

The Bank's Act of Placing a Debt-Defaulter Sticker on the Aggrieved Party

Rizka Rahmatika¹, Mochamad Cholil²

^{1,2} Fakultas Ekonomi dan Sosial, Universitas Jenderal Achmad Yani Yogyakarta, Sleman, Indonesia

Abstract: This research investigates the unilateral action of banks placing "default debtor" stickers on properties, even when the targeted party is not a debtor, causing both material and immaterial harm. The study aims to analyze the legal protection available to affected parties and determine the bank's liability for such actions. A normative legal research method is used, employing statutory, case, and conceptual approaches. Data is analyzed prescriptively to develop legal arguments based on existing laws. The findings indicate that such actions when conducted without lawful basis or proper verification can constitute unlawful conduct under Article 1365 of the Indonesian Civil Code and violate banking secrecy and consumer protection principles. As institutions of trust, banks are held liable for damages caused by procedural negligence, including when carried out by third parties such as debt collectors. The study concludes that stricter legal mechanisms are necessary to prevent such harmful practices. These mechanisms should include internal safeguards through bank SOPs and external supervision by the Financial Services Authority (OJK). Strengthening these legal protections is essential to uphold justice and ensure that consumers of banking services are treated fairly and their rights respected within the financial sector.

Keywords: Legal Protection; Default Debtor Sticker; Unlawful Conduct; Bank Liability; Consumer Protection.

1. Introduction

The public's need for financial facilities in the form of credit continues to increase in line with the growing complexity of life's demands. Savings and loan services have become one of the alternatives for individuals to meet their economic needs, whether for consumptive or productive purposes. Banks, as financial institutions, play a crucial role in channeling funds to the public through loan-based financing products. However, within the legal relationship between banks and customers, the potential for disputes is considerable, especially in cases of default or failure to pay loan installments (Ilham & Kara, 2021).

In practice, when customers experience arrears in their loan agreements, some banks or financing institutions often take unilateral and controversial actions. One such action includes placing stickers or signs on the debtor's property, indicating that the occupant is a loan defaulter under bank supervision. Although intended to pressure debtors into repaying their loans, such actions raise numerous legal, social, and ethical concerns, particularly in relation to human rights and consumer protection (Hirwansyah, 2024).

A prominent case occurred in Ponorogo, where an individual, referred to as SM, became a victim of sticker placement by a bank without legal grounds. SM, who had never taken out a loan with the bank in question, found his house marked with a sticker labeling him a defaulter, resulting in significant moral and social harm. Feeling publicly humiliated, he filed a civil lawsuit against the bank, demanding compensation of IDR 50,000,000,000 (fifty billion rupiah). The case gained national attention, highlighting the serious consequences of arbitrary actions in loan collection practices (Dwiono, 2025).

In debtor-creditor relationships, banks often act unilaterally when handling defaulting debtors, such as by affixing stickers or spray-painting words on the debtor's

Correspondence:

Rizka Rahmatika

rizkarahmatika98@gmail.com

Received: Jul 30, 2025;

Revised: Aug 06 2025;

Accepted: Aug 12, 2025;

Published : Aug 30, 2025;



Copyright: © 2025 by the authors.

Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution-NonCommercial 4.0 International License (CC BY-NC 4.0) license (<https://creativecommons.org/licenses/by-nc/4.0/>).

<https://creativecommons.org/licenses/by-nc/4.0/>

property without consent. These actions not only violate ethical norms but also contravene criminal law, such as Article 167 of the Indonesian Penal Code (entering property without permission), Article 406 (destruction of property), and Article 310 (defamation). Consumer protection is also guaranteed under Law No. 8 of 1999 on Consumer Protection, which obligates businesses, including banks, to safeguard consumers' rights against harmful practices (Hirwansyah, 2024).

The Financial Services Authority (OJK) Circular Letter No. 19/SEOJK.06/2023 on the Implementation of Information Technology-Based Joint Financing Services affirms that collection efforts must not involve humiliation, threats, physical or verbal pressure, or other forms of intimidation. This provision embodies the protection of consumer rights and the enforcement of ethical, fair, and humane debt collection practices. Real cases, such as that of SM in Ponorogo, demonstrate that sticker placement without accurate verification can harm individuals with no credit relationship with the bank, resulting in severe material and immaterial losses.

Unilateral actions by banks may also violate banking secrecy obligations. Law No. 4 of 2023 on the Development and Strengthening of the Financial Sector, which amended provisions in Law No. 21 of 2011 on the Financial Services Authority, mandates that banks maintain the confidentiality of depositor information, except under specific circumstances outlined in Articles 41 to 44A (Fahrurrozi et al., 2020). Placing signs or markings on a debtor's property disclosing their credit status may be considered a violation of these confidentiality requirements, especially if done without a lawful mechanism.

This confidentiality obligation is further reinforced in Article 2 of Bank Indonesia Regulation No. 2/19/PBI/2000 concerning Requirements and Procedures for Written Orders or Permits to Disclose Bank Secrets. The regulation requires banks to protect all depositor information, including borrower identities, except in explicitly regulated circumstances. Exceptions are only permitted for taxation purposes, debt resolution through authorized state institutions, interbank information exchange, or written requests from the customer or their lawful heirs (Hilmy, 2023). Therefore, affixing signs or markings disclosing a person's loan status without proper legal procedures or consent constitutes a breach of banking secrecy. This highlights the importance of protecting borrower data to preserve public trust in the banking system and prevent harmful or humiliating treatment of customers outside legal boundaries.

This issue underscores the weakness of consumer protection in the financial services sector, where imbalances in power between banks and customers are reflected in one-sided standard agreements. Banks should prioritize non-litigation efforts, such as mediation or loan restructuring, before taking steps that could socially embarrass customers. Thus, legal accountability for unilateral bank actions is crucial to uphold justice and protect the rights of users of savings and loan services.

