

**LEGAL AUTHORITY OF THE INDONESIA DEPOSIT INSURANCE
CORPORATION IN EXECUTING CASSATION DECISION NO. 61
K/Pid.Sus/2016 UNDER LAW NO. 24/2004**

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Abstract

This study aims to analyze the status and authority of the Indonesia Deposit Insurance Corporation regarding the implementation of Cassation Decision Number 61 K/Pid.Sus/2016 and its relationship with Law of the Republic of Indonesia Number 24 of 2004 concerning the Indonesia Deposit Insurance Corporation. The study employs a normative-juridical method utilizing statutory and case-based approaches, with analysis conducted through a descriptive-qualitative lens. The research focuses on the legal consequences of a cassation decision that has attained permanent legal force and the scope of LPS's authority in protecting depositors, particularly during bank failure and liquidation processes. The findings indicate that a cassation decision possessing permanent legal force is, in principle, enforceable, notwithstanding the availability of an extraordinary legal remedy in the form of a judicial review. Regarding depositor protection, LPS guarantees deposits subject to the limits and requirements stipulated in Law Number 24 of 2004. Non-guaranteed deposits are repaid through liquidation proceeds, with legal action available if recovery is insufficient. This study underscores the importance of exercising LPS's authority in a manner consistent with the principles of legal certainty, depositor protection, and the governance of failed bank resolution.

Keyword: *Bank Liquidation; Cassation Decision; Depositor Protection; Failed Bank; Legal Analysis.*

A. INTRODUCTION

The financial system holds a strategic position in supporting economic activities while simultaneously mobilizing public funds. Consequently, the misuse of financial institutions not only causes losses to individuals but can also undermine public confidence and the stability of the financial system itself. These risks become increasingly complex when banking activities intersect with investment firms, capital markets, and various other financial

instruments.¹ Such integration enables transactions to occur across multiple institutions and mechanisms, thereby complicating oversight, the tracing of fund flows, and the recovery of losses suffered by victims. In this context, the case involving PT Bank Century and PT Antaboga Deltasekuritas Indonesia serves as a significant subject for legal analysis, particularly regarding criminal liability and asset restitution for victims.²

The case serving as the object of this study concerns Robert Tantular, MBA, as adjudicated in Judgment Number 210/Pid.B/2013/PN.Jkt.Pst, dated May 12, 2015. The case involved criminal acts of fraud and money laundering that resulted in financial losses for 1,118 clients or investors of PT Antaboga Deltasekuritas Indonesia. An appeal was subsequently filed against the initial judgment, resulting in Judgment Number 183/PID/2015/PT.DKI, dated August 21, 2015. Thereafter, both the Public Prosecutor and the Defendant filed appeals to the Supreme Court (cassation), leading to Judgment Number 61 K/Pid.Sus/2016, dated June 13, 2016. A request for judicial review was subsequently filed against the Supreme Court's judgment, resulting in Judgment Number 29 PK/Pid.Sus/2018, dated June 1, 2018. This series of legal proceedings demonstrates that the case underwent an extensive judicial process, carrying significant legal consequences for the enforcement of the judgment and the recovery of losses sustained by the victims.

In terms of its underlying conduct, the case exhibits characteristics of white-collar crime (offenses involving individuals who possess status, access, and resources within professional or business environments). Such crimes typically involve complex transaction patterns and exploit organizational structures and inter-institutional relationships to conceal or divert assets. In the context of money laundering, this complexity is heightened because the proceeds of the crime can be placed or transferred through various transactions and financial institutions.³ Oversight challenges also intensify alongside the growth in transaction volumes, the variety of financial products, and the integration of banking and non-bank financial institutions.

These characteristics are relevant to the relationship between PT Antaboga Deltasekuritas Indonesia and PT Bank Century. PT Antaboga Deltasekuritas Indonesia conducted activities related to investment products,

¹ Mishkin Frederic, "Financial policies and the prevention of financial crises in emerging market countries," *NBER Working Papers* (2001): 21. See too, Steven Radelet, Jeffrey D. Sachs, Richard N. Cooper, and Barry P. Bosworth, "The East Asian financial crisis: diagnosis, remedies, prospects," *Brookings papers on Economic activity* 1998, no. 1 (1998): 32.

² Asli Demirgüç-Kunt, Enrica Detragiache, and Poonam Gupta, "Inside the crisis: An empirical analysis of banking systems in distress," *Journal of International Money and Finance* 25, no. 5 (2006): 705.

³ Nikolas Hamoonangan Siahaan, "Keberadaan Kerah Putih dibalik Kasus Pencucian Uang," *PPATK*, July, 17 2020, http://www.ppatk.go.id/siaran_pers/read/970/keberadaan-kerah-putihdibalik-kasus-pencucian-uang.html, Accessed July 21, 2026.

which were marketed through PT Bank Century's network. According to facts established in the court ruling, public funds collected for investment purposes ultimately resulted in significant losses for the customers or investors. With 1,118 victims involved, the case extends beyond the criminal punishment of the perpetrators to encompass mechanisms for asset recovery and restitution to the aggrieved parties.

It is at this juncture that the legal issue forming the focus of this research arises. One of the Public Prosecutor's demands was that evidence be confiscated and subsequently returned to the aggrieved customers or investors. The court ruling designated the Indonesia Deposit Insurance Corporation (*Lembaga Penjamin Simpanan/LPS*) to execute this asset restitution.⁴ The assignment of this role to the LPS is noteworthy because the losses in the case stemmed from investment activities, whereas the LPS's primary function is conceptually linked to protecting customer deposits within the banking sector.⁵ Consequently, a fundamental question arises: does the LPS possess the legal authority to carry out a court order involving the management and distribution of assets confiscated from criminal proceedings to investment victims?

This issue highlights the tension between *das sollen* (what ought to be) and *das sein* (what actually is). From the perspective of *das sollen*, the exercise of authority by a public institution must have a legal basis and remain within the limits prescribed by legislation. From the perspective of *das sein*, a court ruling has concretely designated the Indonesia deposit insurance corporation as the institution responsible for returning assets to victims, even though those assets originated from a criminal case involving investments. This mandate first appeared in the Public Prosecutor's demands and was subsequently incorporated into the court's judgment. Consequently, the issue concerns not merely the enforceability of the court ruling, but also the limits of the LPS's authority in executing that ruling.

