RINGKASAN

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PERLINDUNGAN HUKUM NASABAH BANK ATAS KERUGIAN AKIBAT PEMBOBOLAN REKENING DI BANK
(Dr. Ramziati, S.H., M.Hum. dan Jumadiah, S.H., M.H.)

Perkembangan teknologi informasi telah mendorong penggunaan layanan perbankan berbasis elektronik yang memberikan kemudahan dalam melakukan transaksi keuangan. Berdasarkan Undang-Undang Nomor 10 Tahun 1998 tentang Perbankan dan Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, bank memiliki kewajiban untuk menerapkan prinsip kehati-hatian, menjaga keamanan dana serta data nasabah, dan memberikan perlindungan hukum. Namun, meningkatnya penggunaan layanan digital perbankan juga diikuti dengan munculnya berbagai kasus pembobolan rekening, seperti pencurian data, phishing, dan penyalahgunaan akses transaksi yang menyebabkan nasabah mengalami kerugian finansial. Berdasarkan uraian tersebut, permasalahan yang dikaji dalam penelitian ini adalah bagaimana pengaturan perlindungan hukum nasabah bank atas kerugian akibat pembobolan rekening serta bagaimana tanggung jawab hukum bank terhadap kerugian nasabah berdasarkan ketentuan peraturan perundang-undangan.

Metode penelitian yang digunakan adalah penelitian hukum yuridis normatif dengan pendekatan perundang-undangan melalui studi kepustakaan terhadap bahan hukum primer, sekunder, dan tersier. Data yang diperoleh kemudian dianalisis secara kualitatif dengan cara mengkaji ketentuan hukum, konsep, serta teori yang berkaitan dengan perlindungan hukum nasabah dan tanggung jawab bank atas kerugian akibat pembobolan rekening.

Hasil penelitian ini menunjukkan bahwa perlindungan hukum nasabah bank atas kerugian akibat pembobolan rekening diatur dalam Undang-Undang Nomor 10 Tahun 1998 tentang Perbankan, Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, dan Undang-Undang Nomor 4 Tahun 2023 tentang Pengembangan dan Penguatan Sektor Keuangan. Bank wajib menerapkan prinsip kehati-hatian berdasarkan Pasal 2 dan Pasal 29 Undang-Undang Perbankan, menjaga rahasia bank berdasarkan Pasal 40, serta memberikan perlindungan dan ganti rugi kepada nasabah sesuai Pasal 4, Pasal 7, dan Pasal 19 Undang-Undang Perlindungan Konsumen. Tanggung jawab hukum bank timbul apabila kerugian terjadi akibat kelemahan sistem, kelalaian pengawasan, atau kebocoran data yang berada dalam penguasaan bank, namun dapat dikecualikan apabila kerugian disebabkan oleh kesalahan nasabah sendiri.

Disarankan agar dilakukan penguatan regulasi yang mewajibkan bank menerapkan standar keamanan sistem elektronik, serta bank meningkatkan edukasi keamanan digital kepada nasabah guna meminimalkan pembobolan rekening dan memperjelas tanggung jawab hukum antara bank dan nasabah.

Kata Kunci : Perlindungan Hukum, Nasabah, Kerugian, Pembobolan Rekening, Bank.

SUMMARY

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LEGAL PROTECTION OF BANK CUSTOMERS AGAINST LOSSES DUE TO ACCOUNT HACKING

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The development of information technology has encouraged the use of electronic-based banking services that provide convenience in conducting financial transactions. Based on Law Number 10 of 1998 concerning Banking and Law Number 8 of 1999 concerning Consumer Protection, banks are required to implement the principle of prudence, maintain the security of customers' funds and data, and provide legal protection. However, the increasing use of digital banking services has also been followed by the emergence of various account breach cases, such as data theft, phishing, and misuse of transaction access, which cause financial losses to customers. These conditions raise legal issues regarding legal certainty, the limits of bank responsibility, and the protection of customers who suffer losses. Based on this description, the problems examined in this study are how the legal protection of bank customers against losses due to account breaches is regulated and how the legal responsibility of banks for customer losses is determined based on applicable laws and regulations.

The research method used is normative juridical legal research with a statutory approach through literature studies of primary, secondary, and tertiary legal materials. The collected data were analyzed qualitatively by examining legal provisions, concepts, and theories related to customer legal protection and bank responsibility for losses arising from account breaches.

The results of this study indicate that the legal protection of bank customers against losses due to account breaches is regulated under Law Number 10 of 1998 concerning Banking, Law Number 8 of 1999 concerning Consumer Protection, and Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector. Banks are required to apply the principle of prudence based on Article 2 and Article 29 of the Banking Law, maintain bank confidentiality based on Article 40, and provide protection and compensation to customers in accordance with Article 4, Article 7, and Article 19 of the Consumer Protection Law. The legal responsibility of banks arises when losses occur due to system weaknesses, lack of supervision, or data leaks under the bank's control, but such responsibility may be excluded if the losses are proven to result from the customer's own negligence.

It is recommended that regulations be strengthened to require banks to implement electronic system security standards, and that banks improve digital security education for customers in order to minimize account breaches and clarify the division of legal responsibilities between banks and customers.

Keywords: Legal Protection, Customer, Loss, Account Hacking, Bank.