Legal Protection For Customers Against ITE Crimes (Electronic Information And Transactions) On Digital Bank Services

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Abstract
Since the legal relationship between consumers and banks is one built on trust, legal protection for customers is crucial given that banks are financial entities whose operation cannot be divorced from the role of customers. The usage of technology is a crucial component of practically all non-negotiable communal activities. In this global age, discussing cybercrime is inextricably linked to discussing computer network security or internet-based information security, particularly when discussing the topic of information as a commodity. Determining client legal protection and bank accountability against ITE crimes in digital banking services is the goal of this research. This study employs a statutory approach and a normative juridical research type. The research will be analytical and descriptive in nature, using secondary data obtained through library research and analytical descriptive research criteria. The research's data is organized logically and methodically, examined using techniques for qualitative analysis, and then presented in a qualitative fashion. According to research findings, efforts are currently being made to develop an independent and effective supervisory system that is always focused and in line with the principles of good governance, effective bank supervision, banking management information systems, intermediation functions, handling problem loans, and implementing risk management. The Indonesian banking industry is currently undergoing a process of restructuring. and the potential for national banks to use anti-money laundering measures and best practices.

I. Introduction

We are living in an era of industrial revolution 4.0, marked by the introduction of new technologies, as a result of the rapid growth of information technology. The financial sector has been significantly impacted by the

advancement of information technology, particularly banking. (Radiansyah et al, 2016). There are several aspects that encourage changes in views towards banking in line with this industrial revolution era, including customers as consumers having more expectations regarding changes in banking products and services that are easy and safe, not outdated, and provide convenience for customers, and also perspectives on changes in models banking, from an operational model to a digital business model, which is felt to be effective and efficient in transactions (Jati, 2019).

In an attempt to give consumers the greatest experience possible, the banking sector is introducing new technologies in the form of digital banks. As society moves closer to the digital era and advances in information technology, commercial banks have responded with the creation of digital banks (Tasman & Ulfanora, 2023). Law Number 7 of 1992, as amended by Law Number 10 of 1998 concerning Banking, as amended by Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Services Sector, provides the legal foundation for the operation of digital banks.

Digital banks have to make sure that their business strategy doesn't hurt its clients. Data security and confidentiality for customers are ensured, which is crucial in the banking industry (Munir, 2017). Customers can experience the benefits of giving their faith to a bank when they follow the regulations outlined in Article 23 paragraph (1) and Article 24 paragraph (1) points a and e of Financial Services Authority Regulation Number 12/POJK.03/2021 concerning Commercial Banks ("POJK Commercial Banks").

The Financial Services Authority Regulation Number 06/POJK.07/2022 concerning Protection of Consumers and the Public in the Financial Services Sector regarding provisions for Financial Services Business Actors ("PUJK"), in this case digital banks, further regulates these provisions. PUJKs are required to use information technology that is secure, dependable, and ensures customer information. In addition, the existence of a digital bank will unknowingly facilitate customer transactions in banking. Advancements in technology have led to the emergence of digital banking services that facilitate various transactions for both existing and potential customers of the bank. These services include account opening, saving, depositing funds, financial management, credit/loan management, e-commerce payment processing, and much more.

Quoting the opinion of Tarsisius Murwadji, the quality of law is the conformity of what should be "das sollen" and what is involved in reality "das sein". Das sollen is defined as regulations or statutory regulations, while das sein is the standardization of legal quality. Phishing crimes that occur in digital banks show that there is a gap between das sein and das sollen. Acts against the law, such as phishing, are a form of cyber crime that violates statutory regulations. Law Number 8 of 1999 concerning Consumer Protection; Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016 concerning Electronic Information and

Transactions (UU ITE); and related regulations in Financial Services Authority Regulation Number 6/POJK.07/2022 concerning Consumer and Public Protection in the Financial Services Sector are just a few examples. Hacking is just one of the many cybercrimes that might eventually infiltrate the world of digital banking.