Previous research indicates that studies concerning the LPS have largely focused on its status, functions, and deposit guarantee mechanisms. Ramadhani examined the theoretical and legal status of the LPS as well as its institutional functions, while Fadilla analyzed the LPS's payment of guarantee

⁴ Asli Demirgüç-Kunt, and Enrica Detragiache, "Does deposit insurance increase banking system stability? An empirical investigation," *Journal of monetary economics* 49, no. 7 (2002): 1375. See too, Ms GG Garcia, *Deposit insurance: A survey of actual and best practices*, (International Monetary Fund, 1999), 32; Milton Friedman, and Anna J. Schwartz, *A Monetary History of the United States, 1867–1990* (Princeton: Princeton University Press, 1993), 42.

⁵ Adrian Sutedi, *Aspek Hukum Lembaga Penjamin Simpanan (LPS)* (Jakarta: Sinar Grafika, 2010), 121. See too, Ponadi, "Analisis Yuridis Lembaga Penjamin Simpanan Sebagai Pelaksana Putusan Kasasi No. 61k/Pid. Sus/2016 Dikaitkan Dengan Undang-Undang Republik Indonesia Nomor 24 Tahun 2004 Tentang Lembaga Penjamin Simpanan," *Jurnal Hukum Media Justitia Nusantara* 11, no. 1 (2021): 123.

claims to depositors of failed banks.⁶ While both studies establish a foundation regarding the LPS's position within the depositor protection system, neither has specifically examined the LPS's role in executing court rulings to return evidence, specifically assets derived from criminal acts, to investors. Thus, a research gap exists regarding the relationship between the LPS's authority, court rulings with permanent legal force, and the mechanisms for returning assets to investment victims. Based on this research gap, this study aims to analyze the status and authority of the Indonesia Deposit Insurance Corporation in implementing Cassation Decision Number 61 K/Pid.Sus/2016 and to examine its alignment with the LPS legal framework. This research is significant for clarifying the limits of LPS's authority when it is ordered to perform functions outside the scope of deposit insurance, while also strengthening the understanding of the relationship between the legal force of court rulings, institutional authority, and legal protection for victims of financial sector crimes.

To address these issues, this study formulates the following research questions:

1. How is the position and function of the Deposit Insurance Agency in the national banking system?
2. What are the authorities of the Indonesia Deposit Insurance Corporation (LPS) in deposit insurance, failed bank resolution, and enforcement of court decisions?
3. How is Cassation Judgment Number 61 K/Pid.Sus/2016 aligned with the legal framework of LPS?

B. RESEARCH METHODS

This study employs a normative-juridical legal research method, characterized by a descriptive-analytical nature and a qualitative approach. The descriptive-analytical method is used to provide a systematic overview of the research subject based on collected data, followed by an analysis to gain an understanding of the legal issues under investigation.⁷ The qualitative approach presents data in narrative or descriptive form and emphasizes understanding meanings, processes, and the relationships between the

⁶ Rizal Ramadhani, "Likuidasi terhadap Bank yang Berbentuk Hukum Perusahaan Daerah: Suatu Upaya Perlindungan Hukum terhadap Kepentingan Lembaga Penjamin Simpanan dalam Pelaksanaan Program Penjaminan Simpanan," *Buletin Hukum Perbankan dan Kebanksentralan* 4, no. 3 (2006): 323. See too, Fani Fadilla, "Pembayaran Klaim Penjamin Nasabah Penyimpan pada Bank Gagal oleh Lembaga Penjamin Simpanan," *Jurnal Privat Law* 4, no. 1 (2016): 5; Ramadhani Irma T., "Tinjauan Teoritis dan Yuridis Lembaga Penjamin Simpanan," *Jurnal 'Adliya* 10, no. 2 (2016): 235.

⁷ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*, (Bandung: Alfabeta, 2009), 122. See too, Sanapiah Faisal, *Metodologi Penelitian Pendidikan* (Surabaya: Usaha Nasional, 1982), 21.

phenomena studied, rather than focusing on statistical data processing.⁸ The collected data is subsequently organized, described, and analyzed in light of relevant legal theories, concepts, and principles to formulate research conclusions.⁹

As a normative legal study, this research focuses on examining legal materials and secondary data to address issues regarding the status and authority of the Indonesia deposit insurance corporation in the enforcement of court rulings. Normative legal research is conducted by examining library materials or secondary data as the primary research source.¹⁰ Analysis is performed using a deductive method, drawing conclusions by moving from general legal principles, norms, and concepts to specific issues.¹¹

This study employs both the statute approach and the case approach in a complementary manner. The statutory approach is employed to analyze the legal provisions governing the status and authority of the LPS, while the case approach is used to examine Court Decisions No. 210/Pid.B/2013/PN.Jkt.Pst, No. 183/PID/2015/PT.DKI, No. 61 K/Pid.Sus/2016, and No. 29 PK/Pid.Sus/2018. Utilizing both approaches enables an analysis that links legal norms with their application in concrete cases.¹²

The research materials consist of primary, secondary, and tertiary legal sources. Primary legal sources include relevant legislation and court rulings. Secondary legal sources comprise legal treatises, scholarly journals, research findings, and case-related documents. Tertiary legal sources serve as supporting material, including legal dictionaries, encyclopedias, and other reference works.¹³ Data collection is conducted through literature reviews and the retrieval of relevant legal documents. Interviews or empirical data are utilized only when necessary as supporting information, rather than as the primary source of the research.

The analysis of legal materials is conducted using a descriptive-analytical approach involving legal interpretation and legal construction. Once classified, the legal materials are analyzed systematically by correlating the

⁸ Robert C. Bogdan, and Sari Kopp Biklen, *Qualitative Research for Education: An Introduction to Theory and Methods* (Boston: Allyn and Bacon, 1982), 232. See too, Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2007), 23.

⁹ Winarno Surakhmad, *Pengantar Penelitian Ilmiah: Dasar, Metode, dan Teknik* (Bandung: Tarsito, 1985), 32.

¹⁰ Soerjono Soekanto, and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 1998), 31. See too, Bambang Sunggono, *Metodologi Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2013), 31.