Legal protection for individuals harmed by unilateral bank actions is a critical issue requiring thorough examination. Customers or mistakenly targeted individuals must have access to effective complaint mechanisms and rights enforcement, whether through regulatory bodies like OJK, consumer protection institutions, or civil lawsuits. Such protection is essential to ensure justice and uphold the rule of law. Acts like sticker placement by banks or financing institutions also reflect a failure to uphold the principles of Good Corporate Governance (GCG), which emphasize integrity, responsibility, and legal compliance in financial operations. Violations of these principles not only cause personal losses to victims but also erode public trust in the banking industry as a whole (Tambing et al., 2023).

From a legal standpoint, banks that act unilaterally and mistakenly must be held accountable. Bank liability can be examined from two perspectives: the fault-based principle (*schuld*) and strict liability. In other words, even without malicious intent, negligence in verification or procedural errors can give rise to legal obligations (Dias Putri, 2024). Victims have the right to seek compensation for both material and immaterial losses. The SM case reveals serious weaknesses in banks' Standard Operating

Procedures (SOPs) related to debt collection. Carelessness in identifying debtors not only infringes upon individual rights but also opens the door to maladministration in the financial services sector (Putranto, 2025). Therefore, systemic reforms are needed, both internally within banks and externally through regulatory oversight.

In resolving similar cases, victims have several legal options. First, through non-litigation efforts such as a formal warning (*somasi*) or mediation. Second, through civil litigation to claim compensation. Third, through criminal reporting to impose legal sanctions. Each path has its own characteristics, but all aim to restore victims' rights and uphold justice (Rifqi Hasbi, 2024). Additionally, mediation can be an effective alternative if both parties are willing to reach an amicable settlement. However, in cases like SM's, where public defamation occurred and severely harmed an individual's dignity, formal litigation becomes more relevant to provide deterrent effects and redress the damage caused.

This research aims to thoroughly analyze the legal protection mechanisms available to those harmed by the placement of stickers by banks, particularly when such actions are misdirected. Article 40 of Law No. 10 of 1998, which amends Law No. 7 of 1992 on Banking, obligates banks to maintain the confidentiality of depositor identities and savings. Violations of this confidentiality, such as actions that create negative impressions or social stigma against individuals who are not debtors—such as erroneous sticker placement—can be classified as breaches of prudential principles and fiduciary relations that underlie the bank-public relationship (Ahmad et al., 2022). If it is proven that such actions cause harm to individuals with no credit relationship, the bank may be held civilly liable under Article 1365 of the Indonesian Civil Code regarding unlawful acts (*Onrechtmatige Daad*).

Given the widespread practice of sticker placement by financial institutions in the context of lending, there is an urgent need for strengthened regulation and law enforcement to ensure that debt collection methods comply with principles of fairness and justice. Consumer protection in the financial services sector must be maximized to ensure legal certainty for the public in their dealings with banks. Arbitrary sticker placement not only reflects procedural negligence but also opens the door to violations of basic rights of individuals who have no legal ties to the debt. Therefore, a comprehensive legal review is needed to assess the extent of protection afforded to those harmed and the forms of liability imposed on banks for such procedural errors. Through this research, the author aims to analyze the legal protection available to victims of sticker placement by banks and examine the forms of liability banks bear when such actions are misdirected, in order to offer fair policy recommendations and uphold legal certainty in lending relationships.

2. Materials and Methods

This study employs a normative legal research method with a prescriptive approach, aiming to provide legal arguments regarding the facts and legal events related to the act of placing stickers on the property of debtors by banks (Efendi & Ibrahim, 2018). The primary focus of this research is the analysis of legal norms as stipulated in legislation, legal doctrines, the principle of justice, and the principles of Good Corporate Governance (GCG) in banking practices. This research seeks to formulate a legal protection framework for parties who suffer losses and to propose policy recommendations to prevent violations of customer rights in debt collection practices by banks.

Three approaches are used in this study: (1) Statute approach, to examine legal norms found in the Indonesian Civil Code (KUHPer), Law Number 8 of 1999 concerning Consumer Protection, Law Number 10 of 1998 concerning Banking, Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 19 of 2016, and the Financial Services Authority Regulation Number 22 of 2023 concerning Consumer and Community Protection in the Financial Services Sector; (2) Case approach, to analyze concrete cases such as the case of SM in Ponorogo involving

sticker placement by a bank; and (3) Conceptual approach, to understand the concepts of consumer legal protection, the principle of civil liability, and GCG principles within the context of Indonesian law.

The data used in this research is entirely secondary and obtained through literature study. The legal materials consist of: primary legal materials, namely legislation as mentioned above; secondary legal materials, including legal literature, scientific journals, previous research findings, and expert legal opinions; and tertiary legal materials, such as legal dictionaries, legal encyclopedias, and regulation directories used to clarify legal terms or concepts. All data were collected and classified based on their relevance to the legal issues under study (Nasution, 2008).

Data analysis was carried out systematically by grouping legal materials according to the legal issues discussed and then analyzing them to determine the compatibility of the sticker placement practice with the principles of consumer protection law and justice. The analysis results present legal arguments regarding the bank's liability for losses incurred by customers, whether through civil compensation mechanisms or the potential for criminal liability. Thus, this study is not only descriptive but also normative-prescriptive in nature, aiming to contribute to the development of a fair legal protection concept in the relationship between banks and customers in loan practices (Sonata, 2014).

3. Results and Discussion

3.1 Legal Protection for the Aggrieved Party in the Case of a Bank Affixing a Loan Defaulter Sticker

The act of affixing a sticker or signboard by a bank on a debtor's property, indicating that the asset is under the bank's supervision or serves as collateral for a non-performing loan, often leads to legal controversy. This practice is frequently carried out without due legal procedures, such as a court decision or formal verification of default. Legally, such actions can be classified as an unlawful act (*onrechtmatige daad*) as regulated in Article 1365 of the Indonesian Civil Code (KUHPperdata), which states that any unlawful act that causes harm to another person shall oblige the perpetrator to compensate for the damages. The elements of an unlawful act include an act, fault, harm, and causal relationship (Ahmad et al., 2022). Therefore, any action by a bank in affixing such stickers without a valid legal basis has the potential to give rise to a new legal dispute between debtor and creditor.

