

Conference paper

Systemic Bank in the National Banking's Legal System

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Abstract.

Disrupted banking system may lead to financial risk as its characteristics links one market to another and one financial service institution to another. If a bank fails, another bank may do so, and even non-banking system, financial system and generally domestic macroeconomics and other states may fail; thus, systemic risk attracted both central bank and banking supervising institutions' attention throughout world. This study wants to answer the question: Why a bank is called Systemic Bank and how is the Systemic Bank regulation in national banking system? The descriptive analytic research used normative approach, with secondary data. The study found that a bank is called systemic as the banking world's default risk can be systemic related to its transmitting ability, and a bank's failure can contribute to another's failure in banking transaction. The effect of default bank can spread to non-financial companies for the bank provides loan to other companies. The Law No.9 of 2016 about Prevention and Management of Financial System Crisis is published leading to the regulation about the assignment of Systemic Bank. Coordinating with Bank of Indonesia the OJK assigns Systemic Bank and Capital Surcharge semiyearly in normal condition. The method of assignment is implemented with several indicators: size, complexity and interconnectedness. If OJK decides earlier the measures to be taken to deal with the Recovery Plan that cannot make the bank sound, recommendation given will be to publish publicly the list of Systemic Banks to give appropriate information and law protection to the public.

Keywords: Systemic Bank, Legal System, National Banking

1. INTRODUCTION

A company operating primarily in fund collection and distribution is called a bank. Some typical activities distinguish bank from other companies in relation to its primary business indicating that the operational fund of a bank is largely not its own and it should always provide it as soon as the owners need. The bank can maintain the public trust through keeping its position liquid. Another typical activity indicates the fund used by the bank largely imposing cost burden, for the fund is collected from the people through the payment of interest rate. In other words, the income will be obtained after the cost has been spent.

The payment system owned by the bank only is another peculiar characteristic of bank. It allocates fund to the parties by their right and obligation. Hence, the disrupted

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