

The responsibilities of banks in regards to the data misuse of financial information services system managed by the financial services authority = Tanggung jawab bank dalam hal penyalahgunaan sistem layanan informasi keuangan yang dikelola oleh otoritas jasa keuangan.

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Abstrak

Sistem Layanan Informasi Keuangan (SLIK) adalah sistem informasi yang dikelola oleh Otoritas Jasa Keuangan (OJK) untuk mendukung pelaksanaan tugas pengawasan dan layanan informasi di sektor keuangan. OJK telah memastikan bahwa data yang dilindungi dalam penggunaannya diatur oleh standar operasi prosedur. Namun, masih ada beberapa kasus penyalahgunaan data yang terjadi pada SLIK, seperti penjualan informasi debitur oleh karyawan bank. Skripsi ini memiliki pertanyaan penelitian mengenai: 1) Bagaimana hukum dan peraturan dalam SLIK di Indonesia; dan 2) Bagaimana tanggung jawab bank dalam hal penyalahgunaan data pada SLIK?. Tesis ini menggunakan metode penelitian normatif yuridis. Dasar hukum SLIK tertuang dalam Peraturan OJK Nomor 18 / POJK.03 / 2017. OJK dapat menjatuhkan sanksi kepada Pelapor yang melakukan pelanggaran dengan tidak mematuhi ketentuan SLIK. Namun demikian, seluruh pasal dalam POJK No. 18 / POJK.03 / 2017 tersebut belum mengatur tentang peristiwa penyalahgunaan data, khususnya terkait dengan sengaja melakukan pelanggaran dalam penggunaan sistem SLIK. Data SLIK atau data Informasi debitur dianggap sebagai privasi data. Sayangnya di Indonesia, RUU Perlindungan Data yang diajukan masih berupa draft dan masih belum disahkan. Bank bertanggung jawab atas tindakan pegawainya, atas penyalahgunaan data bank akan dikenakan denda sebesar Rp.50.000.000 untuk setiap informasi debitur. Apabila pegawai bank menyalahgunakan data SLIK dengan menjual Informasi Debitur, maka bank bertanggung jawab untuk memutus kontrak kerja pegawai bank tersebut. Bank memiliki tanggung jawab terhadap nasabah yang datanya telah disalahgunakan oleh pegawai bank, bank tersebut memiliki sistem pengaduan, dimana nasabah dapat menyampaikan pengaduannya kepada Customer Care bank tersebut. Oleh karena itu, Penulis merekomendasikan agar OJK perlu meningkatkan fungsi pengawasan dan pengaturan di SLIK dan bank yang telah mengakses SLIK perlu meningkatkan pengawasan internal terhadap akses SLIK dan membatasi tindakan pegawai saat mengakses SLIK melalui ketentuan internalnya.

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The Financial Information Service System (SLIK) is an information system managed by the Financial Services Authority (OJK) to support the implementation of supervisory tasks and information services in the financial sector. OJK has ensured that procedure operations standards govern the data protected in its use. However, there are still some cases of misuse of data in SLIK, such as the selling of Debtor Information data by bank employees. Accordingly, this thesis seeks to answer: 1) How are the law and regulations of SLIK in Indonesia?; and 2) How are the responsibilities of banks in the event of misuse of SLIK data?. This thesis uses normative juridical for its research method. The legal basis for the SLIK is contained in the OJK Regulation Number 18/POJK.03/2017. OJK may apply sanctions against Reporters who commit violations by not adhering to the SLIK regulations. However, all these articles in POJK No. 18/POJK.03/2017 have not yet

regulated events of misuse of data, especially regarding intentionally conducting offense in the use of the SLIK system. The SLIK data or the debtor's Information data is considered as data privacy. Unfortunately in Indonesia, the proposed Data Protection Act is still a draft and still not yet enacted. The banks have the responsibility for the actions of its employee, for the misuse of data the bank will get a fine of Rp.50.000.000 for each debtor's information. If a bank employee misuses the SLIK data by selling Debtor Information, the bank have the responsibility to terminate the employment contract of that bank employee. The bank have the responsibility for the customers whose data has been misused by the bank employee, the banks have a complaint system, in which the customers can submit their complaint to the Customer Care of that particular bank. Hence, the Author recommends that OJK needs to improve its supervisory and regulatory functions in SLIK and banks that have accessed to SLIK should improve the internal supervision of SLIK access and restricting employee actions when accessing the SLIK through their internal regulations.