ABSTRAK

Penelitian ini bertujuan untuk menganalisis pengaturan hukum mengenai pertanggungjawaban bank terhadap kerugian nasabah akibat perbuatan melawan hukum pihak ketiga, pertimbangan hukum Majelis Hakim dalam Putusan Mahkamah Agung Nomor 1486 K/Pdt/2023, serta bentuk pertanggungjawaban perdata bank dan implikasinya terhadap perlindungan nasabah serta praktik perbankan di Indonesia. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Sumber bahan hukum terdiri atas bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa pengaturan tanggung jawab bank didasarkan pada Undang-Undang Perbankan, Kitab Undang-Undang Hukum Perdata, Undang-Undang Perlindungan Konsumen, serta Peraturan Otoritas Jasa Keuangan yang mewajibkan bank menjaga keamanan dana nasabah dan menerapkan prinsip kehati-hatian. Pertimbangan hukum Mahkamah Agung menegaskan bahwa adanya pihak ketiga sebagai pelaku pencairan dana tanpa hak tidak menghapus tanggung jawab bank, terutama apabila perbuatan tersebut terjadi karena keterlibatan unsur internal atau lemahnya pengawasan bank. Bentuk pertanggungjawaban perdata bank diwujudkan melalui kewajiban mengembalikan dana deposito nasabah yang hilang. Putusan ini memberikan implikasi penting berupa penguatan perlindungan hukum bagi nasabah, peningkatan standar pengawasan internal bank, serta penegasan bahwa risiko operasional perbankan tidak dapat dibebankan kepada nasabah.

Kata Kunci: Pertanggungjawaban Bank, Kerugian Nasabah, Perbuatan Melawan Hukum

ABSTRACT

This study aims to analyze the legal regulation concerning bank liability for customer losses caused by unlawful acts committed by third parties, the legal considerations of the Panel of Judges in Supreme Court Decision Number 1486 K/Pdt/2023, as well as the form of civil liability of banks and its implications for customer protection and banking practices in Indonesia. This study employs a normative legal research method using statutory, case, and conceptual approaches. The legal materials consist of primary, secondary, and tertiary sources which are analyzed qualitatively.

The results of the study indicate that the regulation of bank liability is based on the Banking Law, the Indonesian Civil Code, the Consumer Protection Law, and Financial Services Authority Regulations which require banks to safeguard customer funds and implement the prudential principle. The legal considerations of the Supreme Court affirm that the existence of a third party as the perpetrator of unauthorized fund withdrawal does not eliminate the bank's liability, particularly when such act occurs due to the involvement of internal elements or weak bank supervision. The form of the bank's civil liability is manifested through the obligation to return the customer's lost deposit funds. This decision has significant implications in strengthening legal protection for customers, improving the standards of internal bank supervision, and affirming that operational banking risks cannot be imposed on customers.

Keywords: Bank Liability, Customer Losses, Unlawful Acts

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