¹¹ Lili Rasjidi, and Ira Thania Rasjidi, *Monograf Filsafat Ilmu, Metode Penelitian Hukum dan Menggunakan Teori/Konsep di Bidang Ilmu Hukum* (Bandung, 2013), 12.

¹² Johnny Ibrahim, *Teori & Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2012), 46.

¹³ H. S. Salim, and Erlies Septiana Nurbani, *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi* (Jakarta: Raja Grafindo Persada, 2013), 31.

norms, principles, concepts, and legal facts found in the rulings under examination. This analysis aims to determine the basis of the LPS's authority and to assess its alignment with court orders regarding asset restitution to victims. Fundamentally, legal analysis is a process of systematically and consistently deconstructing legal issues based on available materials.¹⁴ The research stages encompass problem formulation, the determination of research objectives and objects, the selection of an approach, the collection and analysis of legal materials, and the drawing of conclusions.¹⁵ Through this methodology, the research aims to produce a systematic analysis of the relationship between the LPS's authority and the implementation of Cassation Ruling Number 61 K/Pid.Sus/2016.

C. RESULTS AND DISCUSSION

1. Position and Function of the Deposit Insurance Agency in the National Banking System

The Indonesia Deposit Insurance Corporation (*Lembaga Penjamin Simpanan*/LPS) was established as a vital component of the national banking system to protect public funds while simultaneously safeguarding the stability of the banking system.¹⁶ Its creation was driven by the need to restore and maintain public confidence in the banking sector following various banking crises in Indonesia. Within this framework, the LPS serves as part of the financial safety net, guaranteeing customer deposits and actively contributing to the maintenance of banking system stability within the scope of its authority.¹⁷ The existence of a deposit insurance institution is fundamentally rooted in the nature of the banking industry, which relies heavily on public trust. Banks mobilize funds from the public to perform intermediation functions; consequently, any erosion of customer confidence can escalate into a massive withdrawal of funds, or a "bank run", that not only affects the individual bank but can also destabilize the financial system as a whole.¹⁸

¹⁴ Soerjono Soekanto, and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 1998), 35.

¹⁵ Bachtiar, *Metode Penelitian Hukum* (Tangerang Selatan: Unpam Press, 2019), 12.

¹⁶ Ponadi, "Analisis Yuridis Lembaga Penjamin Simpanan Sebagai Pelaksana Putusan Kasasi No. 61k/Pid. Sus/2016 Dikaitkan Dengan Undang-Undang Republik Indonesia Nomor 24 Tahun 2004 Tentang Lembaga Penjamin Simpanan," *Jurnal Hukum Media Justitia Nusantara* 11, no. 1 (2021): 123. See too, Robert J. Cull, Lemma W. Senbet, and Marco Sorge, "Deposit insurance and financial development," *Journal of Money, Credit, and Banking* 37, no. 1 (2005): 45.

¹⁷ Mochammad Djalil, "Hubungan Perlindungan Hukum bagi Nasabah Bank terhadap Adanya Likuidasi Ditinjau dari UU No. 24 Tahun 2004 tentang Lembaga Penjamin Simpanan." *JUDICIARY Hukum & Keadilan* 6, no. 2 (2017): 19.

¹⁸ Abdhy Walid Siagian, Muhammad Syammakh Daffa Alghazali, Rozin Falih Alify, and Muhammad Alfian Kusnaldi, "Tinjauan Yuridis Kewenangan Lembaga Penjamin Simpanan Sebagai Deposit Protection Scheme Dalam Pemulihan Ekonomi Nasional." *Padjadjaran Law Review* 11, no. 1 (2023): 57. See too, C. A. E. Goodhart, *The Central Bank and the Financial System* (Cambridge, MA: MIT Press, 1995), 121.

In this context, protecting depositors is not merely about reimbursing funds lost due to bank failure; it also serves as a mechanism to prevent panic and uphold confidence in the banking system. A deposit insurance system allows certain risks faced by customers to be transferred to the insurance institution, subject to limits and requirements prescribed by law.¹⁹ Thus, the LPS embodies both legal protection and financial system stability dimensions. It provides individual protection to depositors while simultaneously fulfilling a broader institutional role by ensuring that the failure of a single bank does not escalate into a systemic disruption.

Pursuant to Law Number 24 of 2004 concerning the Indonesia Deposit Insurance Corporation (LPS), the LPS is an independent, transparent, and accountable institution in the execution of its duties and authority, and it reports directly to the President. This status indicates that the LPS holds a distinct institutional position within the banking legal system and does not fall under the organizational structure of any ministry or other banking authority. The independence of the LPS is essential to ensure that its functions, namely deposit insurance and the resolution of troubled banks, are carried out professionally, objectively, and in accordance with applicable laws. However, this independence does not imply unfettered freedom. As an institution whose authority derives from the law, every action taken by the LPS must be traceable to the legal basis granting that authority.²⁰

The status of the LPS as an independent institution is also linked to the principles of transparency and accountability. The LPS is responsible for managing funds and assets related to its insurance function and for taking actions that impact the interests of depositors, banks, and other parties associated with failed banks.²¹ Consequently, the exercise of LPS authority must be subject to institutional and legal accountability. Such accountability is particularly crucial when the LPS manages the assets and liabilities of failed banks, pays out claims, pursues recoveries, or undertakes other measures to resolve troubled banks.

The primary functions of the LPS are to guarantee depositor funds and to actively participate in maintaining the stability of the banking system within the scope of its authority.²² These dual functions demonstrate that the LPS is

¹⁹ Nicholas J., "Deposit insurance system design and considerations," *BIS Policy Papers* 7 (1999): 221.

²⁰ Hendri Jayadi, and Huala Adolf, "Fungsi Lembaga Penjamin Simpanan Dalam Hukum Perbankan Indonesia," *Jurnal Komunikasi Hukum (JKH)* 4, no. 2 (2018): 66. See too, Robert J. Cull, Lemma W. Senbet, and Marco Sorge, "Deposit insurance and financial development," *Journal of Money, Credit, and Banking* 37, no. 1 (2005): 48.

²¹ Mari Pangestu, and Manggi Habir, "The boom, bust and restructuring of Indonesian banks," *Financial Markets and Policies in East Asia* (2003): 120.

