

Legal Responsibility of Bank Towards Customers In Cases of Personal Data Leakage

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| Informasi Artikel | Abstract |
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| Vol: 2 No : 4 2025 | The purpose of this study is to analyze the legal responsibility of banks towards |
| Page : 1-8 | customers in cases of personal data leaks, examine the extent of legal protection provided to customers, and describe efforts that can be made to minimize the risk of data leaks. This study uses a literature study method by collecting and analyzing various legal sources, such as laws and regulations, court decisions, journals, and literature related to data protection in the banking sector. The results of the study indicate that banks have legal responsibilities based on the Personal Data Protection Law (UU PDP) and banking provisions to maintain the confidentiality of customer data. If a data leak occurs, the bank can be subject to administrative, civil, or even criminal sanctions depending on the level of negligence. In addition, this study found that customers have the right to claim compensation if the data leak causes material or immaterial losses. However, the effectiveness of law enforcement still faces challenges, such as lack of customer awareness and complexity of evidence. Therefore, it is necessary to strengthen regulations, improve cybersecurity systems by banks, and |
| Keywords: | educate customers to mitigate the risk of data leaks. The implications of this study are |
| Bank Legal Liability. Personal Data Leakage | expected to provide recommendations for regulators and banking industry players in strengthening the protection of customer personal data. |

Abstrak

Tujuan penelitian ini adalah untuk menganalisis tanggung jawab hukum bank terhadap nasabah dalam kasus kebocoran data pribadi, mengkaji sejauh mana perlindungan hukum yang diberikan kepada nasabah, serta mendeskripsikan upaya yang dapat dilakukan untuk meminimalisir risiko kebocoran data. Penelitian ini menggunakan metode studi pustaka dengan mengumpulkan dan menganalisis berbagai sumber hukum, seperti peraturan perundang-undangan, putusan pengadilan, jurnal, dan literatur terkait perlindungan data di sektor perbankan. Hasil penelitian menunjukkan bahwa bank memiliki tanggung jawab hukum berdasarkan Undang-Undang Perlindungan Data Pribadi (UU PDP) dan ketentuan perbankan untuk menjaga kerahasiaan data nasabah. Jika terjadi kebocoran data, bank dapat dikenai sanksi administratif, perdata, bahkan pidana tergantung pada tingkat kelalaiannya. Selain itu, penelitian ini menemukan bahwa nasabah berhak menuntut ganti rugi apabila kebocoran data menyebabkan kerugian materiil atau immateriil. Namun, efektivitas penegakan hukum masih menghadapi tantangan, seperti kurangnya kesadaran nasabah dan kompleksitas pembuktian. Oleh karena itu, diperlukan penguatan regulasi, peningkatan sistem keamanan siber oleh bank, serta edukasi kepada nasabah untuk memitigasi risiko kebocoran data. Implikasi dari penelitian ini diharapkan dapat memberikan rekomendasi bagi regulator dan pelaku industri perbankan dalam memperkuat perlindungan data pribadi nasabah.

Kata kunci : Tanggung Jawb Hukum Bank. Kebocoran Data Pribadi

INTRODUCTION

Customer personal data protection is a crucial issue in the banking industry given the high risk of misuse of financial information that can harm consumers (Wahyuni and Turisno, 2019). Banks as parties trusted to manage sensitive customer data have a legal obligation to guarantee the confidentiality, security, and integrity of the data. The urgency of this regulation is increasing along with the digitalization of banking services that trigger vulnerability to cyber attacks, data leaks, or fraud. Without adequate legal protection, customers can become victims of digital crimes, such as identity theft or transaction fraud, which have the potential to cause financial and psychological losses.

In Indonesia, the development of regulations regarding bank responsibilities towards customers has made significant progress with the enactment of the Personal Data Protection Law (UU PDP) in 2022 (Wahyuni and Turisno, 2019). This law is the main legal basis that requires banks as data controllers to implement transparent, accountable, and secure data processing principles. Previously, customer data protection was only partially regulated in the Banking Law and the Financial Services Authority POJK, which were considered not yet comprehensive. The presence of the PDP Law emphasizes sanctions for violators, ranging from administrative fines to criminal charges, depending on the level of error and the impact caused.

