

LEGAL PROTECTION OF BANKING CUSTOMERS IN THE PERSPECTIVE OF LAW 8 OF 1999

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Abstrak. The use of electronic technology has become prevalent in banking services, offering convenience to customers through internet transaction services. However, this reliance on technology has also exposed vulnerabilities, leading to violations and crimes that result in significant losses for individuals and even the state. Hacker techniques and breaches of bank financial systems have become unavoidable risks. Banks play a crucial role in the financial system, overseeing business transactions and economic activities. Individuals and businesses choose banks as their preferred institutions for depositing funds, conducting transactions, and obtaining capital. Given the importance of banks, legal protection for customers is essential. This research adopts a normative approach, utilizing both statutory and conceptual methods. Secondary data serves as the primary source, and qualitative descriptive analysis is employed. Conclusions are drawn deductively, specifically regarding the topic of Legal Protection of Banking Customers in relation to Law Number 8 of 1999. The findings emphasize the urgency of legal protection for bank customers under the Consumer Protection Law. This law ensures legal certainty for customers by obligating banks to provide correct and honest services, as well as transparent and accurate information about service conditions and guarantees. Banks should collaborate with consumer institutions or other bodies to formulate clauses that meet the needs of all parties without compromising legal certainty. Agreement on the interpretation of relevant clauses is also crucial.

Keywords: Legal Protection; Banking Customers; Act No. 8 of 1999.

INTRODUCTION

Protection for customers or consumers in today's business regulations is very urgent, so the existence of legal protection or a legal umbrella is to create comfort and peace for the parties involved. Legal protection should be an effort to create a sense of security and protection for customers. The main key in legal protection for customers is that there is a very close relationship between customers and financial institutions, banks will not develop properly and cannot provide benefits to the wider community, if there are no customers, because banking business actors are very dependent on customers to be able to maintain the continuity of its business. The Bank is a business substance that gathers assets from the general population and maintains its business fundamentally from public assets and afterward circulates them back to the local area. Likewise, banks additionally offer monetary types of assistance and different installments (Zulham, 2017). Hence, there are two significant jobs played by banks, specifically as a store foundation for public assets and as an establishment giving assets to the general population as well as the business world.

Banking services for now and in the future are characterized using electronic technology in their work activities. The presence of internet transaction services as an alternative medium in providing conveniences for customers of a bank seems to be an effective solution. where someone when they want to make transactions through internet transaction services, can do it anywhere and anytime.

Of course, it can be realized that violations and crimes in a transaction can now easily be carried out by individuals or groups with the result that huge losses for the community and even the State (Wilson & Kelling, 1982). Hacker techniques that can break down or steal valuable information materials and banking financial breaches that cause losses for customers are unavoidable.

Banks are the core of the financial system in every country which has an important role in overseeing the pace of business or economic business. The significance of banks in the business and financial areas is appeared as open decision, the two people and business elements, to make banks a spot for saving assets, making exchanges, and capital. Saves money with their capabilities incorporate going about as go-betweenes between parties who have overabundance reserves (excess) and gatherings who are missing and need reserves (needs), as need might arise and sending off an installment framework instrument for all areas of the public economy. Under these circumstances, the bank is an establishment that depends on open trust. To continue to perpetuate public trust in banks, the government must try to protect the public from the actions of institutions or bank employees who are irresponsible and undermine the joints of public trust (Shofie, 2003).

The feeble place of clients as shoppers is expected, in addition to other things, to their absence of lawful comprehension, existing legitimate instruments have not had the option to give a feeling of safety,

and existing guidelines are deficient to safeguard the interests and privileges of clients straightforwardly. In this way, having legitimate security for clients in the financial world as a component of policing essential. Shidarta expressed that one of the attributes, as well as the motivation behind the law, is to give insurance (security) to people in general. Furthermore, banks additionally offer monetary types of assistance and different installments. In this manner there are two significant jobs played by banks, in particular as a storehouse establishment for public assets and as a foundation giving assets to the general population or potentially the business world (Djumhana, 2000). With regards to endeavors to safeguard shopper society as a rule, a regulation has now been established that manages Regulation No. 8 of 1999 concerning Shopper Insurance.