A concrete case reinforcing this argument occurred at the East Kalimantan High Court, Case No. 60/Pdt/2014/PT.KT.SMDA. In this case, PT Bank Mandiri unilaterally affixed a warning statement to the debtor's property, aiming to inform the public that the house was collateral for a defaulted loan. The panel of judges ruled that such action constituted an unlawful act (PMH) as it caused both material and immaterial damages to the debtor and their family. The immaterial damage was deemed significant due to defamation and psychological distress. The debtor sued the bank for compensation totaling IDR 700 million, consisting of IDR 200 million in material damages and IDR 500 million in immaterial damages (*Putusan Nomor. 60/PDT/2014/PT.KT.SMDA*, 2014).

This practice is often linked to the principle of publicity under Law No. 4 of 1996 on Mortgage Rights, which requires registration of mortgage rights for the knowledge of third parties. However, this principle cannot be broadly interpreted as permission for creditors to shame debtors publicly. Instead, the application of this principle must align with norms of propriety and fairness and may not violate one's right to dignity and reputation. Therefore, the public shaming of debtors through signage without formal legal processes cannot be justified.

The act of affixing a debt-defaulter sticker by a bank may trigger legal liability if done without a valid legal basis and proper procedure. It constitutes a breach of good faith in contractual relations and may be categorized as an unlawful act under Article 1365 of the Civil Code. If the information displayed is unverified or if no actual default has occurred, the debtor is entitled to claim compensation for the resulting harm—both

material and immaterial—such as reputational damage, disturbance to peace of mind, and harmful social consequences. Hence, banks must exercise caution when implementing administrative measures that directly affect the civil rights of debtors (Natalia & Anzani, 2022).

It is also important to note that this practice may result in cases of mistaken identity. As described in the background section, there are instances where third-party assets (not belonging to the debtor) are wrongfully labeled due to administrative errors or unverified data. This underscores the necessity of legal protection for parties who, *de jure* or *de facto*, have no outstanding obligations but are treated as defaulters (Ahmad et al., 2022). According to Articles 29 and 30 of Law No. 27 of 2022 on Personal Data Protection, banks, as data controllers, are legally obligated to ensure the accuracy and verification of personal data prior to its publication. If a sticker is affixed based on invalid or unverified data, the bank may face not only civil but also administrative and criminal liability for violating the rights of data subjects.

Law No. 10 of 1998 on Banking also addresses the principle of bank secrecy in Article 40(1). Although this principle applies specifically to depositors, the protection of personal data and individual dignity remains relevant. Banks are still obligated to uphold the trust and integrity of their services for all clients—both depositors and borrowers. Publicly displaying credit information without a debtor's consent may constitute a breach of professionalism and banking ethics, especially if the information is tendentious and causes social stigma. This view is echoed by Bank Indonesia and the Financial Services Authority (OJK) in various consumer protection regulations in digital financial services, emphasizing that the unauthorized dissemination of credit information violates digital business ethics and undermines public trust in the financial system (Ayunda & Sitorus, 2023).

OJK Circular Letter No. 19/SEOJK.06/2023 concerning the Operation of Information Technology-Based Joint Financing Services (LPBBTI) stresses that debt collection methods must not be intimidating or publicly humiliating to debtors. Although this regulation targets fintech lending, the consumer protection principles it embodies are universal and may serve as ethical guidelines for formal financial institutions such as banks (Prayogo et al., 2024). Debt collection must be professional, gradual, and must not involve the disclosure of information that could humiliate the debtor. In other words, affixing "loan defaulter" signs qualifies as a violation of legally protected ethical collection standards.

There have also been cases where customers who were not administratively in default—or had settled their debts but whose status was not updated in the bank's system—became victims of sticker placement. Legal protection for such individuals must be firm, as there is no basis for a claim of default. Several legal aspects and principles relevant to the protection of customers include: (a) The right to data clarity and accuracy (Article 29 of Law No. 27/2022), and the right to correct data errors (Article 30). (b) Confidentiality of personal consumer data, as stipulated in OJK Circular No. 14/SEOJK.07/2014, which prohibits disclosure without written consent. (c) Protection of personal dignity and reputation (Article 5 of Law No. 27/2022), granting data subjects the right to know data processing purposes and the accountability of violators. (d) The right to compensation for violations of data processing (Article 12), including the right to seek legal remedy in court. (e) The prohibition of public shaming or defamation of consumers, as reaffirmed by OJK Circular No. 19/SEOJK.06/2023 and in universal financial ethics.

Legal protection is further supported by Law No. 8 of 1999 on Consumer Protection. Articles 4 and 18 affirm that consumers have the right to fair and non-discriminatory treatment, and that clauses releasing businesses from liability are prohibited (Shidarta, 2006). In the bank–debtor relationship, debtors are financial service consumers entitled to humane and procedural treatment. Arbitrary actions by banks without legal basis constitute a violation of consumer protection principles.

In terms of customer confidentiality, bank secrecy is a form of legal protection for a customer's personal data and dignity. Even in the case of debtors, banks must maintain confidentiality over aspects that are traditionally regarded as confidential in banking. Violations of bank secrecy not only harm reputations but may also be categorized as criminal acts under Article 322 of the Criminal Code (KUHP). Thus, legal protection for debtors encompasses not only civil but also criminal and administrative dimensions (Fitriani et al., 2024).

Aggrieved debtors have several legal avenues to seek justice. First, they may file a civil lawsuit for an unlawful act under Article 1365 of the Civil Code, as illustrated in the aforementioned court ruling. Second, they may file a criminal complaint with the police for defamation or breach of official secrecy. Third, they may report the matter to OJK, which can impose administrative sanctions on banks violating the rules. These avenues may be pursued simultaneously or sequentially, depending on the debtor's legal interests (Cahyo Setiono et al., 2022).