²² Ms GG Garcia, *Deposit insurance: A survey of actual and best practices*, (International Monetary Fund, 1999), 34.

not merely an entity responsible for paying out deposits when a bank fails, but also an institution that plays a role in the mechanism for resolving banking issues. The guarantee function and the stability function are closely interlinked. When a bank fails and its business license is revoked, the assurance that deposits meeting guarantee requirements will be paid can prevent depositor panic. Simultaneously, the orderly resolution of a failed bank is essential to ensure that the bank's failure does not trigger broader repercussions for the banking system.

In carrying out its guarantee function, the LPS is tasked with formulating and establishing policies for deposit insurance implementation, as well as executing the insurance itself.²³ When a bank's business license is revoked, this function is realized through the reconciliation and verification of deposit data, the determination of eligible deposits, and the payment of guarantee claims. The LPS also undertakes necessary actions during the bank resolution and liquidation processes in accordance with legal provisions. Consequently, the activities of the LPS do not cease upon the payment of claims to depositors; they may extend to asset management and recovery as part of efforts to mitigate losses arising from the execution of its guarantee function.²⁴

In this context, the LPS also holds a legal interest in the assets and liabilities of the failed bank. The payment of guarantee claims by the LPS necessitates asset recovery efforts, such as asset liquidation and/or the collection of receivables.²⁵ This mechanism highlights that the LPS holds a distinct legal standing compared to ordinary depositors. The LPS performs a public function mandated by law and, under specific circumstances, is empowered to take action regarding the assets and liabilities of a failed bank. However, this authority remains constrained by the objectives behind the establishment of the LPS and the regulations governing the exercise of such powers.

The position of the Indonesia Deposit Insurance Corporation (*Lembaga Penjamin Simpanan/LPS*) must also be viewed in relation to other institutions within the banking system. Within the financial safety net framework, there is

²³ Gillian Garcia, "Deposit Insurance and Crisis Management," IMF Working Paper No. 00/57, March 2000.

²⁴ Hendri Jayadi, and Huala Adolf, "Fungsi Lembaga Penjamin Simpanan Dalam Hukum Perbankan Indonesia," *Jurnal Komunikasi Hukum (JKH)* 4, no. 2 (2018): 66. See too, Theresia Anita Christiani, "Legal Analysis of Bankruptcy in the Perspective of Legal Purposes," *Jurnal Pembaharuan Hukum* 8, no. 1 (2021): 435.

²⁵ Rizal Ramadhani, "Likuidasi terhadap Bank yang Berbentuk Hukum Perusahaan Daerah: Suatu Upaya Perlindungan Hukum terhadap Kepentingan Lembaga Penjamin Simpanan dalam Pelaksanaan Program Penjaminan Simpanan," *Buletin Hukum Perbankan dan Kebankesentralan* 4, no. 3 (2006): 325. See too, Marulak Pardede, *Likuidasi Bank dan Perlindungan Nasabah* (Jakarta: Sinar Harapan, 1998), 31.

a division of roles among the government, Bank Indonesia, and the LPS.²⁶ Each institution possesses distinct yet interconnected powers regarding the prevention and management of financial crises. Bank Indonesia performs functions related to monetary stability, payment systems, and banking supervision in accordance with its mandate, whereas the LPS holds authority over deposit insurance and the resolution of failed banks.²⁷ The government also plays a role in formulating policies and the legal framework for the financial sector. This division of roles demonstrates that banking system stability is not entrusted to a single institution alone but is instead established through inter-institutional coordination based on each institution's respective authority.

In the context of failed bank resolution, institutional coordination is essential because determining bank status, implementing rescue or resolution measures, and conducting liquidation have significant legal and economic consequences. The LPS must therefore exercise its functions and powers within the institutional framework and procedures established by law, as its authority is attributed authority derived directly from legislation.²⁸ This principle is particularly important in implementing Cassation Decision Number 61 K/Pid.Sus/2016. Although a final court decision creates binding legal consequences, it does not automatically expand the LPS's statutory authority.²⁹ Accordingly, the LPS's implementation of the decision must remain grounded in the specific legal norms governing its authority.

Consequently, the legal issue addressed in this study is not merely whether the LPS has an interest or involvement in the case subject to Cassation Decision Number 61 K/Pid.Sus/2016, but primarily whether the LPS's actions in following up on the decision bear a direct relationship to its functions and authority. This assessment is necessary to ensure that the LPS acts within its institutional capacity, as an agency responsible for deposit insurance and maintaining banking system stability, rather than exceeding its statutory

²⁶ Juanda Mamuaja, "Fungsi lembaga penjamin simpanan dalam rangka perlindungan hukum bagi nasabah perbankan di Indonesia," *Lex Privatum* 3, no. 1 (2015): 149344. See too, Mochammad Djalil, "Hubungan Perlindungan Hukum bagi Nasabah Bank terhadap Adanya Likuidasi Ditinjau dari UU No. 24 Tahun 2004 tentang Lembaga Penjamin Simpanan." *JUDIACIARY Hukum & Keadilan* 6, no. 2 (2017): 13.

²⁷ Marulak Pardede, "Efektivitas Pengawasan Perbankan (Committee on Banking Supervision) dalam Perbankan Nasional Indonesia," *Jurnal Hukum Bisnis* 15 (2001): 458. See too, Selvi Santri, Syafriadi Syafriadi, and Anisa Dwi Malik, "Analysis of the Effectiveness of Insurance Policy Guarantees by the Deposit Insurance Corporation (LPS) in Increasing Policyholder Protection in Indonesia," *Jurnal Kajian Ilmu Hukum* 4, no. 2 (2025): 378.

²⁸ Diana RW Napitupulu, "Beneficiary of Resolution Bank by Indonesia Deposit Insurance Corporation," *Jurnal Hukum Dan Peradilan* 11, no. 1 (2022): 132.

