

Legal Protection For Customers In Digital Banking Services In Indonesia At PT. Bank Jago, Tbk

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Kemajuan teknoogi memunculkan permasalahan serius terhadap perlindungan data nasabah, khususnya pada layanan perbankan digital PT. Bank Jago dimana pada 09 Oktober 2023 terdapat akun nasabah Bank Jago yang terkena hack dengan kerugian kehilangan dana di rekening dan kesulitan memberikan alat bukti berupa rekening koran karena terbatasnya kantor pelayanan. Tujuan dari penelitian ini adaah untuk mengetahui mengetahui bagaimana Bank Jago dapat memberikan perlindungan hukum terhadap nasabah yang mengalami gangguan pada layanan digital banking. Penelitian ini menggunakan penelitian hukum normatif dengan teknik analisis data deskriptif kualitatif yaitu menggambarkan secara jelas bagaimana kronologis terjadinya akun nasabah bank jago yang kehilangan dana di rekening, sedangkan kualitatif yaitu analisis terhadap peraturan terkait yang kemudian diolah secara sistematis dan dihubungkan dengan bahan hukum sekunder melalui studi kepustakaan guna memperoleh pemahaman mengenai upaya perlindungan hukum terkait jaminan kemaan dalam layanan perbankan digital. Hasil peneitian ini menunjukkan bahwa pentingnya meakukan perlindungan hukum secara preventif dan represif. Tindakan preventif dapat dilakukan dengan menjalankan peraturan yang ada terkait Layanan Perbankan Digital Oleh Bank Umum, Perbankan dan Perlindungan Konsumen layanan digital banking sedangkan tindakan represif adalah dengan menyelesaikan permasalahan yang dihadapi nasabah untuk memberikan perlindungan hukum seperti pengaduan nasabah, penyelesaian melalui Lembaga Alternatif Penyelesaian Sengketa Perbankan Indonesia (LAPSPI).

Keywords: Digital Banking, Perlindungan Hukum, Bank Jago

ABSTRACT

Advances in technology have raised serious problems with customer data protection, especially in PT. Bank Jago where on October 9, 2023, there was a Bank Jago customer account that was hacked with losses of lost funds in the account and difficulty providing evidence in the form of a bank statement due to the limited number of service offices. The purpose of this study is to find out how Bank Jago can provide legal protection to customers who experience disruptions in digital banking services. This study uses normative legal research with qualitative descriptive data analysis techniques, which clearly describes how the chronological occurrence of bank jago customer accounts that lose funds in the account, while qualitative is the analysis of related regulations which are then processed systematically and linked to secondary legal materials through literature studies to gain an understanding of legal protection efforts related to security guarantees in services digital banking. The results of this research show the importance of nailing legal protection in a preventive and repressive manner. Preventive actions can be taken by implementing existing regulations related to Digital Banking Services by Commercial Banks, Banking and Consumer Protection of digital banking services, while repressive actions are to solve problems faced by customers to provide legal protection such as customer complaints, settlement through the Indonesian Banking Dispute Resolution Alternative Institution (LAPSPI).

Keywords: Digital Banking, Legal Protection, Bank Jago

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Introduction

In the era of digitalization, the banking world has undergone drastic changes in the field of technology in terms of digital banking services. Digital banking services are currently an effective and efficient part because it facilitates the level of banking operations in the facilities that can be provided to its customers. However, technological advances in the digital era do not always run smoothly because this is in line with the risks that arise, especially in the protection of personal customer data. Customers' personal data is part of banking secrets that must be legally protected by banks and authorities. Therefore, legal protection for customers in digital banking services in Indonesia is very crucial to prevent cybercrime.