Repressive measures alone are insufficient. Preventive legal protection is also essential to avoid future harmful practices of affixing debt stickers. According to the legal doctrines of Satjipto Rahardjo and Philipus M. Hadjon, ideal legal protection includes preventive actions such as guidance, supervision, and the establishment of strict internal regulations. Banks should clearly regulate in their SOPs that signage may only be affixed after proof of default and a court ruling. Likewise, OJK should take a more proactive role in ensuring banking practices stay within the bounds of consumer protection and human rights (Zen et al., 2024).

Aligned with these doctrines, Mochammad Isnaeni's theory of legal protection is also relevant. He divides legal protection into internal and external forms. Internal protection arises from agreements made by the parties, wherein contract clauses are designed to accommodate each party's interests fairly (Isnaeni, 2016). In bank-debtor contractual relations, internal protection should ensure that debtors' rights are not unilaterally violated, particularly concerning collection procedures and the publication of credit information.

Meanwhile, external legal protection stems from legislation enacted by competent authorities to protect the weaker party in legal relations (Isnaeni, 2016). This protection is crucial to prevent arbitrary actions and imbalances of power between businesses and consumers, as emphasized in various regulations such as Law No. 8/1999 on Consumer Protection, Law No. 27/2022 on Personal Data Protection, and numerous OJK regulations. Therefore, internal and external legal protections must work in synergy to ensure justice and legal certainty for debtors harmed by the placement of debt-defaulter stickers by banks.

Such actions can also damage the bank's reputation as a financial institution. Violations of privacy and ethical collection practices not only diminish the bank's credibility in the eyes of the public but also risk regulatory intervention and legal claims. Thus, banks must balance their right to collect with their duty to uphold the dignity and rights of customers. In the long run, banks that maintain professionalism and propriety are likely to enjoy greater customer loyalty.

While banks have the right to collect and execute loan guarantees, such actions must not be conducted arbitrarily. Legal procedures must be followed, such as applying for execution through the court or via the State Asset Management and Auction Office (KPKNL). This requirement is laid out in Articles 14 and 20 of the Mortgage Law, which state that the execution of a mortgage must be based on an executorial title or court fiat. Affixing stickers outside these procedures constitutes overreach and may carry serious legal consequences (Prayogo et al., 2024).

Legal protection for individuals harmed by the affixing of loan-defaulter stickers by banks is imperative in Indonesia's legal system. Such practices violate civil and criminal norms, harm consumer rights, individual dignity, and financial professional ethics. Aggrieved debtors have full rights to seek compensation, pursue legal remedies, and request regulatory intervention.

This protection is also rooted in the principle of trust in the bank–customer relationship. As an agent of trust, banks must ensure that all administrative and technical actions—such as sticker placement—do not undermine the debtor’s sense of security. Breaching this trust can cause psychological impacts far greater than material loss.

Therefore, regulatory reforms and strengthened oversight are necessary to prevent such intimidating practices and to preserve public trust in the banking system. Data confidentiality and customer verification are collective responsibilities of banks, regulators, and the public to prevent reputational and legal damages from mispublishing or leaking personal information. Mislabeling that causes psychological and social harm also erodes public confidence in the national banking system.

3.2 Bank Liability for the Wrongful Placement of Debt Defaulter Stickers on Third Parties

In banking practice, placing "debt defaulter" stickers or conspicuous signage on a debtor’s property is a method of debt collection frequently carried out unilaterally by banks or third parties (debt collectors). However, this practice often triggers legal controversy, especially when the sticker is placed on a property no longer legally connected to the bank. This raises a legal question regarding the bank’s liability if such actions are mistakenly targeted and result in material or immaterial losses. The main issue is the bank’s legal responsibility when such actions cause harm to parties who are not debtors. This liability must be analyzed within the framework of civil law (Ayunda & Sitorus, 2023).

Bank liability can be assessed under Article 1365 of the Indonesian Civil Code (KUHPerdata) on unlawful acts (Perbuatan Melawan Hukum/PMH) and Article 1367(3) of the same code, which regulates employer liability for acts committed by subordinates. According to the doctrine of vicarious liability, an employer (in this case, the bank) is responsible for any unlawful actions committed by its employees within the scope of their employment. If a bank employee or debt collector installs a sticker that damages someone’s reputation or targets the wrong party, the civil liability falls upon the bank as the principal.

This liability is also relevant within the context of personal data protection. As data controllers, banks are legally obligated to safeguard the confidentiality and security of customer information, including credit status and asset ownership. When a bank publicly exposes customer data through stickers or signs—especially when directed at individuals who are no longer the rightful owners—it constitutes a breach of confidentiality and a potential data leak. This is reinforced by Law No. 27 of 2022 on Personal Data Protection, which states that unauthorized dissemination of personal data, even by internal employees, remains the legal responsibility of the institution (Dias Putri, 2024). Thus, banks that publicly shame individuals without a lawful basis are legally accountable not only civilly, but also administratively and potentially criminally if found negligent in implementing internal control systems.

This was evident in Decision No. 72/Pdt.G/2009/PN.Dpk, involving PT Bank Tabungan Negara (BTN), where the bank placed a sticker on a house inherited by the heirs of a deceased debtor. The house had already been released from its collateral status and transferred to the heirs. The court ruled that the sticker placement constituted an unlawful act (PMH), lacking legal justification and causing reputational harm and immaterial losses. The judge found that the bank’s actions defamed the family, caused shame, and violated the principle of prudence in debt collection. The court emphasized that banks cannot evade responsibility for actions taken by their agents or third parties if done within the course of employment (*Putusan Nomor 5/Pdt.G/2018/PN.Dpk, Pengadilan Negeri Depok, 30 Mei 2018.*, 2018).