²⁹ Ponadi, "Analisis Yuridis Lembaga Penjamin Simpanan Sebagai Pelaksana Putusan Kasasi No. 61k/Pid. Sus/2016 Dikaitkan Dengan Undang-Undang Republik Indonesia Nomor 24 Tahun 2004 Tentang Lembaga Penjamin Simpanan," *Jurnal Hukum Media Justitia Nusantara* 11, no. 1 (2021): 123.

authority. Viewed from this perspective, the LPS is understood as a public agency possessing specific authority regarding deposit insurance and banking resolution, yet the exercise of that authority remains subject to the principles of legality, jurisdictional limits, and accountability, as well as applicable legal provisions.³⁰

2. Authority of the Indonesia Deposit Insurance Corporation regarding Deposit Insurance, Resolution of Failed Banks, and Enforcement of Court Decisions

The authority of the Indonesia deposit insurance corporation in carrying out its institutional functions derives primarily from Law Number 24 of 2004 concerning the Indonesia Deposit Insurance Corporation, as amended. Established to protect customer deposits while simultaneously helping to maintain the stability of the banking system, the LPS has been granted specific powers. These powers are essential to ensure that the LPS functions not merely as an entity that pays out claims upon a bank failure, but also as one capable of undertaking the administrative actions and asset management required to resolve failed banks.³¹

In executing its deposit insurance function, the LPS is authorized to determine and collect membership contributions and insurance premiums; manage its assets and liabilities; and obtain customer deposit data, bank soundness data, financial statements, and bank examination reports, provided such actions comply with regulations regarding bank confidentiality. The LPS is also authorized to reconcile, verify, and/or confirm such data; establish terms and procedures for the payment of insurance claims; appoint or assign other parties to perform specific tasks; conduct outreach regarding the deposit insurance program; and impose administrative sanctions in accordance with applicable laws and regulations.³²

This authority demonstrates that the deposit insurance system does not operate automatically based solely on the presence of customer funds in a bank; the LPS must first determine whether a deposit meets the requirements for an insurance payout.³³ Consequently, reconciliation and verification

³⁰ Ms GG v, *Deposit insurance: A survey of actual and best practices*, (International Monetary Fund, 1999), 36.

³¹ Selvi Santri, Syafriadi Syafriadi, and Anisa Dwi Malik, "Analysis of the Effectiveness of Insurance Policy Guarantees by the Deposit Insurance Corporation (LPS) in Increasing Policyholder Protection in Indonesia," *Jurnal Kajian Ilmu Hukum* 4, no. 2 (2025): 378. See too, Husein Pohan, and Deni Hendra Sitorus, "Penjamin Polis Asuransi oleh Lembaga Penjamin Simpanan (LPS)," *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan* 4, no. 9 (2025): 2630.

³² Gillian Garcia, "Deposit Insurance and Crisis Management," IMF Working Paper No. 00/57, March 2000.

³³ Nicholas J. Ketcha Jr, "Deposit insurance system design and considerations," *BIS Policy Papers* 7 (1999): 221.

constitute a crucial part of the LPS's authority. Through this mechanism, the LPS determines the status of deposits based on the bank's accounting records and regulations regarding eligible deposits. Key requirements within this framework generally relate to the proper recording of deposits in the bank's books, interest rates that comply with insurance regulations, and the absence of any actions by the customer that are detrimental to the bank. Conversely, deposits that fail to meet these requirements upon verification may be declared ineligible for payment by the LPS.³⁴

The authority of the LPS extends beyond deposit insurance to include the handling and resolution of failed banks as part of its function in maintaining banking system stability.³⁵ In such resolution processes, the LPS may exercise shareholder rights, manage the bank's assets and liabilities, review or terminate detrimental contracts, and transfer or sell assets and liabilities within its statutory authority. This broader role reflects the LPS's direct interest in ensuring effective bank resolution, as successful recovery of assets may increase the recovery of funds disbursed for guarantee claims. Accordingly, the LPS's resolution authority is closely connected to protecting the guarantee fund and maintaining the stability of the banking system.

Asset recovery serves as a key instrument in exercising this authority. Following the payment of guarantee claims, the LPS may liquidate assets and/or collect receivables to recoup the disbursed funds.³⁶ During the liquidation process, the LPS possesses the authority to settle the failed bank's assets and liabilities through mechanisms prescribed by the LPS Law. Proceeds from such liquidation and/or collection are subsequently used to satisfy the bank's obligations in accordance with the payment priority order established by prevailing laws and regulations. Thus, the management of a failed bank's assets is not merely an administrative act but an integral part of the mechanism for settling the bank's obligations and recovering guarantee funds.

³⁴ Reda Manthovani, "Perlindungan Hukum Terhadap Lembaga Penjamin Simpanan," *Jurnal Magister Ilmu Hukum: Hukum dan Kesejahteraan* 6, no. 1 (2021): 82. See too, Diana RW Napitupulu, Mohammad Belayet Hossain, and Bahrullah Akbar, "Legal Framework and Effectiveness of Bank Resolution by the Indonesia Deposit Insurance Corporation," *Jurnal Hukum UNISSULA* 41, no. 3 (2025): 797.

³⁵ Mari Pangestu, and Manggi Habir, "The boom, bust and restructuring of Indonesian banks," *Financial Markets and Policies in East Asia* (2003): 122.

³⁶ Jefry Tarantang, Rahmad Kurniawan, Ibnu Elmi AS Pelu, and Baiq Wira Dharma Dhea Tri Marcelia, "Kewenangan Dan Struktur Hubungan Hukum Antara Dewan Penjamin Simpanan Dengan Perbankan," *Satya Dharma: Jurnal Ilmu Hukum* 6, no. 1 (2023): 45. See too, Mochammad Djalil, "Hubungan Perlindungan Hukum bagi Nasabah Bank terhadap Adanya Likuidasi Ditinjau dari UU No. 24 Tahun 2004 tentang Lembaga Penjamin Simpanan." *JUDICIARY Hukum & Keadilan* 6, no. 2 (2017): 15; Selvi Santri, Syafriadi Syafriadi, and Anisa Dwi Malik, "Analysis of the Effectiveness of Insurance Policy Guarantees by the Deposit Insurance Corporation (LPS) in Increasing Policyholder Protection in Indonesia," *Jurnal Kajian Ilmu Hukum* 4, no. 2 (2025): 378.