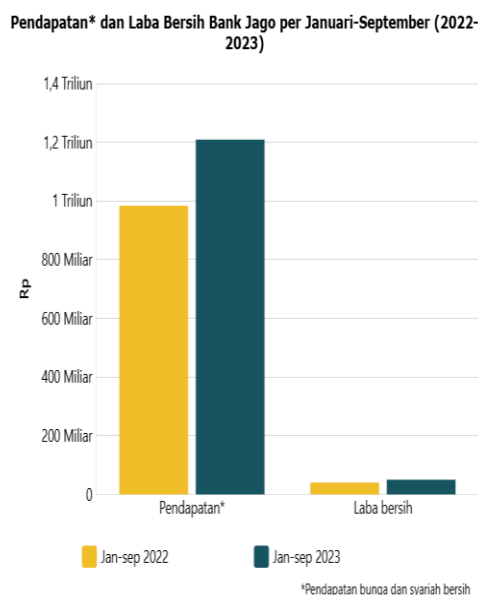
In this context, Law Number 19 of 2016 concerning Information and Electronic Transactions (Revised ITE Law) is the main basis in regulating the protection of customer personal data. In addition, the Financial Services

Authority (OJK) also has regulations that regulate the implementation of digital banking services by commercial banks, including aspects of protecting customer personal data. OJK Regulation No.12/POJK.03/2018 concerning the Implementation of Digital Banking Services by Commercial Banks, for example, emphasizes the importance of security aspects in the development of digital banking services. Digital banking services in Indonesia also begin with the implementation of a "digital branch" that allows customers to access financial services more quickly and easily through various methods, such as SMS Banking, internet banking, and bank applications.

One of the banking companies that has begun to focus on the field of digital banking is Bank Jago, which has been specifically designed since 2020 as a technology-based bank in Indonesia's digital ecosystem. Bank Jago builds banking products and services both conventional and sharia that can be used by all levels of society. Starting from retail (consumers), mass

markets, to micro, small, and medium enterprises (MSMEs).

Although it is still young in the digital banking world, Bank Jago strives to provide adequate facilities and services to facilitate access to the wider community through technology by paying attention to existing laws and regulations in Indonesia such as the Banking Law, ITE Law, OJK Regulations, as well as the company's internal guidelines in managing Bank Jago's digital banking, so that in terms of operational activities, Bank Jago's licensing and customer protection are under the auspices of the OJK and Bank Indonesia from the applicable legal aspects. Bank Jago also has a priority to increase the growth opportunities of millions of people through digital financial solutions and the provision of excellent services and financial solutions to all customers. This can be seen from the continued increase in revenue and net profit from PT Bank Jago in the period 2022-2023. (Cahya Puteri Abdi Rabbi, 2022)



Three years since Bank Jago operated in 2020, on October 9, 2023, there were reports that there were Bank Jago customer accounts that were hacked with losses of funds in account balances and difficulty in making police reports.

(Jaka LI, 2023) The customer encountered obstacles in making a legal report. When the customer tried to contact Customer Service by phone, this customer was asked to make a police report, but when visiting the police station the customer was faced with an obstacle to provide supporting evidence in the form of newspaper recordings that had to be printed directly by Bank Jago. Meanwhile, the number of Bank Jago cantors is very limited because the majority of services provided by Bank Jago are based on digital services that do not require many branch cantors. This is one of the shortcomings in digital services whose customers are far from the location of Bank Jago's central cantor. Such cases raise serious questions related to data security and transparency of the bank to customers that need to find a way out.

Literature Review

Legal Protection

Legal protection is the state's effort to protect individuals through measures to harmonize values and rules resulting from attitudes and actions to create a rational order of life. (Wisesa et al., 2020) Banks have a very important role in providing legal protection for the interests of customers. This means that banks have a crucial role in facilitating production, distribution and consumption in financial services institutions. So that trust is the basis of all banking transactions, from fundraising to distributing funds to the community. (Tarantang et al. 2023)

In the banking world, huku protection can be divided into 2 types of legal protection provided to nasabaha, including: (Pujiyono 2021)

1. Preventive legal protection: Preventive legal protection is carried out before problems occur, among others, regulated in Law number 10 of 1998 concerning Banking and Law number 8 of 1999 concerning Consumer Protection as well as explanations

of transactions through mobile banking from banks

2. Repressive legal protection: repressive legal protection is carried out after a problem occurs, namely in 3 (three) ways, namely through customer complaints, settlement through the Indonesian Banking Dispute Resolution Alternative Institution (LAPSPI)

Digital Banking

Digital Banking is a service provided by banks through technology owned and can be accessed through smartphone applications or websites. The service allows customers to make transactions in banking such as; money transfers, bill payments, account opening, money transfers that can be done from anywhere without having to queue and go to the banking office.