The Supreme Court reinforced this stance in Decision No. 643 PK/Pdt/2015, rejecting the bank’s petition for judicial review. The Court emphasized that personal reputation and dignity are constitutionally protected rights that cannot be infringed

upon, even in cases of debtor default. The sticker placement was deemed unjustified and in violation of prudential principles, reinforcing bank liability under Article 1367(3) of the Civil Code and the vicarious liability doctrine (*Putusan Nomor : 643 PK/Pdt/2015, 2016*).

A similar ruling was delivered in Decision No. 551/Pdt.G/2018/PN.Dps, in which a consumer protection organization sued PT Bank Mandiri Taspen. The bank was accused of using harmful standard clauses and involving third-party auction houses in coercive debt collection practices, including publicly shaming debtors through sticker placements. The court found that such practices violated Article 18(1) of Law No. 8 of 1999 on Consumer Protection and breached the principle of fair treatment. This decision reaffirmed the scope of consumer protection to include non-violent and dignity-respecting practices (*Putusan Nomor : 551/Pdt.G/2018/PN Dps, 2018*).

These cases offer concrete precedents and emphasize that sticker placements constitute unlawful acts. They also highlight that institutions such as banks remain liable for the actions of their employees or appointed third parties if such actions fall within the scope of their duties. Article 1367(3) of the Civil Code remains relevant here, as legal responsibility does not only arise from direct actions of the institution's leaders but also from systemic failures in oversight and control.

The Supreme Court's decision in No. 643 PK/Pdt/2015 reflects judicial recognition of constitutional rights to dignity, reputation, and a sense of security as part of civil rights that cannot be overridden by debt default. It underscores the balance between rights and obligations, where banks, as business actors, are still bound by prudential principles and not granted absolute power in executing debt collection. This aligns with the principle of due process of law, which rejects any form of unilateral punishment not based on court decisions. Hence, even if a credit agreement or power of attorney exists, banks are not permitted to resort to coercive or humiliating actions in public spaces (*Putusan Nomor : 643 PK/Pdt/2015, 2016*).

This theoretical framework strengthens consumer protection against exploitative standard clauses and abuse of power by banks or partners such as auction houses. Courts affirm that not only the content of contracts but also their field implementation must be fair, proportionate, and respectful of human dignity. These rulings reflect the principles of the Consumer Protection Law and the Banking Law, emphasizing fair treatment of customers and good faith in contractual execution. Therefore, civil liability in practice is not only rooted in employment relationships but also in the structural and moral responsibility of corporations in upholding fundamental rights.

In practice, banks as business entities are subject to prudential regulations, including those under the Banking Law and Financial Services Authority (OJK) regulations on financial consumer protection. The act of placing stickers without formal legal procedures violates prudential principles and good corporate governance. It also breaches the obligation to maintain customer confidentiality and fair treatment. Banks are therefore not only legally responsible but also ethically accountable for causing psychological distress and discomfort to the public (Kesuma et al., 2021).

The bank's liability is not solely based on the employment relationship but also due to negligence in internal supervision. Banks are obligated to ensure that all debt collection activities comply with legal procedures. If a bank fails to prevent or allows unlawful acts to be committed in its name, it may be sued for systemic negligence. This is supported by court decisions emphasizing structural, not just individual, responsibility.

In terms of legal evidence, affected parties may file lawsuits based on Article 1365 of the Civil Code or Article 18 of the Consumer Protection Law. Plaintiffs must prove the existence of an unlawful act, damages suffered, and a causal relationship. In cases such as those against BTN and Mandiri Taspen, judges have placed greater emphasis on immaterial damages, including shame, mental distress, and reputational harm—underscoring the need for consumer protection beyond just material interests (*Putusan Nomor : 551/Pdt.G/2018/PN Dps, 2018; Putusan Nomor : 72/PDT.G/2009/PN DPK, 2010*).

From a restorative justice perspective, debt disputes should be resolved through persuasive rather than coercive methods. Legal options such as breach of contract lawsuits or mediation through arbitration bodies or the Consumer Dispute Settlement Agency (BPSK) are more appropriate. Placing stickers—especially on non-debtors—not only violates due process of law but also constitutes a form of social punishment that is inhumane. As such, legal responses from affected consumers, including lawsuits, formal warnings (*somasi*), and even criminal reports, are legitimate and justifiable.

Banks must be held accountable for any unlawful act committed by employees or third parties representing the institution. The vicarious liability doctrine under Article 1367(3) of the Civil Code provides a strong basis for such liability especially when actions are taken without court rulings or lawful execution procedures. Legal protection for victims of wrongful sticker placements is essential for upholding justice, ensuring legal certainty, and preserving human dignity in banking practices (Wildan et al., 2024).

Moving forward, regulatory reforms are necessary to set clear boundaries and lawful mechanisms for debt collection. The Financial Services Authority (OJK) must enhance oversight of debt collector usage and limit coercive practices that harm consumers. The Supreme Court should also establish consistent jurisprudential guidelines to avoid disparities in rulings on similar cases. Strengthening complaint-handling institutions and alternative dispute resolution mechanisms should be developed as fair non-litigation remedies (Fahrurrozi et al., 2020).

It is vital that banks implement internal policies that restrict information access only to authorized personnel. Many cases arise due to weak internal controls, leading to unauthorized and repressive actions against consumers or former clients. Moreover, information risk management procedures have not been fully implemented by many banks in Indonesia, particularly local banks and small financing institutions that delegate debt collection to unsupervised third parties. These violations indicate a failure to internalize prudential principles in data management and operational decisions concerning debtors. Hence, the bank's accountability system must go beyond administrative documentation and include robust operational risk control mechanisms (Wildan et al., 2024).

Therefore, banks must adopt a holistic approach to prevent unlawful and non-procedural actions. This includes strengthening data security, employee training, and establishing ethical standards for third-party agents. Regulations such as OJK Regulation No. 38/POJK.03/2016 on IT risk management and the Personal Data Protection Law provide a framework to reinforce customer protection against illegal practices. Going forward, any action taken against debtors—whether collateral execution or debt collection—must adhere strictly to the principles of due process of law, and not rely on intimidation or public humiliation that contradict legal norms.