This authority must also be understood in relation to other institutions. The LPS does not operate in isolation within the national banking system; the exercise of its functions intersects with the powers of other authorities, particularly regarding the assessment of a bank's condition and the process for handling failed banks. This relationship reflects a division of authority and institutional coordination within the financial safety net. Consequently, the LPS may only exercise powers granted by legislation and cannot usurp the authority of other institutions without a valid legal basis.³⁷

The matter becomes more complex when the authority of the LPS intersects with the enforcement of court rulings that have attained permanent legal force. From a legal perspective, the LPS and the courts hold distinct positions and functions. The LPS is a state institution exercising administrative authority pursuant to the law, whereas the courts exercise judicial power and issue rulings as judicial products. A court ruling that has attained permanent legal force carries legal consequences that must be respected and implemented in accordance with applicable procedural laws and enforcement mechanisms.³⁸

However, the binding force of a court ruling cannot be interpreted as granting new authority to the LPS. A court ruling does not automatically expand the LPS's competence beyond the authority conferred by statute. Consequently, if the LPS is involved in implementing Cassation Ruling Number 61 K/Pid.Sus/2016, a distinction must be made between the obligation to respect and act upon a court ruling and the LPS's administrative authority to undertake specific actions.³⁹

This distinction is crucial because the implementation of a ruling may entail concrete actions such as taking possession of assets, disbursing funds, collecting receivables, transferring assets, or making monetary payments.⁴⁰ Each such action requires a clear legal basis for authority. If the action taken by the LPS falls within its functions of guarantee, failed bank resolution, liquidation, or asset recovery, it can be analyzed based on the authority

³⁷ Reda Manthovani, "Perlindungan Hukum Terhadap Lembaga Penjamin Simpanan," *Jurnal Magister Ilmu Hukum: Hukum dan Kesejahteraan* 6, no. 1 (2021): 84.

³⁸ Agus Santoso, "Karakter Khusus Ketentuan Hukum dalam Sistem Hukum Perbankan dan Kebanksentralan," *Buletin Hukum Perbankan dan Kebanksentralan* 1 (2003): 535. See too, Sjachran Basah, *Mengenal Peradilan di Indonesia* (Jakarta: Raja Grafindo Persada, 1995), 23.

³⁹ Ponadi, "Analisis Yuridis Lembaga Penjamin Simpanan Sebagai Pelaksana Putusan Kasasi No. 61k/Pid. Sus/2016 Dikaitkan Dengan Undang-Undang Republik Indonesia Nomor 24 Tahun 2004 Tentang Lembaga Penjamin Simpanan," *Jurnal Hukum Media Justitia Nusantara* 11, no. 1 (2021): 123.

⁴⁰ Diana RW Napitupulu, Mohammad Belayet Hossain, and Bahrullah Akbar, "Legal Framework and Effectiveness of Bank Resolution by the Indonesia Deposit Insurance Corporation," *Jurnal Hukum UNISSULA* 41, no. 3 (2025): 798. See too, Deni Hendra Sitorus, Nanda Utama, and Almaududi Almaududi, "The Evolving Role of the Deposit Insurance Corporation in Indonesia's Insurance Sector," *Andalas Law Journal* 9, no. 1 (2024): 51.

granted by the LPS Law. Conversely, if an action lies outside the LPS's functions and authority, the mere existence of a court ruling cannot serve as a basis for expanding that authority in the absence of other legal grounds.⁴¹

The analysis of Cassation Ruling Number 61 K/Pid.Sus/2016 should examine not only its permanent legal force but also the specific actions taken by the LPS to implement it, the legal capacity and source of authority underlying those actions, and their relationship to the ruling's operative provisions. This assessment is essential to determine whether the LPS acted within its administrative authority or exceeded its powers (*ultra vires*). The implementation must therefore be assessed under the principle of legality, requiring a statutory basis, authorized institutional action, and consistency with the LPS's functions, including deposit insurance, failed-bank resolution, liquidation, and asset recovery.⁴²

Therefore, an examination of the LPS's authority in this case must ultimately address four key issues: first, the specific actions taken by the LPS; second, the legal capacity in which the LPS acted; third, the basis of authority relied upon; and fourth, whether the actions complied with the operative part and substance of Cassation Ruling Number 61 K/Pid.Sus/2016. These four aspects serve as the basis for assessing the conformity of the LPS's actions with the legal framework governing its status, functions, duties, and authority. Under this approach, the implementation of a court ruling is not understood merely as a formal obligation to execute the judgment, but also as an institutional action that must remain subject to the limits of the LPS's authority in accordance with the principles of the rule of law.⁴³

3. Alignment of the Implementation of Cassation Judgment Number 61 K/Pid.Sus/2016

The implementation of Cassation Decision Number 61 K/Pid.Sus/2016 by the LPS must be viewed within the framework of rule-of-law principles,

⁴¹ Abdhy Walid Siagian, Muhammad Syammakh Daffa Alghazali, Rozin Falih Alify, and Muhammad Alfian Kusnaldi, "Tinjauan Yuridis Kewenangan Lembaga Penjamin Simpanan Sebagai Deposit Protection Scheme Dalam Pemulihan Ekonomi Nasional." *Padjadjaran Law Review* 11, no. 1 (2023): 58. See too, Wiwin W. Windiantina, "Sistem Koordinasi Antara Otoritas Jasa Keuangan (OJK) Dengan Lembaga Penjamin Simpanan (LPS) dalam Penanganan Bank Gagal," *Jurnal Surya Kencana Satu: Dinamika Masalah Hukum dan Keadilan* 6, no. 1 (2016): 17.

⁴² Nanang Pradana, and Sri Anggraini Kusuma Dewi, "Peran Lembaga Penjamin Simpanan (LPS) Pada Bank Gagal Sebagai Upaya Perlindungan Hukum Terhadap Nasabah," *YUDISIA: Jurnal Pemikiran Hukum dan Hukum Islam* 10, no. 2 (2019): 103. See too, Husein Pohan, and Deni Hendra Sitorus, "Penjamin Polis Asuransi oleh Lembaga Penjamin Simpanan (LPS)," *Sibatik Journal: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan* 4, no. 9 (2025): 2630.

⁴³ Jefry Tarantang, Rahmad Kurniawan, Ibnu Elmi AS Pelu, and Baiq Wira Dharma Dhea Tri Marcelia, "Kewenangan Dan Struktur Hubungan Hukum Antara Dewan Penjamin Simpanan Dengan Perbankan," *Satya Dharma: Jurnal Ilmu Hukum* 6, no. 1 (2023): 45. See too, Diana RW Napitupulu, "Beneficiary of Resolution Bank by Indonesia Deposit Insurance Corporation," *Jurnal Hukum Dan Peradilan* 11, no. 1 (2022): 138.

specifically the principles of legality and legal certainty. As a state institution established under Law Number 24 of 2004 concerning the Indonesia Deposit Insurance Corporation, the LPS indeed holds an independent status in carrying out its duties and authority. However, this independence cannot be interpreted as implying unlimited authority. The independence of the LPS essentially pertains to institutional discretion in performing functions mandated by law, whereas the source, scope, objectives, and limits of its authority remain defined by statutory regulations.

