

**CRIMINAL ACT OF MISUSE OF ELECTRONIC MONEY WHICH HAMS  
CUSTOMERS  
(CASE STUDY OF MEDAN FINANCIAL SERVICES AUTHORITY)**

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**ABSTRACT**

In the last few years, many customers have been harmed by the actions of irresponsible people. People often take advantage of technological developments to take advantage of technology itself as a weapon (cybercrime). This type of crime then developed and became generally known as "skimming", "cracking", "carding", and "malware". The aim of this research is: To find out about criminal acts of misuse of electronic money. To Find Out Criminal Liability for Misuse of Electronic Money. To Know and Analyze Legal Protection for Bank Customers who lose deposit funds at Automated Teller Machines (ATMs). This research was conducted using normative juridical legal research (normative legal research method). The normative juridical research method is library legal research which is carried out by examining library materials or secondary data alone. Based on the research results, it is understood that the regulation of criminal sanctions for criminal acts of account burglary via ATM in the Criminal Code for theft is contained in Articles 362-365, in Law Number. 11 of 2008 concerning Information and Electronic Transactions (ITE). The criminal liability of perpetrators of misuse of electronic money can be explained as follows. First, the criminal liability of perpetrators of misuse of electronic money in Law Number 19 of 2016 concerning Electronic Information and Transactions includes illegal access, forgery, falsification of identity, alteration or destruction of electronic data related to electronic money. In an effort to protect customer funds, the government through the Consumer Protection Law, as well as through the Banking Law, established the Deposit Insurance Corporation (LPS) and required each bank to guarantee public funds deposited in the bank concerned. Through Bank Indonesia Regulations, it has also been regulated to protect customer funds, so these regulations are used to carry out mediation in resolving banking disputes.

**Keywords: Electronic Money, Customers and OJK Medan.**

**A. Introduction**

In today's era of globalization, coupled with the rapid flow of information, and supported by the rapid growth and development of science and technology, regional, regional and state boundaries in terms of social relations are relatively unlimited. Likewise, economic development, as well as growth, development, and legal changes in every nation and country certainly involve other nations and countries in the surrounding area, both far and near, both directly and indirectly. This situation of course also influences economic and legal development in Indonesia, as a country and nation that is common and lives among countries and nations in the world.

The discussion is limited to the issuance of Law No. 7 of 1992 concerning Banking, with all the regulations that are still in effect, as well as other laws that emerged later in order to improve them. With the issuance of this law, it does not mean that all previous laws are no longer valid, but there are also laws that are still in effect as long as they do not conflict with this law.

However, with the issuance of Law No. 10 of 1998 concerning changes to Law Number 7 of 1992 concerning Banking, it only took the form of deleting several articles, changing the sound of only certain articles, and the addition of several articles. Banking Crimes regulated in Law No. 7 of 1992 concerning Banking still apply, except for provisions which have received additional amendments, and which have been deleted in accordance with those stipulated by Law Number 10 of 1998 concerning amendments to Law Number 7 1992 concerning Banking.

The Deposit Insurance Corporation (LPS) is a legal entity that has the position of an independent, transparent and accountable institution in carrying out its duties and authority. The function of the formation of LPS is to guarantee customer deposits and actively participate in maintaining the stability of the banking system in accordance with its authority.

Banks as part of the financial system and payment system in a country, have a very important role. The important role of the bank cannot be separated from its function as a financial intermediary institution, namely one that is engaged in business

activities of collecting funds (fund raising) from the community and distributing funds (fund lending) to the community. Fund collection activities are carried out based on deposit agreements or contracts or agreements or contracts between banks and deposit customers.

## **B. Research Methods**

A research cannot be said to be research if it does not have a research method.<sup>1</sup> Research methods are one of the factors of a problem that will be discussed.<sup>2</sup> The study was carried out using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from the results of research, studies and reviews of several papers which are then summarized into a work of scientific.

## **C. Analysis And Discussion**

### **1. Form of Criminal Misuse of Electronic Money**

Account, namely equipment for storing important banking transaction data in the form of assets, liabilities, capital, income and funds. The main target of using accounts is to store data which will form the basis for forming reports in banking activities. The value of the number of accounts included in the data collection of an account is based on how much interest the account owner has.

The term ATM in Indonesia is translated as an abbreviation of Automated Teller Machine (ATM). The form is an electronic device whose job is to replace human work (cashier), by directing bank users to withdraw money and check savings accounts. So, with this tool payment activities can run effectively without the need for additional human power.