4. Conclusions

The act of affixing a loan defaulter sticker by a bank without a valid legal basis can be classified as an unlawful act (*onrechtmatige daad*) under Article 1365 of the Indonesian Civil Code, particularly when carried out against the wrong party. Such a practice has the potential to violate the rights of the debtor, cause both material and immaterial damages, and undermine the principles of consumer protection, privacy, and constitutional rights. The bank bears civil, administrative, and even criminal liability whether the action is committed by internal staff or third parties acting on its behalf pursuant to the principle of vicarious liability under Article 1367 of the Civil Code. Therefore, any debt collection process must be conducted procedurally, fairly, and in full respect of human rights and operational ethics.

To prevent similar violations, regulators such as the Financial Services Authority (OJK) and Bank Indonesia (BI) must formulate technical regulations that prohibit the labeling of debtors without due legal process and require financial institutions to revise their standard operating procedures (SOPs) based on the principles of justice, prudence, and personal data protection. Banks must also enforce strict data verification

procedures, provide complaint and recovery mechanisms, and prohibit any repressive actions that humiliate debtors. Furthermore, clearer legal guidelines and jurisprudence are needed to strengthen the position of victims in seeking justice, whether through litigation or alternative dispute resolution mechanisms.

References

- Abbas, M. N. M., Miru, A., & Said, N. (2020). Penyalahgunaan keadaan dalam kontrak baku perjanjian kredit bank. *Gorontalo Law Review*, 3(2), 188–204.
- Ahmad, H., Anggraini, S., & Iswahyudi, G. (2022). Perlindungan Hukum Terhadap Keamanan Rahasia Bank dalam Menjaga Kepentingan Nasabah Perbankan. *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 4(2), 337–350. <https://doi.org/10.37680/almanhaj.v4i2.1800>
- Ali, Z. (2019). *Metode penelitian hukum* (Ed. 1). Sinar Grafika.
- Anastasia, D. S. (2024). Perlindungan hukum bagi debitur dalam perjanjian kredit modal kerja yang mengandung unsur penyalahgunaan keadaan (Skripsi, Universitas Airlangga).
- Antonio, M. S. (2001). *Bank syariah: Dari teori ke praktik* (Ed. 1). Gema Insani. <https://books.google.co.id/books?id=r3yFiZMvgdAC>
- Andrian, F., Munawir, L. O., & Yusuf, M. (2023). The role of financial technology in changing the modern banking landscape in Indonesia. *Journal Sultra Research of Law*, 5(1), 113–125. <https://doi.org/10.21070/perisai.v4i2.868>
- Ayunda, H., & Sitorus, M. (2023). Perlindungan Hukum Terhadap Nasabah Atas Fraud Pada Transaksi Bank Digital. *Jurnal Ilmu Sosial Dan Pendidikan (JISIP)*, 7(1), 2598–9944. <https://doi.org/10.58258/jisip.v7i1.4428/http>
- Bimasena, A. (2025). Perlindungan hukum terhadap nasabah atas peretasan data perbankan yang terjadi di Indonesia (Skripsi, Universitas Sriwijaya).
- Benuf, K., & Azhar, M. (2020). Metodologi penelitian hukum sebagai instrumen mengurai permasalahan hukum kontemporer. *Jurnal Gema Keadilan*, 7(1), 23. <https://doi.org/10.24246/jrh.2019.v3.i2.p145-160>
- Cahyo Setiono, G., Rahman, I., & Delaria Ananfa, E. (2022). Tanggung Jawab Bank Sebagai Wujud Perlindungan Hukum Bagi Nasabah Kontrak Perbankan. *Jurnal Transparansi Hukum*, 5(1), 66.
- Dias Putri, M. (2024). Analisis Tanggung Gugat Bank atas Perbuatan Melawan Hukum Pegawai Bank yang Merugikan Nasabah (Studi Kasus Putusan Mahkamah Agung Nomor 2600 K/Pdt/2022). *Lex Patrimonium*, 3(2), 5. <https://scholarhub.ui.ac.id/lexpatri>
- Djumhana, M. (2003). *Hukum perbankan di Indonesia* (Ed. 1). Citra Aditya Bakti.
- Dwiono, E. (2025, April 21). *Ditampeli Stiker Penunggak Utang, Warga Ponorogo Gugat BRI Rp50 M*. JTV Madiun. <https://beritajatim.com/ditampeli-stiker-penunggak-utang-warga-ponorogo-gugat-bri-rp50-m>
- Efendi, J., & Ibrahim, J. (2018). *Metode Penelitian Hukum Normatif dan Empiris Edisi Pertama* (2nd ed.). Kencana. <https://ipusnas2.perpusnas.go.id/read-book>
- Endah, A. (2017). *Pokok-pokok hukum perdata di Indonesia* (R. Permana, Ed.; Ed. 1). Saraswati Nitisara.
- Fahrurrozi, R., Murwadi, T., & Rukmini, M. (2020). Problematika Pengungkapan Rahasia Bank Antara Kepentingan Negara Dan Perlindungan Kepada Nasabah. *Esensi Hukum*, 2(1), 77–96. <https://doi.org/10.35586/esensihukum.v2i1.22>
- Fatimah, S., & Ilham, M. (2024). Perlindungan hukum bagi nasabah kredit bermasalah dalam Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen. *Jurnal Dusturuna*, 1(1), 50–57.
- Fitriani, S. A., Sasra, A. D., Harjuno, M., & Raharjo, A. (2024). Analisis Perlindungan Data Pribadi Nasabah Perbankan Terhadap Penggunaan Layanan Mobile Banking. *Media Hukum Indonesia (MHI) Published by Yayasan Daarul Huda Krueng Mane*, 2(4), 316. <https://doi.org/10.5281/zenodo.14192101>
- Gazali, D. S. (2010). *Hukum perbankan* (Ed. 1). Sinar Grafika.
- Hadjon, P. M. (1987). *Perlindungan hukum bagi rakyat Indonesia* (Vol. 1). Bina Ilmu.
- Halipah, G., Purnama, D. F., Pratama, B. T., Suryadi, B., Hidayat, F., & Pendidikan Pancasila dan Kewarganegaraan. (2023).