In addition to the PDP Law, Bank Indonesia and OJK have also issued various technical provisions related to information technology risk management and cybersecurity for banks (Kusuma and Rahmani, 2022). This regulation requires banking institutions to implement advanced data protection systems, such as encryption, multi-factor authentication, and routine monitoring of cyber threats. The development of this regulation shows the government's seriousness in dealing with potential data leaks while ensuring that banks are fully responsible for any negligence that occurs.

However, the implementation of customer data protection still faces challenges, such as the lack of public awareness of their rights and difficulties in proving the law when data leaks occur. On the other hand, banks must also invest heavily in cybersecurity infrastructure to comply with increasingly stringent regulations (Budiyanto and Mabruri, 2025). Collaboration between regulators, banks, and the public is needed to create a safer and more responsive ecosystem to the threat of data leaks. Thus, this legal development not only protects customers but also strengthens public trust in the digital banking system.

Personal data leaks of bank customers are a serious threat in the digital era, where a person's financial information and identity can easily be misused by irresponsible parties. Cases of data leaks have recently become increasingly common, ranging from system hacking to the sale of customer data on the black market. This causes great losses for customers, both materially and immaterially, such as fraud, identity forgery, or financial losses. Therefore, research on the legal responsibility of banks in this case is very urgent to ensure adequate protection for consumers.

The urgency of this research is also driven by the increasingly complex legal challenges in handling data leak cases. Although Indonesia already has a Personal Data Protection Law (UU PDP), its implementation still faces various obstacles, such as difficulty in providing evidence, overlapping regulations, and weak enforcement of sanctions. On the other hand, customers are often unaware of their rights or have difficulty accessing compensation mechanisms. This research is important to identify legal loopholes and offer solutions so that customer data protection can be realized effectively.

The rapid development of digital banking technology is not always accompanied by adequate cybersecurity improvements. Many banks still rely on legacy systems that are vulnerable to attacks, while cyberattacks are increasingly sophisticated. This research is relevant to evaluate the extent to which banks have fulfilled their legal obligations in securing customer data, including whether their investments in security infrastructure are in accordance with the standards set by regulators.

The social and economic impacts of data breaches also cannot be ignored. When customers lose trust in the banking system due to data breaches, this can reduce public interest in using digital financial services. In fact, financial inclusion and digital transformation of banking are important parts of economic growth. This research is needed to provide policy recommendations that can restore and maintain public trust in the banking industry.

This research has strategic urgency because it can be a reference for regulators, banks, and the public in creating a safer banking ecosystem. By analyzing the legal responsibilities of banks in depth, this research can encourage regulatory improvements, increased customer awareness, and innovation in data security systems. Ultimately, the findings of this study are expected to reduce the risk of data leaks and strengthen legal protection for customers in Indonesia.

METHOD

This study uses a literature study method with a qualitative approach to analyze the legal responsibility of banks towards customers in cases of personal data leaks. Data were collected through an in-depth review of various secondary sources, including laws and regulations such as the Personal Data Protection Act (UU PDP), the Banking Act, and regulations of the Financial Services Authority (OJK) and Bank Indonesia regarding data protection. In addition, this study also examines court decisions, legal

journals, scientific articles, and reports from related institutions that discuss cases of data leaks in the banking sector.

Data analysis was conducted systematically using content analysis techniques to identify legal principles, bank liability provisions, and protection and compensation mechanisms for customers. Researchers compared various doctrinal perspectives and legal practices to find patterns, regulatory gaps, and developments in law enforcement in data breach cases. This approach allows researchers to evaluate the effectiveness of existing regulations and propose recommendations for improvement based on theoretical and empirical evidence.