Automated Teller Machines (ATMs) are the main tool in attracting users. Customers are basically more interested in a bank and/or financial company that has perfect and profitable quality and facilities. The facilities that will be obtained by users

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<sup>1</sup> Ismail Koto, "Perlindungan Hukum Terhadap Korban Tindak Pidana Terorisme", *Proceeding Seminar Nasional Kewirausahaan*, 2.1, (2021): 1052-1059.

<sup>2</sup> Ida Hanifah, Ismail Koto, "Problema Hukum Seputar Tunjangan Hari Raya Di Masa Pandemi COVID-19", *Jurnal Yuridis* 8.1, (2021): 23-42.

are not only in terms of banking employee and CS facilities but also need to be considered with various types of bank products in developing Automated Teller Machine (ATM) facilities.

An Automated Teller Machine (ATM) is a device for holding input devices and tools output. Cash Teller Machine data device Mandiri (ATM) basically has a network in the form of a host processor. The processing center is accompanied by an ISP which is a route to various types of Automated Teller Machine (ATM) networks and functions as an advantage of a bank for the Automated Teller Machine (ATM) card holder.

## **2. Criminal Liability For Misuse Of Electronic Money**

The author found one case that was revealed in the media, namely:

The North Sumatra Regional Police (Polda Sumut) handed over the case of BRI customers' loss of money from savings to the Medan Police. The handover of BRI customer case files was also conveyed by the Head of Public Relations of the North Sumatra Police, Police Commissioner Hadi Wahyudi, Tuesday (27/9). "We have handed over the BRI customer case to the Medan Police. "For developments in the case, you can ask there," he said in an interview with Waspada Online. Previously, BRI customer, Defi Masdiki, a resident of Griya Wisata Housing, Deliserdang Regency District, reported to the North Sumatra (North Sumatra) Regional Police.

The reason is, money worth Rp. 271,397,646 in savings was lost to thieves. The report is contained in LP/B/1637/IX/2022/SPKT North Sumatra Police/12 September 2022 regarding the Electronic Transaction Law report to BRI Bank. The incident went viral and was uploaded by the victim's son, Dimas, on Social Media (Medsos). In the video, Dimas said that initially his mother was contacted by an unknown person claiming to be BRI who wanted to help reduce transaction costs

## **3. Legal protection for bank customers who lose deposit funds at Automated Teller Machines (ATMs)**

In accordance with the provisions in Law no. 8 of 1999 concerning Consumer Protection, customers have the right to receive compensation for their lost funds. If we look at the Bank's responsibility as a party with authority, the Bank must remain

responsible because of the Bank has full authority to supervise its workers so that theft of customer funds can be prevented. In accordance with the provisions of Law Number 8 of 1999 concerning Consumer Protection, banks, as parties in a stronger position, must prove that their procedures and systems are correct. In cases like this, there must be accountability for negligence or mistakes made by the bank that have occurred in the management or management of the bank so that it is known who was at fault for making the mistake so that there is no loss experienced by the customer.

### **C. Conclusion**

The regulation of criminal sanctions for the criminal act of burglary of an account via ATM in the Criminal Code for theft is contained in Articles 362-365.

The criminal liability of perpetrators of misuse of electronic money can be explained as follows. First, the criminal liability of perpetrators of misuse of electronic money in Law Number 19 of 2016 concerning Electronic Information and Transactions includes illegal access, forgery, falsification of identity, alteration or destruction of electronic data related to electronic money. Second, the perpetrator misuse of electronic money can be subject to criminal sanctions in accordance with the provisions in Law Number 19 of 2016 concerning Information and Electronic Transactions. Third, criminal sanctions that can be applied to perpetrators of money misuse electronic money includes imprisonment and/or fines, according to the type of violation committed and the criminal threat. In addition, perpetrators of electronic money misuse can also carry out actions such as illegal use of electronic money, embezzlement of electronic money, or other actions that harm the owner or user of the electronic money.

In an effort to protect customer funds, the government through the Consumer Protection Law, as well as through the Banking Law, established the Deposit Insurance Corporation (LPS) and required each bank to guarantee public funds deposited in the bank concerned. Through Bank Indonesia Regulations, it has also been regulated to protect customer funds, so these regulations are used to carry out mediation in resolving banking disputes.

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