The law is planned to be areas of strength for a reason for both the public authority and the local area itself to put forth attempts to enable customers. This regulation on shopper security was planned concerning the way of thinking of public improvement that public turn of events, including the advancement of regulations that safeguard buyers, is in the system of building a total Indonesian person in light of the way of thinking of the Republic of Indonesia. specifically Pancasila and the state constitution, in particular the 1945 Constitution. The protection of consumers in general and the protection of bank customers, is an interesting topic because in reality, consumers or bank customers are often the ones who are harmed (Ohm, 2009). The relationship

between the bank and the customer as a consumer is unequal because on the one hand the bank has stronger bargaining power so that the customer is able to accept (take it or leave it) only. With this unequal relationship, the protection of customers as bank consumers is significant.

The powerless place of clients as buyers is expected, in addition to other things, to their absence of lawful comprehension, existing legitimate instruments have not had the option to give a conviction that all is good, and existing guidelines are deficient to safeguard the interests and privileges of clients straightforwardly. Purchasers of banking administrations are otherwise called clients. Clients with regards to Regulation Number 10 of 1998 concerning Changes to Regulation Number 7 of 1992 concerning Banking are isolated into two kinds, in particular, store clients and debt holder clients. Contributors are clients who place their assets in the bank as stores in light of the bank's concurrence with the client concerned (Said, 2017).

Public trust as banking purchasers is a major capital for a bank, without the trust of the general population, obviously the bank can not do its business exercises appropriately. So that banks should keep up with the trust of the general population by giving lawful insurance to the interests of the local area, particularly the interests of the clients of the bank concerned. This standard is managed in Article 29 passage (4) called the Financial Regulation, specifically the guideline of trust is the rule hidden the connection between a bank and a bank client. Banks end up with public subsidizes that are put away in light of trust

so every bank needs to keep up with the strength of its bank while endlessly keeping up with public trust (Zulham, 2017). As far as satisfying client insurance and remuneration, there has been a regulation that ensures legitimate conviction for the actual client, in particular Regulation Number 8 of 1999 concerning Customer Security (hereinafter alluded to as UUPK) or Monetary Administrations Authority Guideline (POJK) Number 1 of 1999. 2013 concerning Shopper Assurance in the Monetary Administrations Area. Notwithstanding the guidelines in regards to client security, there are additionally a few fundamental guidelines in regards to banking violations in Regulation Number 10 of 1998 concerning Banking (Usman, 2001).

MATERIALS AND METHODS

This kind of exploration is regulating research. The methodology utilized is a legal methodology (rule approach) and a calculated methodology (reasonable methodology). The wellspring of information utilized is optional information. Information examination was completed in a spellbinding subjective (Nasution, 2023). Concluding is carried out using the deductive method, namely finishing from general to specific, especially those related to the research topic, namely Legal Protection of Banking Customers in the Perspective of Law Number 8 of 1999. Subjective information examination is completed in the event that the experimental information got is as an assortment of substantial words and not in that frame of mind of a progression of numbers and can't be set up into classes

information can be gathered in different ways (perception interviews, report cases, and tape accounts). Furthermore, generally handled first prior to being utilized in subjective exploration including the aftereffects of interview records, information decrease, examination, information translation, and triangulation.(Amirudin, 2010).

RESULTS AND DISCUSSION

Legal Protection for Banking Customers in the Perspective of Law No. 8 of 1999

The key to success in producing excellent service is the application/implementation of Standard Operating Procedures for banking by established work standards. Standard Working Strategies or SOPs can be characterized as records that depict functional exercises did everyday, with the point that the work is completed accurately, exactly, and reliably, to deliver items as per foreordained principles. If only the banking company doubled the security of the customer's identity, especially the signature specimen, which was a supporting document the first time the customer entered into a business relationship with the bank and carried out the bank's SOP correctly, the account burglary would not have occurred.

The principle of prudence requires that a Bank employee is in charge and authorized to look after customer deposit funds, but it is the Bank employee concerned who takes customer funds. Based on the provisions of Article 29 paragraph (2) above, there is no reason whatsoever also for the bank not to apply the precautionary principle in carrying out

its business activities and must uphold the precautionary principle (Said, 2017). The prudent rule requires the bank to continuously be cautious in completing its business exercises, as in it should constantly be reliable in carrying out regulations and guidelines in the financial area in view of amazing skill (Djumhana, 2000).