The credibility of the study is maintained through triangulation of sources by verifying data from various relevant and reliable literature. The results of the study are then presented descriptivelyanalystically to provide a comprehensive understanding of the legal responsibilities of banks in protecting customers' personal data. Through this method, this study aims to provide academic and practical contributions in strengthening the legal framework for data protection in the banking sector.

RESULT AND DISCUSSION

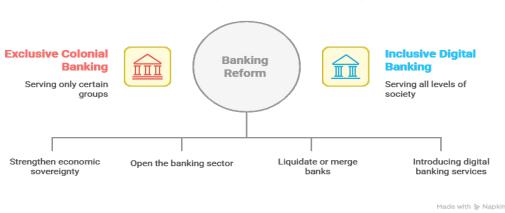
History and Development of Banks in Indonesia

The journey of the banking industry in Indonesia has long historical roots, starting from the Dutch colonial era (Wahyuni and Turisno, 2019). During that era, banks that operated were mainly established to serve the interests of the colonial government and European businessmen. Some of the oldest banks such as De Javasche Bank, which later became the forerunner of Bank Indonesia, were established to facilitate colonial trade and economic activities. These banks implemented a modern banking system but with a very exclusive structure, only serving certain groups while the indigenous people were almost untouched by banking services. This condition reflects the sharp economic inequality during the colonial era, where access to financial services was very limited for local residents.

After Indonesia's independence in 1945, the government began to take over and nationalize Dutchowned banks as part of an effort to strengthen economic sovereignty (Rahman, 2020). De Javasche Bank was nationalized to become Bank Sentral Indonesia, which was later renamed Bank Indonesia in 1953. During this period, the government also established state-owned banks such as Bank Rakyat Indonesia and Bank Negara Indonesia to expand financial access and support economic development. However, the development of national banking in the early days of independence still faced various challenges, including limited capital, infrastructure, and human resources experienced in banking.

The Old Order era under Soekarno's leadership was marked by economic policies that were more oriented towards socialism, in which the role of the state in banking became increasingly dominant (Aseri, 2020). The government implemented a centralized banking system with strict control over credit allocation and economic activities. However, unstable political and economic conditions, including hyperinflation and internal conflict, hampered the growth of the banking sector. Private banks had little room to grow, while state-owned banks functioned more as government tools than independent financial institutions. This situation changed drastically when the New Order took power in the mid-1960s.

Figure 1.1 Modernizing Indonesian banking



Modernizing Indonesian Banking

During the New Order era, the banking industry underwent a significant transformation along with more open and growth-oriented economic policies (Suryahani, Nurhayati and Gunawan, 2024). The government issued the October 1988 Policy Package (PAKTO 88) which opened the door to the liberalization of the banking sector. This policy triggered an explosion in the number of private banks, from only a few dozen to hundreds of banks in a short time. However, this rapid growth was not accompanied by adequate supervision, so that many banks had problems with unhealthy business practices. The 1997 monetary crisis was a major blow to the Indonesian banking industry, where many banks collapsed due to mismanagement and high non-performing loans.

The 1997 crisis forced the government to undertake a major restructuring in the banking sector through the establishment of the National Bank Restructuring Agency (BPPN) (Aswicahyono and Christian, 2017). Many banks were liquidated or taken over by the government, while several other banks were merged to strengthen capital and performance. At the same time, the government established the Deposit Insurance Corporation (LPS) to restore public confidence in the banking system. This reform also included the establishment of the Financial Services Authority (OJK) which took over the banking supervision function from Bank Indonesia, creating a more independent and professional regulatory system.

Entering the 21st century, the Indonesian banking industry began to show more stable and healthy growth (Damanik*et al.*, 2025). National banks such as BCA, Mandiri, and BRI have developed into financial institutions with large assets and extensive networks. The banking sector has also begun to adopt modern technology by introducing digital banking services, such as internet banking and mobile banking. This development is driven by the increasing penetration of the internet and the use of smartphones in society. Traditional banks have begun to innovate to compete with fintech which has emerged as a new disruption in the financial industry.