Having an account with a bank is now a must for everyone. Even though data from Bank Indonesia states that there are still 91.3 million people with unbankable status, for most people, banking products are a necessity that really supports their daily activities (Arkanuddin, Nugroho, & Wijaya, 2022). Naturally, there are inhabitants who do not wish to create an account at a bank due to lengthy bureaucracy, bank branches that are far from their homes, and other factors. It is not surprising that some residents remain unbankable. Innovative financial products have been developed as solutions to some of these issues. One of them is internet banking. Internet banking is a product that is "the must have product" for banking circles, and not just a "nice to have product", especially with the number of internet users increasing day by day. Internet banking is not only needed by individual customers, but this type of banking product is also needed by business people. Of course we can't imagine how troublesome it would be to carry large amounts of cash to pay employees' monthly salaries. With internet banking technology, entrepreneurs only need a set of gadgets to carry out various transactions to support daily operations.

The ease of transferring funds is not only via internet banking, banking circles have increased the ease of transactions with virtual account facilities. A virtual account is a customer identification number that a business requests be opened by the bank, and which the business then provides to both person and non-individual clients as an account number for the purpose of collection. When money is sent through a virtual account, the recipient can verify the source and amount of the funds in the customer's holding account, negating the need for the sender to give proof of the transaction. (Hartanto & Ramli, 2018). Of course, this makes things very easy for account holders, especially those who have large scale retail businesses with high transaction traffic. With its practicality, internet banking can be accessed and used anywhere without space and time barriers. All a user needs is a set of gadgets that have been installed with an application from the bank where the customer keeps their funds, and an internet network to access them. However, this practicality is also overshadowed by the dangers that lurk for its users, mainly cybercrime which is very widespread.

In the case of phissing in banking transactions, currently phissers have utilized one method of payment, namely via a Virtual Account, which can be executed either via internet banking or mobile banking or ATM. This Virtual Account is not a real account so it cannot be blocked automatically when the customer who owns the funds reports it to the bank. Many customers do not receive a settlement method from the bank as the institution where they store their funds.

Because the target account in phishing cases is sometimes a Virtual Account that the institution creates for its users, banks are sometimes prohibited from intervening. In this instance, there isn't a direct relationship between the bank and the client in this relationship with the target account. Customers want a high level of security system as phisers' techniques and crime levels increase. This is because phissers and attackers alike are interested in taking advantage of customers' data if it is not well secured. Phiser can direct his victims into behaviors that result in losses by using a variety of mediums, including telegram, WhatsApp text, SMS, and email.

The development of crimes related to technology is often referred to as cyber crime. Classic forms of this crime include joycomputing (using a computer without permission), hacking (unauthorized entry into a computer network system), the Trojan horse (manipulating computer programs), data leakage (data leaking), data diddling (manipulating computer data) and vandalism. computer data. These cyber crimes develop along with changes in global society whose level of development exceeds the existence of law. Cyber crime, also called cyber space crime, is a reflection of the condition of society which is always competing between desires and the pull of global influences which produce and offer changes that are detrimental, for example using technology as a tool to meet developments and the basis for developing transaction systems in banking, but still often fail to resist its destructive impact.

Cybercrime has changed over time to include a variety of new forms and methods of operation as technology advances. When it comes to cybercrime, the terms hacking, cracking, and carding have given way to more specialized terms like probes (which are attempts to access a system); scans (many probes); account compromise (using an account illegally); root compromise (using an account with privileges for the intruder); failure of service (dos), which causes the network to malfunction because of excessive traffic; and misuse of domain names, among others (Barda Nawawi Arief, 2010: 56).

Types and forms of technology-based crime have developed increasingly rapidly with various variations in modus operandi. Technology-based crimes have very distinctive characteristics that differentiate them from conventional crimes.

Information technology development alters thought patterns about borders of territory, time, values, object shapes, thought logic, work patterns, and social behavior boundaries from manual to computerized/digital. This has affected the ways in which technology-based crimes are committed, as well as their targets and outcomes. As a way to maintain social order, the law is actually finding it more and more difficult to adapt to this paradigm shift. The purpose of law is to safeguard human interests. The law has to be applied in order to safeguard human interests (Sudikno Mertokusumo and A. Pitlo, 1993: 1). Legal protection, then, is defense offered by the law or by legislation to safeguard human rights so that human life can go on regularly, quietly, and

peacefully.

Every aspect of human existence has been significantly impacted by the advancement of information technology, and the banking industry is no exception. It has a significant impact on the banking sector, enabling it to develop new technologies necessary to carry out its commercial operations. Credit card administration and the use of online and mobile banking for clients who save money to conveniently conduct a variety of financial transactions from any location are examples of innovations in the banking industry pertaining to the use of information technology. Credit cards facilitate easy shopping for customers, which increases the efficiency with which banks carry out their commercial operations.