In Indonesia, the government's attention to consumer/customer protection was evident in 1998, followed by ratification by Law no. 8 of 1999 concerning Consumer Protection, which has given great hope to consumers. This is because a consumer will have a legal basis and umbrella to protect all interests in the business world it will make it easier for the government and various related institutions to carry out arrangements, guidance, and education for consumers so that they can maximize their role in the world of commerce, business, banking and so on.

As per the Overall Clarification of Regulation no. 8 of 1999 concerning Shopper Assurance, the primary component that causes regular abuse of buyers is the low degree of customer attention to their privileges. Obviously, this is firmly connected with the low degree of purchaser instruction. Consequently, the presence of the Shopper Security Regulation is major areas of strength for a reason for the public authority and the Non-Legislative Association for Buyer Insurance (LPKSM) to help out endeavors to engage purchasers through training and customer schooling, so that as a result of the law there are sanctions for violators, by in this manner the work to make a

purchaser more a section that merits security emerges (Nainunis, n.d.).

UU no. 8 of 1999 concerning Shopper Security (hereinafter alluded to as UUPK) is additionally exceptionally significant, particularly with regards to lawful insurance for bank clients as customers. Among others, with the presence of a credit understanding or bank funding which is a standard understanding (standard agreement). Arrangement with customers is a genuine sign individuals' economy. In exchange rehearses that are impeding to purchasers, including fixing the cost of merchandise, and ill-advised utilization of exemption provisos, the public authority should reliably agree with customers who are by and large normal individuals. The Buyer Assurance Regulation tries to safeguard bank clients by forcing impediments on standard provisions that are undeniable in the present financial business. As indicated by the arrangements of Article 1 number 1 of the PK Regulation, buyer insurance is all endeavors that ensure lawful conviction to safeguard purchasers. The standard of buyer security as indicated by Article 2 of Regulation no. 8 of 1999 is purchaser insurance in view of advantages, equity, balance, customer security, and security, as well as lawful conviction (Sembiring, 2009).

The Urgency of Legal Protection for Banking Customers to Support Optimal Security

The powerless place of shoppers is expected, in addition to other things, to the way that current legitimate instruments have not had the option to give a feeling of safety, existing regulations and guidelines

are deficient to straightforwardly safeguard the interests and freedoms of buyers who ought to be engaged with policing (requirement) itself is felt to be less emphatic. Then again, the perspective as a business entertainer is still benefit situated in the transient setting regardless of the interests of purchasers which is essential for the assurance for the congruity of the business in the drawn out setting. Legal protection for customers depositing funds in banks is closely related to the problem of public trust in banking institutions (Usman, 2001). Without the trust of the general population, banks can not do their business exercises appropriately. So it isn't exorbitant assuming the universe of banking should keep up with the trust of the general population by giving lawful assurance to the interests of society, particularly the interests of clients.

The banking sector, which has an important position as an intermediary agency as well as a branch of the payment system, is a very decisive factor in how adaptation is interpreted. In this regard, improvements are needed to the national banking system which does not only cover individual bank restructuring but also global banking restructuring. Endeavors to revive the public financial framework are a common obligation between the specialists, the actual banks, and the public who are shoppers of bank administrations. The presence of this common obligation can assist with keeping up with the wellbeing level of public banking so it can work ideally in the public economy. Observed from legal conditions, business between customers and producers has a reciprocal legal bond concerning

establishing the rights and roles of the parties. There is a role on the customer side as well as on the producer side. In such a bond, it is fitting for the two parties to be in a comparable position, not to the detriment because it is not just dependence (Zulham, 2017). Therefore, it is necessary to regulate customer rights and vice versa.

