. Understanding Reasons for Employee Unethical Conduct in Thai Organizations: A Qualitative Inquiry. Contemporary Management Research 6. 2: 125-140.

[13] Quinney, Richard and Marshal B Clinard. 1972.Criminal Behavior System ATypology.Second Edition. Chapel Hill, Nort Carolina: Madison, Wisconsin.

[14] Schell-Busey, etc. 2009.The Deterrent Effects of Ethics Codes for Corporate Crime: A Meta-Analysis.University of Maryland, College Park, 2009. 2009. 3359755.

[15] Sembiring, Sentosa. 2000. Hukum Perbankan. Bandung. CV. Mandar Maju.

[16] Simorangkir, O.P. 1985. Etik dan Moral Perbankan. Jakarta.Ind-Hill, Co.

[17] Singleton,Tommie;King Brett, et al. 2003.Pro-ethics activities: Do they really reduce fraud?.The Journal of Corporate Accounting & Finance14.6 (Sep/Oct): 85-94.

[18] Sutherland, E.H. 1983. White Collar Crime. With an Introduction by Gilbert Geiss and Colin Goff. New Haven and London. Yale University Press.

[19] Tran, Ben. 2008. Corporate Ethics: An End to The Rhetorical Interpretations of an Endemic Corruption. Social Responsibility Journal4. 1/2: 63-81.

[20] Wiryosukarto, Darto. 2012."Agar BPD Aman Dari Fraud." No. 396 Vol.XXXIV. Diakses pada 7 Maret 2012 6667dihttp://www.bi.go.id/web/id/Tentang+BI/Perpustakaan/Periodikal/default.aspx?iddl=71288.

[21] Yeager, Marshal B Clinard and Peter C. 1980.Corporate Crime. New York: The Free Press.

[22] Undang-Undang Perbankan Nomor 10 Tahun 1998 dan Peraturan Bank Indonesia Nomor 8/4/PBI/2006 tentang Good Corporate Gocernance bagi Bank Umum.