Globally, information and communication technology has altered social behavior and human civilization. It has also made the world more borderless and has accelerated the pace of major social change. Information technology is today a double-edged sword since, in addition to advancing human welfare, civilization, and advancement, it can be used effectively to commit crimes.

In addition, the Banking Law and Consumer Protection Law provide logical consequences for bank services and guarantee protection on all banking business activities in accordance with applicable standards. Law Number 8 of 1999 concerning Consumer Protection regulates the rights and obligations of banks as business actors which should cover all the rights and obligations of the parties.

Problems that will subsequently be used as material for research can be identified based on the context that has been given. The study question is: How can consumers using digital bank services in the banking industry be legally protected against ITE crimes?

2. Research Method

Normative legal research is the kind of legal research that is employed as a result of choosing the problem topic to be researched in research whose target is legal concerns (whereas law is the laws or norms that exist in society). In order to address the legal questions raised, normative legal study looks for legal theories, rules, and principles (Peter Mahmud Marzuki, 2006). Three approaches are used in this research: legislative, historical, and analytical. Normative legal research is, at its core, the study and analysis of legal norms that have been developed for this reason by authorized officials (Salim H.S; 2013). The rules pertaining to the legal protection of clients' personal data at Bank Financial Institutions are the legal norms being discussed here.

The analytical descriptive research specifications that will be applied are those that define the subject of the primary problem in detail and methodically (Alimuddin; 2014). To make inferences and give a study about legal protection for internet users against crimes in the banking industry, researchers examine and aggregate the data that has been gathered. According to Soerjono Soekanto

(2006), descriptive research aims to provide as much exact information as possible on individuals, illnesses, or other symptoms. This study aims to present the findings of the investigation about the legal safeguards that internet users have against financial crime.

Secondary data is the kind of data that is used. This information was obtained through library research, or document/document analysis. Document/library study, according to Syamsudin (Alimuddin; 2014), is the process of gathering, reviewing, or tracking down documents or literature that may include information or information that researchers may need.

The research's data analysis approach is logically and methodically organized, examined utilizing qualitative analysis techniques, and then presented in a qualitative manner.

3. Results and Discussion

Consumers' Legal Protection Against ITE Crimes in Digital Banking Services in the Banking Industry

Customers' position has always been seen as weak or disadvantaged in legal cases or disputes involving banks and customers. As a result, the issue of consumer empowerment and protection requires special attention from Bank Indonesia and the banking industry as a commitment to put customers in a position equal to that of the bank. Protection of banking customers is a problem that has not yet found a place in the national banking system.

To overcome problems related to the position of customers which have been considered weak, there are several programs that can be implemented, namely: developing a customer complaints mechanism, establishing a banking mediation institution, increasing product transparency and providing education on bank products and services to the wider community. The creation of an ombudsman for banking customers is one of these initiatives that is new to Indonesia, as it is currently believed that, unlike in numerous other nations, there is no particular organization that deals with conflicts between banks and bank customers.

In order to implement protection for bank customers, the following things have been carried out:

a. The Indonesian banking sector is undergoing a process of restructuring. This comprises guidance on the ownership, operating practices, and institutional features of a bank or group of banks in order to fulfill the established objectives and vision.

b. Bank Indonesia has determined that the preparation of various banking regulations must always be based on research and refer to best practice and international standards. Apart from that, in the bank regulation process, Bank Indonesia is obliged to involve banking practitioners.

c. Efforts are made to develop an effective and independent supervisory system that is always focused and in line with the principles of effective bank supervision.

d. Good governance, banking management information systems, intermediation functions, handling problem loans, implementing risk management and the possibility for national banks to implement best practices and anti-money laundering.

e. It is necessary to prepare a mechanism for handling bank customer complaints as well as efforts to empower consumers who use banking services. In this case, one of the methods taken is transparency in providing complete information regarding banking products or services, including possible risks faced by customers.

The clauses of agreements and legislation that govern the interactions between banks and their clients are the main focus of concerns pertaining to customer protection. A private deed or other valid document can serve as the basis for an agreement that creates a legal relationship between a bank and its client. In this instance, maintaining good observation is necessary to preserve a level of consumer protection without impairing the bank's standing.

Other banking services that need to be considered in the context of consumer protection include: issuing credit cards, bank guarantees, money transfers, saving deposit box rentals, and other services. In banking services, problems often arise for customers if problems arise related to the actions of the bank itself or the actions of related third parties.