The purpose of this digital service is to expand customer or community access so that transactions are carried out more effectively and efficiently (Fatmala Putri and Ratna Sari 2023). In general, digital banking has now developed by using terms such as electronic banking, internet banking and online banking. (Husni Shabri 2022)

Method

Method is a way that must be passed in conducting research. This type of research uses normative legal research, which is research by collecting secondary data that includes primary legal materials and secondary legal materials. The data obtained will then be used to assist the analysis process to determine the position of the parties in legal protection efforts for Bank Jago customers related to security guarantees in digital banking services in Indonesia. This method aims to direct and seek and find scientific truths that are detailed and can be accounted for scientifically and do not deviate from the formulation of the problem. The data analysis technique used using qualitative descriptive is to clearly describe how chronologically the account of bank jago customers who are hacked and lose funds in their accounts, while qualitative is the

analysis of related regulations which are then processed systematically and linked to legal materials obtained through literature studies to obtain a clearer understanding of Legal protection efforts for Bank Jago customers related to security guarantees in digital banking services in Indonesia.

Result and Discussion

Banking has a very crucial role in terms of growing and developing the economy in the financial sector in Indonesia. The development of technology towards a new era has brought many changes in terms of services provided to the community, one of which is by presenting digital services as part of banking operations in Indonesia, namely bank jago. (Maisah et al. 2023) Bank Jago is a digital bank that began operating in 2020 and is specially designed based on technology in Indonesia. Growth until the end of September 2023 has reached 9 million customers, this number has experienced rapid growth of 74% compared to the previous year which only reached 5.3 million customers.¹ (Sakina Rakhma Diah Setiawan, 2023) In maintaining the security of customer money at the bank, Bank Jago provides the option of using fingerprints, facial recognition, PIN or password when customers are going to make transactions through the Jago application. In addition, Bank Jago also has a license and legal supervision from the Financial Services Authority (OJK). The money that enters the account is also guaranteed by the Deposit Insurance Corporation (LPS).

Bank Jago, which centralizes its operations through digital banking, does not have many branch offices spread throughout Indonesia. There is only 1 Central Cantor of PT. Bank Jago Tbk at BTPN Tower Lt. 46 Jl. Dr. Ide Anak Agung Gde Agung Kav. 5.5-5.6 South Jakarta and 4 Branch Offices, namely KC Mega Kuningan, Jakarta, KC Bandung, KCP Bumi Serpong Damai (BSD) City and KCP Kelapa Gading Jakarta. This is in line with the emergence of the digital-savvy generation in Indonesia who want to facilitate transactions from anywhere and anytime without having to queue for a long time at banking offices to make financial transactions. However,

the limited number of offices spread throughout Indonesia has limitations in reaching customers spread throughout Indonesia.

The benefits of digital banking services pose a number of challenges. Some of the challenges that arise include the increase in cybercrime and the misuse of data owned by customers from irresponsible parties. The protection of customer personal data is certainly a top priority that must be considered by the bank. (Usanti, Thalib, and Setiawati 2019) The principle of confidentiality must still be adhered to when banks are transforming, especially in terms of protecting customer personal data, because in practice data leaks and cybercrimes are still found in many digital banking services in Indonesia, including Bank Jago customers. The enactment of OJK Regulation No. 12 /POJK.03/2018 can at least prioritize risk management in the use of information technology. It is hoped that this regulation can control the risks that may arise in digital banking services, although it will not necessarily eliminate crimes that may arise.