This principle is of particular importance when the LPS deals with a court decision that has attained permanent legal force. A court decision is fundamentally a product of judicial power that carries legal consequences for the parties involved. Therefore, a decision with permanent legal force must be respected and executed in accordance with applicable legal mechanisms. However, the obligation to respect a court decision does not automatically alter the status or expand the competence of the LPS. The LPS must continue to act within the capacity and based on the authority granted to it by law.⁴⁴

Thus, two legal aspects must be distinguished regarding the implementation of Cassation Decision Number 61 K/Pid.Sus/2016. First, there are legal consequences arising from the court decision that must be respected and acted upon. Second, there is the administrative authority of the LPS (Indonesia Deposit Insurance Corporation), which determines the specific actions the LPS may lawfully undertake. While the court decision imposes legal consequences or obligations in accordance with its ruling, the LPS Law defines the capacity and legal instruments available to the LPS to carry out actions within its institutional mandate.⁴⁵

In the context of the LPS's functions, any action taken to implement the decision must relate to its deposit insurance function or its function of maintaining banking system stability. Such actions may include, among others, the payment of insurance claims, the management of a failed bank's assets and liabilities, the execution of liquidation, the collection of receivables, asset realization, or other asset recovery measures, provided they fall within the

⁴⁴ Juanda Mamuaja, "Fungsi lembaga penjamin simpanan dalam rangka perlindungan hukum bagi nasabah perbankan di Indonesia," *Lex Privatum* 3, no. 1 (2015): 149344. See too, Bella Bretyaning Danaparamita, "Penjaminan Dana Nasabah Bank oleh Lembaga Penjamin Simpanan," *Lex Journal: Kajian Hukum dan Keadilan* 3, no. 2 (2019): 187.

⁴⁵ Nanang Pradana, and Sri Anggraini Kusuma Dewi, "Peran Lembaga Penjamin Simpanan (LPS) Pada Bank Gagal Sebagai Upaya Perlindungan Hukum Terhadap Nasabah," *YUDISIA: Jurnal Pemikiran Hukum dan Hukum Islam* 10, no. 2 (2019): 105. See too, Diana RW Napitupulu, "The Authority of the Indonesia Deposit Insurance Corporation (LPS) to File Bankruptcy Petitions Against Controlling Shareholders of Non-Systemic Failed Banks," *Greenation International Journal of Law and Social Sciences* 3, no. 4 (2025): 1588.

scope of the LPS's authority.⁴⁶ Therefore, if implementing the decision requires the LPS to take action regarding specific funds or assets, the legal status of those funds or assets, and their legal relationship to the LPS's authority, must first be determined.⁴⁷

This issue becomes particularly critical when the subject matter of the decision is already under the possession or management of the LPS. In such circumstances, the LPS cannot treat the funds or assets merely as objects to be surrendered simply because of a court decision. The LPS must consider the legal regime governing its assets and liabilities, including provisions regarding insurance claim payments, bank liquidation, the order of payment to creditors, and the recovery of funds disbursed by the LPS. In other words, the implementation of the decision must be harmonized with the specific regulations governing asset and liability management within the deposit insurance and bank resolution system.⁴⁸

Where a court decision mandates payment to a specific party, it is also necessary to determine whether that obligation is one that can legally be imposed upon the LPS. This is crucial because the LPS is not automatically liable for all obligations of a bank or for every legal consequence arising from banking-related litigation. The responsibilities of the LPS must be linked to the functions, duties, and powers explicitly granted by the LPS Law. If an obligation falls outside that scope, a separate legal basis is required to clearly link that obligation to the LPS.

At this juncture, the principle of legality serves as the primary instrument for assessing the validity of the LPS's actions. This principle requires that every action taken by a state institution be grounded in lawful authority, executed by a competent institution or official, and conducted in accordance with procedures prescribed by law.⁴⁹ Consequently, it is insufficient for the LPS

⁴⁶ Diana RW Napitupulu, Mohammad Belayet Hossain, and Bahrullah Akbar, "Legal Framework and Effectiveness of Bank Resolution by the Indonesia Deposit Insurance Corporation," *Jurnal Hukum UNISSULA* 41, no. 3 (2025): 799.

⁴⁷ Mochammad Djalil, "Hubungan Perlindungan Hukum bagi Nasabah Bank terhadap Adanya Likuidasi Ditinjau dari UU No. 24 Tahun 2004 tentang Lembaga Penjamin Simpanan," *JUDICIARY Hukum & Keadilan* 6, no. 2 (2017): 16. See too, Theresia Anita Christiani, "Legal Analysis of Bankruptcy in the Perspective of Legal Purposes," *Jurnal Pembaharuan Hukum* 8, no. 1 (2021): 438.

⁴⁸ Robert J. Cull, Lemma W. Senbet, and Marco Sorge, "Deposit insurance and financial development," *Journal of Money, Credit, and Banking* 37, no. 1 (2005): 49. See too, Jefry Tarantang, Rahmad Kurniawan, Ibnu Elmi AS Pelu, and Baiq Wira Dharma Dhea Tri Marcellia, "Kewenangan Dan Struktur Hubungan Hukum Antara Dewan Penjamin Simpanan Dengan Perbankan," *Satya Dharma: Jurnal Ilmu Hukum* 6, no. 1 (2023): 45.

⁴⁹ Diana RW Napitupulu, "The Authority of the Indonesia Deposit Insurance Corporation (LPS) to File Bankruptcy Petitions Against Controlling Shareholders of Non-Systemic Failed Banks," *Greenation International Journal of Law and Social Sciences* 3, no. 4 (2025): 1588. See too, Wiwin W. Windiantina, "Sistem Koordinasi Antara Otoritas Jasa Keuangan (OJK) Dengan

merely to cite Cassation Decision Number 61 K/Pid.Sus/2016 as the basis for its actions; it must also demonstrate the specific legal authority empowering it to undertake the concrete measures required to implement that decision.