The enactment of Law Number 8 of 1999 concerning Consumer Protection has brought consumer protection to a higher level of attention in recent developments. Nevertheless, care must still be taken when determining who is accountable for mistakes or negligence in the bank's management that cause losses to its customers.

The question of civil liability for carelessness or mistakes made at a bank may have an impact on the bank's management. According to the terms of the Company's articles of association, the bank management is the group that represents the bank's legal entity. As a result, there are two ways in which management is accountable for their actions: corporate accountability and personal accountability.

If the administrator grants the representative power while adhering to the authority outlined in the company's articles of association, personal accountability is still present. That being said, the firm bears liability if the management's actions remain within the scope and jurisdiction specified in the articles of association.

As a result, the bank is obligated to follow the management's decisions regarding outside parties. According to company theory, which holds the

corporation accountable because losses are the foundation of its operations, the bank is thus accountable for losses caused by its management.

On the other hand, a group of consumers with similar demands and interests is formed when losses are attributed to banking institutions, particularly those that undergo liquidation. According to Article 17 paragraph (2) letter an of Government Regulation Number 25 1999 concerning Revocation of business permits, dissolution and liquidation of banks, the customer is essentially a concurrent party as the party who gets the first attention to be paid from the proceeds of the sale of the assets of the bank concerned in order to recover the funds they have deposited along with interest if possible.

With the publication of Government Regulation Number 35 of 1998 concerning State Capital Participation of the Republic of Indonesia for the construction of a Limited Liability Company (Persero) in the area of guaranteeing bank obligations, the government has made an attempt to implement deposit insurance. The customer has the right to sue the court if he is unhappy with the circumstances surrounding the revocation of his business license by the bank where he holds his cash. Although a class action civil case was filed, this does not mean that an individual lawsuit will not be filed.

Law Number 8 of 1999's Article 46 paragraph (1) permits the government and/or associated agencies, as well as non-governmental consumer protection organizations, to bring these types of actions.Customers who use banking services should pay particular attention to their legal protection. In the banking industry, banks rely heavily on the public or the clients they serve. As Indonesia's banking supervisory body, Bank Indonesia plays a significant part in safeguarding and making sure that clients don't suffer losses as a result of improper bank acts. It is anticipated that Bank Indonesia will exercise its jurisdiction to oversee the execution of rules and regulations by all banks doing business in Indonesia with more vigor. Enhancing the effectiveness and quality of supervision can help prevent or minimize instances of customers losing money as a result of banks or other financial institutions acting illegally. (Djumhana, Muhammad; 2007)

As a customer, of course you want the funds or account stored in the bank to be safe and can be retrieved in time. Therefore they need protection. The forms of protection for depositors include: (Mahesa Jati Kusuma; 2021) :

a. approval for the appointment of leadership by the appointed institution.
b. determining the cash ratio or reserve requirement.
c. capital equacy or capital adequacy, which functions as an absorber for losses from bank activities on the asset side.
d. prevention of bank collapses carried out with central bank supervision. This is to prevent bank panic, which can cause monetary instability.

e. bank balance sheet announcement.

Provisions that can provide basic protection for bank customers are as stated above, for security protection that is more focused on external and general banking operations. So it is necessary to provide protection that is personal and direct to customers and more specifically. This means that protection comes first from the customer himself because he understands the banking service product being offered. Provisions that provide protection include provisions on the bank's obligation to provide information about bank products. This is very necessary to provide clarity to customers regarding the benefits and risks attached to bank products so that they can first protect themselves by deciding not to accept burdensome service requirements, which might harm them.

4. Conclusion

Enough legal protection for victims of crime is a global problem as well as a national one. As a result, this issue requires careful consideration. Since crime and its victims have become increasingly complex in recent times due to advancements in civilization, legal protection for crime victims is a form of protection for a person's human rights or legal interests that should be given careful consideration. It is also important to expand this type of protection.First, through legal protection measures for customers who are victims of crimes in the banking industry, consumers who are victims of ITE crimes in the banking sector are protected legally. Banks and the community have numerous programs targeted at bolstering customer protection in order to overcome issues with customer protection. Creating a customer application process, setting up a banking mediation organization, enhancing product transparency, and educating the public about bank goods and services are some of these initiatives.

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