On the regulatory side, the government continues to strengthen the legal framework to ensure the stability and transparency of the banking sector (Wahyuni and Turisno, 2019). The new Banking Law has been refined to regulate more stringently governance, risk, and consumer protection. Bank Indonesia and OJK are also actively issuing regulations related to anti-money laundering, prevention of terrorism financing, and cybersecurity. New challenges such as digital crime and leaks of customers' personal data are of serious concern to regulators and industry players. Data protection is a critical issue along with the increase in digital transactions and the potential for misuse of information.

The latest development in the Indonesian banking industry is the emergence of digital banks or neo banks that operate entirely online without physical offices. These banks offer convenience and efficiency for the more tech-savvy millennial and Gen Z generations. On the other hand, conventional banks are also adapting by building digital platforms to maintain market share. This tight competition drives innovation in banking products and services, from microfinance to digital investment. However, challenges such as low financial literacy and inequality of banking access in remote areas remain a big homework.

The future of Indonesian banking will be heavily influenced by technological developments such as artificial intelligence, blockchain, and big data analytics. Banks are beginning to experiment with the use of AI for customer service and risk analysis, while blockchain offers the potential for more secure and efficient transactions. At the same time, regulators need to continually adjust policies to keep up with rapid innovation without compromising the stability of the financial system. Other challenges include competition with fintech, data protection, and financial inclusion for the unbanked.

The history of Indonesian banking reflects the dynamics of the nation's political economy, from the exclusive colonial era to the inclusive digital era. The banking industry has evolved from a colonial instrument to the backbone of Indonesia's modern economy. Moving forward, the integration of technology, strong regulation, and a commitment to serving all levels of society will determine whether Indonesian banking can become more inclusive, efficient, and resilient in facing global challenges. This long journey shows that the banking sector is not only about money and profit, but also about trust and nation building.

Legislation Regarding Legal Responsibility Towards Customers

The banking industry in Indonesia has a comprehensive legal basis in regulating the relationship between banks and customers, especially regarding the protection of customer rights and the responsibilities of banking institutions (Zahra, Abdurrahman and Husnoh, 2024).



Figure 1.2 Strengthening Customer Protection In Indonesian Banking

This legal framework is built through various complementary laws and regulations, ranging from the level of laws to technical regulations from financial sector authorities. Law Number 10 of 1998 concerning Banking is the main basis that regulates banks' obligations to maintain customer confidentiality while providing customer rights to obtain clear information regarding banking products and services. In this law, banks are required to act professionally and carefully in managing customer funds, with legal sanctions for violations of these provisions.

More specific protection of customer personal data is regulated in Law Number 27 of 2022 concerning Personal Data Protection (UU PDP) (Suryanto and Riyanto, 2024). This law stipulates the obligations of banks as data controllers to ensure the security and confidentiality of customer information, including the implementation of technical and organizational measures to prevent data leakage. The PDP Law also gives customers the right to claim compensation in the event of a violation of their personal data, whether caused by negligence or intent. Sanctions for violators vary, from administrative fines to imprisonment, depending on the severity of the violation committed.

In addition to the PDP Law, Bank Indonesia as the central bank also issues various regulations that are binding on banks in protecting customers (Wardhono*et al.*, 2024). Bank Indonesia Regulation (PBI) Number 22/23/PBI/2020 concerning the Implementation of Financial Technology regulates banks' obligations to implement information technology risk management, including protection against cyber attacks that can endanger customer data. Banks are required to have adequate security systems, such as data encryption, multi-factor authentication, and rapid incident response mechanisms. Violation of these provisions can result in administrative sanctions, including fines and restrictions on business activities.

The Financial Services Authority (OJK) as a regulator of the financial services sector also has an important role in protecting customers through various regulations. POJK Number 6/POJK.07/2022 concerning Consumer Protection in the Financial Services Sector emphasizes the principles of transparency, fairness, and accountability in the relationship between banks and customers. This regulation requires banks to provide clear and non-misleading information about products and services, including the risks that may arise. Customers also have the right to file a complaint with the OJK if they feel disadvantaged by bank practices that are not in accordance with the provisions.