On the off chance that this time Banks in Indonesia have consistently complied with Regulation Number 10 of 1998 concerning Banking and Regulation Number 23 of 1999 concerning Bank Indonesia as revised by Regulation Number 3 of 2004 in managing the parts of bank reasonability, then, at that point, the viability of Regulation Number 8 of 1999 concerning Shopper Security starting around 2001 parts of banking guideline should likewise be extended to parts of client security and strengthening as buyers who use bank administrations (Sihombing, 2021). On the one hand, the Consumer Protection Act was enacted at a time when Bank Indonesia as the supervisor of the banking industry was working hard to make improvements to the banking system, including:

1. Formulation of standard customer complaint mechanisms. In this case, banks must respond to every complaint and grievance submitted by a customer, especially those related to financial transactions made by customers through the bank.

2. Establishment of an independent banking mediation institution. If the customer is dissatisfied with the results of the settlement of complaints by the bank, it is additionally important to give media that

can oblige debate goal between the client and the bank. Considering that the majority of bank customers are small customers, the media for resolving customer disputes with banks must be able to fulfill simple, cheap, and fast elements.

3. Formulation of product information transparency standards. Transparency is important so that people who wish to become bank customers receive adequate information about the benefits, risks, and costs associated with a particular product.

4. Increasing education for customers. Consumer protection efforts should begin by providing early learning to the general public about how and what business activities and financial products are organized by banks (Djumhana, 2000).

Customers in bank credit agreements are equated with consumers, as specified in article 1 section (2) of Regulation Number 8 of 1999 concerning Shopper Security which affirms that a customer is any individual who utilizes products as well as administrations accessible in the public eye, both for personal circumstance, family, others, and not really for exchanging. It is obvious from this article that the component of a customer is each individual who utilizes products or potentially benefits, and not so much for exchanging (Nugroho, 2008). Clients are individuals who use merchandise or potentially benefits given by the Bank and not so much for exchanging. Thus, for this situation the client is a customer. With the presence of Regulation Number 8 of 1999 concerning Customer Insurance and Regulation Number 10 of 1998 concerning Changes to Regulation Number 7 of 1992 concerning Banking, it is hoped that the bank can be

held responsible for all mistakes or negligence that have been committed by the parties. bank which results in losses for customers, so that customers can get banking services as well as before (Said, 2017).

The procedure for complaints by customers can be carried out verbally or in writing. Verbal complaints must be resolved within two days, but if this cannot be done, the bank must ask the customer or customer representative to submit a written complaint accompanied by documents in the form of photocopies of identity and other supporting documents (Shofie, 2003). It is because banks may not refuse customer complaints. Acceptance of these complaints can be made at any bank office, either the office where the customer opens an account or where the customer performs financial transactions. In addition, banks also must provide explanations to customers or customer representatives regarding complaint resolution policies and procedures.

CONCLUSIONS

Current and future banking services are characterized by the use of electronic technology in their work activities. The presence of Web exchange administrations as an elective medium in giving comforts to clients of a bank is by all accounts a genuinely viable arrangement

In practice in the field, the earnestness of legitimate assurance for bank clients as far as Regulation No. 8 of 1999 concerning buyer security is an assurance of legitimate conviction given by banks to clients since this regulation safeguards purchasers, remembering clients for general. By the

purchaser security regulation, banks as business entertainers are obliged to serve clients accurately and truly and give valid, straightforward, and fair data in regards to the circumstances and certifications of the administrations gave.

The feeble place of buyers is expected, in addition to other things, to the way that current legitimate instruments have not had the option to give a feeling of safety, existing regulations and guidelines are lacking to straightforwardly safeguard the interests and freedoms of purchasers who ought to be engaged with policing are felt to be less emphatic. Then again, the perspective as a business entertainer is still benefit situated in the momentary setting regardless of the interests of customers which is essential for the assurance for the congruity of the business in the drawn out setting.

Bank business activities, which are other potential sources of income in the globalization era, are trading in securities on the money market, and capital market and developing more innovative customer services, including providing information services on customer business opportunities, and helping to arrange customer administration.

Banking parties should be able to work together with consumer institutions or other bodies that are considered able to represent the interests of customers so that together they can formulate clauses that meet the needs of the parties and do not violate the element of propriety for the sake of legal certainty while at the same time trying to agree on the interpretation of the clauses concerned.

It is expected that there will be a legal

relationship between the depositor customer and the bank based on an agreement. For this reason, it is natural for the interests of the customer concerned to receive legal protection, as is the protection provided by law to banks.

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