- Tinjauan yuridis konsep perbuatan melawan hukum dalam konteks hukum perdata. *Jurnal Serambi Hukum*, 16(1), 138.
- Hasbi, F. R. (2024). Penegakan hukum terhadap penagih hutang yang memaksa masuk rumah dan berbuat kekerasan. *Justiciabellen*, 4(1), 39–49.
- Hilmy, M. I. (2023). *Perlindungan Hukum Terhadap Keamanan Rahasia Bank Dalam Menjaga Kepentingan Nasabah (Studi Di Bank Sulselbar Cabang Utama Bulukumba)*. Universitas Muslim Indonesia.
- Hirwansyah. (2024). Tindakan Sepihak Bank Melakukan Pemasangan Stiker dan Membuat Tulisan Menggunakan Cat di Dinding Rumah Debitur yang Wanprestasi. *Mandalika Law Journal*, 2(2). <https://doi.org/10.59613/mlj.v1i2.3110>
- Ilham, & Kara, M. H. (2021). *Hukum Perbankan Syariah*. CV Cahaya Bntang Cemerlang.
- Isnaeni, M. (2016). *Pengantar Hukum Jaminan Kebendaan* (1st ed.). PT. Revka Petra Media.
- Kamus Besar Bahasa Indonesia (KBBI). (n.d.). Kamus besar bahasa Indonesia (Ed. 2). Balai Pustaka.
- Katiandagho, V., Putong, D. D., & Melo, I. J. (2023). Undang-Undang Perlindungan Data Pribadi memperkuat Undang-Undang Perbankan dalam menjaga rahasia data nasabah dan untuk melindungi data pribadi masyarakat Indonesia. *Jurnal Hukum To-Ra*, 9(1), 106–114. <https://doi.org/10.55809/tora.v9i1.212>
- Kasmir. (2015). *Dasar-dasar perbankan: Edisi revisi*. RajaGrafindo Persada. <http://opac.perpusnas.go.id/DetailOpac.aspx?id=135164>
- Kesuma, A. A. N. D. H., Budiarta, I. N. P., & Wesna, P. A. S. (2021). Perlindungan Hukum Terhadap Keamanan Data Pribadi Konsumen Teknologi Finansial dalam Transaksi Elektronik. *Jurnal Preferensi Hukum*, 2(2), 411–416. <https://doi.org/10.22225/jph.2.2.3350.411-416>
- Kitab Undang-Undang Hukum Perdata Staatblad Tahun 1847 Nomor 23 tentang (Burgelijk Wetboek).
- Kristiyanti, C. T. S. (2008). *Hukum perlindungan konsumen* (Vol. 1). Sinar Grafika.
- Muklis. (2023). Analisis ganti kerugian berdasarkan perspektif hukum perdata. *IURIS STUDIA: Jurnal Kajian Hukum*, 4(1), 7–9. <http://jurnal.bundamedia grup.co.id/index.php/iuris>
- Miru, A., & Yodo, S. (2010). *Hukum perlindungan konsumen* (Ed. 1). Rajawali Pers.
- Namira, A. (2020). Pertanggungjawaban hukum bank atas kelalaian pegawainya terhadap debitur yang terkena BI checking. *Esensi Hukum*, 2(1).
- Nasution, B. J. (2008). *Metode Penelitian Ilmu Hukum* (1st ed.). CV Mandar Maju.
- Natalia, T. S., & Anzani, E. (2022). Tanggung Jawab Bank Terhadap Penyalahgunaan Data Informasi Nasabah. *Justicia Sains: Jurnal Ilmu Hukum*, 07(02), 289. <https://jurnal.saburai.id/index.php/hkm/index>.
- Pamuji, R. A. (2018). Perlindungan hukum bagi nasabah dan tanggung jawab bank dalam kasus card skimming. *Jurnal Lex Renaissance*, 3(1). <https://doi.org/10.20885/JLR.vol3.iss1.art12>
- Prayogo, P., Korah, R. S. M., Soepeno, M. H., & Kasenda, V. (2024). Analisis Perlindungan Hukum Data Pribadi Nasabah Pada Transaksi Internet Banking Di Sulawesi Utara. *Jurnal Nuansa Akademik*, 9(1), 39–54.
- Putra, F. P. (2013). Tanggung gugat bank terhadap nasabah penyimpan dana akibat adanya penerbitan rekening tabungan yang sama oleh bank (Skripsi, Universitas Jember).
- Putranto, W. D. (2025, February 8). *Kasus Stiker Penunggak Utang, BRI Diduga Langgar SOP*. Sinyal Ponorogo. <https://www.sinyalponorogo.com/2025/02/kasus-stiker-penunggak-utang-bri-diduga.html>
- Putri, A. E., Wahyuni, S., Santoso, S. B., & Azizah, S. N. (2023). Analisis perbandingan kinerja keuangan perbankan konvensional dan perbankan syariah pada masa pandemi COVID-19. *Jurnal Masharif Al-Syariah*, 8(1), 570–587. <https://doi.org/10.30651/jms.v8i1.18138>
- PBI No. 2/19/PBI/2000 tentang Persyaratan dan Tata Cara Pembukaan Rahasia Bank.
- PBI No. 9/14/PBI/2007 tentang Sistem Informasi Debitur.
- POJK No. 6/POJK.07/2022 tentang Perlindungan Konsumen di Sektor Jasa Keuangan.
- POJK No. 22/2023 tentang Perlindungan Konsumen.
- POJK No. 44/2024 tentang Rahasia Bank.
- Putusan Nomor : 551/Pdt.G/2018/PN Dps (December 31, 2018).