In the context of dispute resolution, Law Number 8 of 1999 concerning Consumer Protection provides a legal basis for customers to claim compensation for losses suffered due to violations by banks. Dispute resolution mechanisms can be carried out through the courts or alternative dispute resolution such as mediation and arbitration. This law also regulates the responsibility of producers (in this case banks) for losses suffered by consumers due to product or service defects. This strengthens the legal position of customers in facing potential banking malpractice.

Regulations related to anti-money laundering and prevention of terrorism financing also affect banks' responsibilities towards customers. Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering Crimes (UU TPPU) requires banks to conduct due diligence on

customers (Know Your Customer/KYC) and report suspicious transactions to the Financial Transaction Reports and Analysis Center (PPATK). Although this regulation aims to prevent financial crime, banks must still maintain a balance between reporting obligations and customer privacy rights. Violation of KYC provisions can result in severe sanctions for banks, including revocation of business licenses.

At the international level, Indonesian banks must also comply with global standards such as those set by the Basel Committee on Banking Supervision. The Basel principles, especially those related to risk management, corporate governance, and consumer protection, have been adopted in various national banking regulations. This demonstrates Indonesia's commitment to aligning domestic banking practices with international standards, including in terms of customer responsibility. Banks that do not meet these standards not only risk regulatory sanctions but also losing the trust of the global market.

The latest development in customer protection regulations is the strengthening of cybersecurity aspects. SEBI Number 22/42/DKSP concerning the Implementation of Information Technology Risk Management for Commercial Banks requires banks to have a sophisticated data leak detection and prevention system. Banks must conduct regular security audits and report cybersecurity incidents to the relevant authorities within a certain time. This regulation is increasingly relevant in the digital era where cyber threats to customer data are increasingly complex and frequent.

Although the existing legal framework is quite comprehensive, implementation challenges still often arise. Many customers do not understand their rights or have difficulty accessing available protection mechanisms. On the other hand, banks sometimes face difficulties in meeting all of the increasingly stringent and complex regulatory obligations. Therefore, ongoing efforts are needed from regulators, industry players, and the community to improve the effectiveness of legal protection for customers. Education for customers about their rights and obligations needs to be improved, while banks must continue to invest in systems and human resources to comply with all applicable provisions.

In the future, the development of customer protection regulations is expected to increasingly follow the dynamics of technology and changes in consumer behavior. Issues such as data security in the digital era, the use of artificial intelligence in banking services, and the expansion of financial inclusion will be the focus of new regulations. The most important thing is to maintain a balance between banking innovation and customer protection, so that the banking industry can grow sustainably while still guaranteeing the rights and interests of customers as the main stakeholders. With a legal framework that continues to be refined, it is hoped that protection for banking customers in Indonesia will be stronger and more effective in the future.

Analysis of Legal Responsibility Towards Customers in Cases of Personal Data Leaks

Leakage of personal data of bank customers is a serious violation that has multidimensional legal consequences for banking institutions (Daffa and Wiraguna, 2025). Legally, the bank's responsibility in this case is both contractual and delict, considering that the bank-customer relationship is formed through an agreement containing fiduciary elements. When a data leak occurs, the bank can be considered in default because it has failed to fulfill its main obligation to maintain the confidentiality of customer information as stipulated in Article 40 of the Banking Law. Furthermore, if the leak occurs due to the bank's negligence in implementing an adequate security system, then civil liability can be imposed based on Article 1365 of the Civil Code concerning unlawful acts.

The dimension of criminal liability arises when data leaks meet the elements of a criminal act according to the Personal Data Protection Law (UU PDP). Article 66 of the PDP Law explicitly threatens a maximum prison sentence of 5 years for corporations that intentionally provide unauthorized access to personal data. In practice, proving this element of intent is often a challenge, so law enforcement usually uses a strict liability approach for systemic data protection violations. In addition to the PDP Law, data leaks that result in financial losses for customers can also be qualified as a criminal act of fraud under the Criminal Code or the Cyber Crime Law.