This approach also relates to the concept of *ultra vires*. An action may be challenged if a state institution acts beyond the authority granted by law, whether by lacking authority entirely, exceeding the limits of its authority, or exercising authority for purposes inconsistent with the original intent of the grant of power.⁵⁰ In the context of the LPS, actions formally linked to the implementation of a court decision must still be scrutinized against the limits of authority defined by the LPS Law. Thus, the justification of "implementing a court decision" does not automatically absolve the LPS of its obligation to adhere to the principle of legality.

Beyond legality, the LPS's actions must also be evaluated from the perspectives of legal protection and legal certainty. The LPS was established to protect depositors and support the stability of the banking system. Therefore, the exercise of LPS authority must provide certainty regarding who is entitled to receive payment, which assets may be used to satisfy obligations, and the procedures to be followed. Ambiguity concerning the basis and procedures of LPS actions could generate uncertainty not only for parties with a direct interest in the court decision but also for depositors, creditors, and other parties maintaining legal relationships with the failed bank.⁵¹

In this context, the implementation of a court ruling must also respect the division of authority among institutions. The LPS cannot usurp the court's function of interpreting or modifying the ruling's operative provisions.⁵² Conversely, the LPS cannot be positioned as an administrative executor possessing limitless authority simply because a court ruling exists. If implementing the ruling requires actions falling within the competence of another institution, such actions must be carried out through legally prescribed mechanisms and not unilaterally by the LPS.

Leembaga Penjamin Simpanan (LPS) dalam Penanganan Bank Gagal," *Jurnal Surya Kencana Satu: Dinamika Masalah Hukum dan Keadilan* 6, no. 1 (2016): 15.

⁵⁰ Bella Bretyaning Danaparamita, "Penjaminan Dana Nasabah Bank oleh Lembaga Penjamin Simpanan," *Lex Journal: Kajian Hukum dan Keadilan* 3, no. 2 (2019): 185. See too, Diana RW Napitupulu, "Beneficiary Of Resolution Bank By Indonesia Deposit Insurance Corporation," *Jurnal Hukum Dan Peradilan* 11, no. 1 (2022): 136.

⁵¹ Reda Manthovani, "Perlindungan Hukum Terhadap Lembaga Penjamin Simpanan," *Jurnal Magister Ilmu Hukum: Hukum dan Kesejahteraan* 6, no. 1 (2021): 87. See too, Husein Pohan, and Deni Hendra Sitorus, "Penjamin Polis Asuransi oleh Lembaga Penjamin Simpanan (LPS)," *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan* 4, no. 9 (2025): 2630.

⁵² Deni Hendra Sitorus, Nanda Utama, and Almaududi Almaududi, "The Evolving Role of the Deposit Insurance Corporation in Indonesia's Insurance Sector," *Andalas Law Journal* 9, no. 1 (2024): 51.

Based on this framework, the propriety of implementing Cassation Ruling Number 61 K/Pid.Sus/2016 can be assessed using three primary parameters. First is the authority parameter: whether the concrete actions taken by the LPS have a legal basis in the LPS Law or other relevant legislation. Second is the function parameter: whether the actions relate to the LPS's functions as a deposit insurer and as an institution actively maintaining banking system stability within its mandate. Third is the scope-of-authority parameter: whether the actions were carried out according to procedure and did not exceed the LPS's competence or usurp authority legally vested in other institutions.⁵³

Three parameters can be used to evaluate the LPS's actions concerning Cassation Ruling Number 61 K/Pid.Sus/2016: the ruling's operative provisions and legal consequences, the specific actions taken by the LPS, and their conformity with the LPS's statutory functions, duties, authority, and applicable procedures. The LPS does not acquire new authority solely from a court ruling but remains bound by competencies granted by statute. Therefore, the validity of its actions depends on three elements: a clear legal basis of authority, consistency with the LPS's institutional functions, and compliance with the limits of its authority and applicable legal procedures.⁵⁴

In this context, the legal issue arising from Cassation Decision Number 61 K/Pid.Sus/2016 concerns not merely the LPS's obligation to comply with a final and binding judgment, but rather the extent of its legal authority to perform actions resulting from that judgment. This issue is central to assessing whether the LPS's implementation of the decision remains within its statutory authority or exceeds the institutional limits established by its legal framework.

D. CONCLUSION

Based on the discussion regarding the status, functions, and authority of the Indonesia deposit insurance corporation, as well as its relationship to the implementation of Cassation Decision Number 61 K/Pid.Sus/2016, it can be concluded that the LPS is a state institution with an independent status; however, the exercise of its authority remains constrained by the principle of legality and the provisions of Law Number 24 of 2004 concerning the Indonesia Deposit Insurance Corporation. This independent status does not confer unlimited authority; rather, it is intended to ensure that the functions of

⁵³ Wiwin W. Windiantina, "Sistem Koordinasi Antara Otoritas Jasa Keuangan (OJK) Dengan Lembaga Penjamin Simpanan (LPS) dalam Penanganan Bank Gagal," *Jurnal Surya Kencana Satu: Dinamika Masalah Hukum dan Keadilan* 6, no. 1 (2016): 12. See too, Theresia Anita Christiani, "Legal Analysis of Bankruptcy in the Perspective of Legal Purposes," *Jurnal Pembaharuan Hukum* 8, no. 1 (2021): 439.

⁵⁴ Deni Hendra Sitorus, Nanda Utama, and Almaududi Almaududi, "The Evolving Role of the Deposit Insurance Corporation in Indonesia's Insurance Sector," *Andalas Law Journal* 9, no. 1 (2024): 51.

deposit insurance and the maintenance of banking system stability are carried out professionally, transparently, and accountably.

The LPS is authorized to guarantee customer deposits, conduct reconciliation and verification, pay insurance claims, and manage the assets and liabilities of failed banks, including asset control, liquidation, and recovery within statutory limits. In implementing Cassation Decision Number 61 K/Pid.Sus/2016, the obligation to respect a final court ruling must be distinguished from the LPS's administrative authority, as the ruling does not create or expand its statutory powers. The propriety of LPS actions therefore depends on three parameters: a clear legal basis, alignment with its institutional functions, and compliance with the limits of its authority and applicable procedures. Thus, implementation must uphold legality, legal certainty, and institutional competence.

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