- Putusan Nomor : 643 PK/Pdt/2015 (March 29, 2016).
- Putusan Nomor : 72/PDT.G/2009/PN DPK (March 8, 2010).
- Putusan Nomor. 60/PDT/2014/PT.KT.SMDA (June 17, 2014).
- Putusan Nomor 5/Pdt.G/2018/PN.Dpk, Pengadilan Negeri Depok, 30 Mei 2018. (2018).
- Rachmawati, F., Usman, R., & Mispansyah. (2023). Tanggung gugat bank selaku pelaku usaha sektor terhadap nasabah bank yang terkena skimming. *Jurnal Ilmiah Mahasiswa Pendidikan Sejarah*, 8(4), 6296–6309. <https://doi.org/10.24815/jimps.v8i4.28969>
- Rahayu, C. T., Adam, C. K., Amalia, F., & Vazkya, N. K. R. S. (2024). Perlindungan hukum terhadap pihak yang dirugikan dalam wanprestasi. *Media Hukum Indonesia (MHI)*, 2(4), 138. <https://doi.org/10.5281/zenodo.14058588>
- Rifqi Hasbi, F. (2024). Penegakan Hukum Terhadap Penagih Hutang Yang Memaksa Masuk Rumah Dan Berbuat Kekerasan. *JOURNAL JUSTICIABELLEN (JJ)*, 04(01), 39–49. <https://jurnal.unsur.ac.id/index.php/JJ>
- Rysaldi, M. I., & Santoso, B. (2022). Konsep perbankan syariah pasca spin off: Perspektif Indonesia. *Notarius*, 15(1), 459–474. <https://doi.org/10.14710/nts.v15i1.46054>
- Sakhinah, N., Ince, R., Citra, S., & Ilham. (2025). Analysis of legal protection for bank customers from the perspective of sharia banking law. *Ekonomipedia*, 3(1), 114–121. <https://doi.org/10.55043/ekonomipedia>
- Sari, I. (2020). Perbuatan melawan hukum (PMH) dalam hukum pidana dan hukum perdata. *Jurnal Ilmiah Hukum Dirgantara*, 11(1), 53–70. <https://doi.org/10.35968/jh.v11i1.651>
- Salim, H. S. (2003). *Hukum kontrak: Teori dan teknik penyusunan kontrak* (Ed. 1). Sinar Grafika.
- Shandy, R., & Sari, R. D. P. (2023). Aspek hukum pencantuman data pribadi secara sepihak sebagai kontak darurat dalam perjanjian kredit online. *Binamulia Hukum*, 12(1), 39–45. <https://doi.org/10.37893/jbh.v12i1.452>
- Shidarta. (2006). *Hukum Perlindungan Konsumen Indonesia* (1st ed.). Grasindo.
- Sonata, D. L. (2014). Metode Penelitian Hukum Normatif Dan Empiris : Karakteristik Khas Dari Metode. *Fiat Justisia Jurnal Ilmu Hukum*, 8(1), 15–35.
- Soedewi, S., & Sofwan, M. (1981). *Hukum acara perdata Indonesia dalam teori dan praktek* (Ed. 1). Liberty.
- Subekti, L. M., & Juwono, V. (2021). Analisis strategi administrasi pajak dalam mencegah peningkatan tunggakan pajak kendaraan bermotor di Jakarta. *Syntax Literate*, 6(9), 4502. <https://doi.org/10.36418/syntax-literate.v6i9.4096>
- Susanti, & Nugroho, A. (2011). *Proses penyelesaian sengketa konsumen ditinjau dari hukum acara serta kendala implementasinya* (Ed. 1). Kencana.
- Suyanto. (2023). *Metode penelitian hukum: Pengantar penelitian normatif, empiris dan gabungan*. Unigres Press.
- Suyatno, T. (1999). *Kelembagaan perbankan* (Ed. 1). Intermedia.
- Subekti. (2017). *Pokok-pokok hukum perdata* (Ed. 26). PT Intermasa.
- Tabun, M. A., Maria, S., Sushardi, D. S. H., Sulistyowati, M., Anwar, B. K., et al. (2023). *Manajemen risiko bisnis era digital (teori dan pendekatan konseptual)* (Ed. 1). Seval Literindo Kreasi.
- Tambing, F., Yusuf, M., Fitriadi, M., & Nadzirin Anshari Nur, M. (2023). Keamanan Data Nasabah di Bank dan Perlindungan Otoritas Jasa Keuangan. *Journal Sultra Research of Law*, 5(1), 33. <https://ojs.pascaunsultra.ac.id/index.php/surel>
- Undang-Undang Nomor 10 Tahun 1998 tentang Perubahan atas Undang-Undang Nomor 7 Tahun 1992 tentang Perbankan.
- Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.
- Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik sebagaimana telah diubah dengan Undang-Undang Nomor 19 Tahun 2016.
- Undang-Undang Nomor 4 Tahun 2023 tentang Pengembangan dan Penguatan Sektor Keuangan.
- Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Perppu Cipta Kerja menjadi UU.
- Widiarty, W. S. (2024). *Buku ajar metode penelitian hukum* (Ed. 1). Publika Global Media.
- Wildan, M., Renata Candra Ramadhan, D., & Rena Wijayanti, Z. (2024). Analisis Tanggung Jawab Bank Terhadap Kebocoran Data Nasabah: Ditinjau Dalam Perspektif Hukum Perbankan. *Media Hukum Indonesia (MHI) Published by Yayasan Daarul Huda Krueng Mane*, 2(4), 392. <https://doi.org/10.5281/zenodo.14201758>

Zainal Asikin. (2021). Pengantar ilmu hukum (Ed. 1). PT RajaGrafindo Persada.

Zen, M. M., Herlina, N., & Rusydi, I. (2024). Tinjauan Yuridis Penyelesaian Kredit Macet Berdasarkan Pasal 1338 Ayat (1) Kitab Undang-Undang Hukum Perdata Di PT. Bank Rakyat Indonesia (Persero) Tbk Unit Singaparna Timur. *Jurnal Pustaka Galuh Justisi*, 02(2), 326.