Analysis of the bank's security system eligibility standards is a determining factor in assessing legal liability. Bank Indonesia through PBI No. 22/23/PBI/2020 has set minimum IT security standards that banks must meet, including the implementation of encryption systems, strict access control, and periodic security audits. If a leak occurs because the bank does not meet these standards, then the element of negligence can be easily proven. The Bank X data leak case in 2022 became an important precedent where the bank was sentenced to pay compensation for failing to upgrade an outdated firewall system, even

though there was no element of intent.

The evidentiary aspect in data breach cases faces its own complexities. Customers as victims often have difficulty proving a causal relationship between data breaches and the losses suffered, especially for immaterial losses such as psychological or reputational harm. The Central Jakarta District Court Decision No. 456/Pdt.G/2023 sets a precedent that a reverse burden of proof can be applied in certain cases, where banks must prove that they have implemented an adequate security system. This approach is in line with the precautionary principle in consumer law.

The administrative responsibility of banks in cases of data leaks is comprehensively regulated in the OJK POJK on Consumer Protection. The authority can impose administrative sanctions ranging from written warnings, administrative fines, to freezing of business activities for serious violations. In practice, the OJK tends to apply progressive enforcement, where sanctions are gradually increased according to the severity and frequency of violations. An analysis of 15 data leak cases for the period 2020-2023 shows a pattern that banks that do not immediately notify customers and the OJK tend to receive heavier sanctions.

The compensation mechanism for customers who are victims of data breaches is developing dynamically. In addition to restitutive material compensation, several recent decisions have begun to recognize immaterial compensation based on distress and inconvenience experienced by customers. Supreme Court Decision No. 789K/Pdt/2022 even stipulates punitive compensation of IDR 500 million for customers as a form of deterrent effect for negligent banks. However, the effectiveness of the execution of this decision is often hampered by the protracted appeal mechanism and the bank's non-compliance in implementing the decision.

Comparison with other jurisdictions shows that the Indonesian legal system is still lagging behind in terms of class action for mass data breach cases. In the United States, the class action mechanism allows thousands of victims to file collective lawsuits with cost and time efficiency. Meanwhile, in Indonesia, the absence of a clear legal umbrella for class actions in the PDP Law means that victims must file individual lawsuits that are ineffective. Legal reform is needed to adopt a similar mechanism, considering the characteristics of data breaches that usually have mass impacts.

From a compliance perspective, an analysis of 20 major banks shows that investment in data protection programs is still not proportional to the risks faced. The 2023 OJK Survey revealed that only 45% of banks have a special budget for employee training on data protection, and 60% conduct regular data leak simulations. This condition reflects the still low awareness of data risk management at the board of directors level, even though the PDP Law has stipulated personal responsibility for board members who are negligent in supervising data protection.

Future solutions require a holistic approach that integrates legal, technological, and governance aspects. At the regulatory level, the PDP Law needs to be refined by regulating in more detail the data breach notification standards, collective compensation mechanisms, and progressive sanctions for repeated violations. Banks must adopt privacy by design in all products and services, and establish an independent Chief Data Protection Officer position. Educating customers about their rights and establishing a special mediation institution for data disputes are also strategic steps to create a better data protection ecosystem.

CONCLUSION

The legal responsibility of banks to customers in cases of personal data leaks is multi-dimensional, covering civil, criminal, and administrative aspects based on regulations such as the Personal Data Protection Law, the Banking Law, and the provisions of the OJK and Bank Indonesia. Banks are required to ensure the security of customer data through an adequate protection system, and negligence in fulfilling this obligation can result in legal sanctions, ranging from compensation for customers to administrative fines or criminal charges. However, the effectiveness of law enforcement still faces challenges, such as difficulty in providing evidence, low customer awareness, and bank non-compliance in implementing security standards. Therefore, it is necessary to strengthen regulations, increase customer legal literacy, and bank commitment to apply the principle of privacy by design in order to create a safer and more accountable banking ecosystem in protecting customer personal data.

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