On October 9, 2023, there was a detrimental incident to Bank Jago customers where funds in the Savings account disappeared and were suddenly transferred without the owner's permission. The incident required the customer to contact Bank Jago and CS advised to report this case to the police. At the Police, customers are asked to provide supporting evidence in the form of your account printed directly by Bank Jago. However, Bank Jago itself has a limited number of offices, so it is difficult to print the bank statement if the customer is far from the bank jago office. Cases like this certainly raise serious questions related to how banks ensure data security and transparency of banks to customers.

Customer protection for the implementation of digital banking services can be done by preventing losses that may arise or overcoming circumstances that are not expected by customers in the future through the applicable laws and regulations in Indonesia, this protection is known as preventive protection.(Ni Nyoman Anita Candrawati 2014) Meanwhile, the protection provided to customers after an unwanted and detrimental event arises is called repressive action. This repressive action is carried out in order to solve problems that arise against

customers to provide legal protection. Repressive legal protection is carried out after a dispute occurs. Ways that can be done include by doing 3 (three) steps, namely; Customer complaints, settlement through the Indonesian Banking Dispute Resolution Alternative Institution (LAPSPI) which includes 3 (three) ways, namely mediation, adjudication, and arbitration, as well as through the court by means of mediation and civil lawsuits.(Wisuda 2022)

Customer protection that is preventive in general can be found in Law No. 10 of 1998 concerning Banking, Law No. 8 of 1999 concerning Consumer Protection, OJK Regulation No. 12/POJK.03/2018 concerning the Implementation of Digital Banking Services by Commercial Banks. The legal protection provided by banks for digital banking services when viewed based on the Banking Law consists of: a). Provision of information regarding the possibility of customer loss risks related to digital banking services, which is intended to make access to obtain information about business activities and bank conditions more open which at the same time ensures transparency in the banking world; b). Bank secrecy, which is intended so that public trust is born if there is a guarantee from the bank that the bank's knowledge about the personal data of digital banking service users or deposit data and the customer's financial situation is not misused; And c). Each bank is obliged to guarantee customer funds for digital banking services stored in the bank through the establishment of the Deposit Insurance Corporation.(Rani 2014)

In addition, the OJK Regulation on the Implementation of Digital Banking Services by Commercial Banks also regulates legal protection for customers where this OJK Regulation states that banks providing digital banking services are obliged to apply the principles of consumer protection as referred to in the provisions of laws and regulations regarding consumer protection in the financial services sector and banks providing digital banking services must have a function and mechanism for handling each questions and/or complaints from customers who operate 24 hours a day. The principles of customer protection include transparency, fair treatment, reliability, confidentiality and security of customer

data/information and the handling of complaints and customer dispute resolution in a simple, fast and affordable manner. (Yang, Dalam, and Dana 2013)

Repressive protection for customers who use digital services can be done by moving quickly to complaints that come in from customers to increase public trust. BI Regulation No.10/10/PBI/2008 concerning Amendments to BI Regulation No.7/7/PBI/2005 concerning Settlement states that "a complaint is an expression of customer dissatisfaction caused by the potential financial loss to the customer allegedly due to the bank's fault or negligence". BI Regulation No.10/10/PBI/2008 also states that banks are obliged to resolve every complaint submitted by the customer or customer representative through a written procedure which includes the receipt of complaints; Complaint Resolution; Handling and monitoring the handling and settlement of complaints. (Tarigan and Paulus 2019)

The provisions for receiving complaints, BI Regulation No.10/10/PBI/2008 also states that the handling and settlement of customer complaints must be completed by the bank no later than 20 working days after the date of receipt of the complaint. In another regulation, namely SE OJK No.2/SEOJK.07/2014 concerning the Service and Settlement of Consumer Complaints to Financial Services Business Actors, it is stated that banks in resolving complaints must be accompanied by an apology by providing material compensation. This accountability is intended to protect customer rights in accordance with the mandate of the Banking Law, the Consumer Protection Law and OJK Regulation No.12/POJK.03/2018. This accountability is also intended to reduce the potential risk of reputational decline for banks in the long term so as not to reduce public trust in banks that provide digital banking services.

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