

Perlindungan Hukum Terhadap Nasabah Yang Telah Menutup Nomor Telepon Seluler Atas Terjadinya Fraud Mobile Banking Dengan Penyalahgunaan Data Security oleh Pihak Lain (Studi Kasus Putusan Nomor 419/PDT/2021/PT SBY) = Legal Protection of Mobile Banking Fraud Caused by the Misuse of Data Security by Other Parties for Customers Who Have Terminated Their Cellular Phone Numbers (Case Study Decision Number 419/PDT/2021/PT SBY)

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Abstrak

Skripsi ini membahas mengenai perlindungan hukum terhadap nasabah yang telah menutup nomor telepon seluler yang terkoneksi dengan layanan mobile banking atas pembobolan rekening bank miliknya dikarenakan tindakan pihak lain yang tidak bertanggung jawab. Perlindungan nasabah pengguna mobile banking memang menjadi suatu hal yang urgensi untuk dibahas mengingat pada era digitalisasi ini hampir setiap orang memiliki telepon seluler yang mana SIM card di dalamnya telah didaftarkan pada layanan perbankan, seperti halnya mobile banking. Tujuan awalnya memang untuk memudahkan nasabah dalam melakukan berbagai macam transaksi melalui telepon seluler, namun di sisi lain berpotensi timbulnya fraud di kemudian hari apabila ada kelalaian ataupun disalahgunakan pihak tertentu. Adapun ketika terjadi fraud mobile banking, baik bank maupun perusahaan telekomunikasi dimintakan pertanggungjawaban berupa ganti kerugian oleh nasabah. Namun demikian, ganti kerugian dari pihak bank dan perusahaan telekomunikasi tidak serta merta diberikan kepada nasabah apabila tidak terbukti kesalahannya. Dalam hal ini, nasabah juga dituntut untuk selalu menjaga data security rekeningnya (user ID, password, dan m-pin) agar tidak diketahui oleh pihak manapun. Begitu pula, ketika terdapat perubahan data nasabah (nomor telepon, alamat rumah, dan alamat e-mail) di kemudian hari, maka sudah sepatutnya nasabah menyampaikan kepada pihak bank. Sayangnya, hal-hal seperti itu masih kurang mendapat perhatian dari nasabah. Pada skripsi ini, penulis menganalisis sejauh mana penerapan peraturan perundang-undangan di Indonesia, Peraturan Bank Indonesia, dan Peraturan Otoritas Jasa Keuangan pada sebuah kasus pembobolan rekening mobile banking nasabah dimana nasabah yang bersangkutan merasa telah menutup nomor telepon seluler yang terkoneksi dengan rekening mobile banking miliknya.

.....This thesis discusses legal protection for customers who have terminated their cellular phone numbers linked to mobile banking services for actions to break into their bank accounts by unauthorized other parties. Protection of customers using mobile banking has indeed become an urgent matter to analyze considering that in this digitalization era, almost everyone has a cellular phone which has the SIM card been registered with banking services, such as mobile banking. The initial purpose of it was to make it easier for customers to carry out various kinds of transactions via cellular phones, but on the other hand, there is the potential fraud arising in the future if there is negligence or misuse by unauthorized parties. In the case of a mobile banking fraud occurs, both banks and telecommunications companies are asked to be held accountable in the form of compensation by the customer. However, the compensation from banks and telecommunications companies can only be given to customers if they are legally proven against the law. In this case, customers are also required to always maintain their account data security (user ID, password, and m-pin) so that they

are not known and used by any unauthorized parties. Likewise, when there is a change in customer data (phone number, home address, and e-mail address) at a later date, it is an obligation for the customer to notify the bank. Unfortunately, for most customers, such things still went by unnoticed. In this thesis, the author analyzed the extent to which the application of laws and regulations in Indonesia, Bank Indonesia Regulations, and Financial Services Authority Regulations into a case of unauthorized breaking into a customer's mobile banking account where the customer in question felt that he had terminated the cellular phone numbers that connected to his mobile banking account.