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# Responsibility of Bank Financial Institutions for The Loss of Customer Money Saved In Their Accounts

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**Abstract:** This study analyzes the legal responsibility of banking and financial institutions for the loss of customer funds stored in their accounts, a problem that has grown alongside the rapid expansion of digital banking and financial technology in Indonesia. Using a normative juridical method with statutory, conceptual, and case approaches, this research examines the legal foundations, scope of liability, and dispute-resolution mechanisms applicable when customer funds are lost due to system errors, internal negligence, or cybercrime. The findings reveal that banks' obligations arise from multiple legal regimes: contractual liability under deposit agreements, non-contractual liability for unlawful acts, administrative obligations under the Banking Law and OJK regulations, and strict liability principles under consumer protection law. Although these norms require banks to safeguard customer assets, investigate losses, and provide compensation, practical implementation often remains weak, leaving customers in a disadvantaged position during dispute resolution. Mediation through OJK and internal complaint units provides alternative mechanisms, yet outcomes are not always binding or effective. Strengthening prudential principles, cybersecurity standards, and supervisory enforcement is essential to ensure substantive protection for customers and maintain public trust in the financial system.

**Keywords:** bank liability; customer fund loss; consumer protection; prudential banking; dispute resolution

## 1. Introduction

The development of information technology and modern financial systems has transformed the patterns of economic interaction in society and increased dependence on banking institutions as depositors and fund managers. Banks function not only as a place to store money but also as financial intermediaries that play a role in maintaining the stability of the national financial system. (Aulya et al., 2025). In this regard, trust is the primary foundation supporting the legal relationship between banks and customers, because without it, banking activities cannot run smoothly. (Putera, 2020).

However, in practice, this trust is often undermined by various cases of customer funds being lost from bank accounts. The causes can stem from internal factors such as system errors, employee negligence, or weak supervision, as well as external factors such as cybercrime, phishing, and skimming. The increasing use of internet-based digital banking services and mobile applications, while making things easier for customers, also increases the potential risk of electronic fund loss, raising legal liability issues for banks. (Yustisia, 2022).

From a legal perspective, the relationship between banks and customers is based on a deposit agreement that creates reciprocal rights and obligations. Banks are obligated to safeguard customer funds and manage them with prudent principles, as stipulated in Law Number 10 of 1998 concerning Banking, Law Number 21 of 2011 concerning the Financial Services Authority (OJK), and Bank Indonesia Regulations. Article 29, paragraph (2) of the Banking Law emphasizes banks' obligation to maintain soundness and prudence in their business activities. Therefore, when customer funds are lost, questions arise regarding the form and limits of the bank's legal liability, including civil, criminal, and administrative aspects.

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However, numerous cases demonstrate that banks' responsibility for lost customer funds is often not optimally implemented. Many customers experience difficulty in claiming compensation or obtaining clarity on their responsibilities from the bank. Cases of lost funds through unauthorized transactions often result in a shift in responsibility between the bank and the customer. Banks often argue that the transactions occurred due to the customer's negligence in safeguarding personal data, such as PINs or One-Time Passwords (OTPs), while customers assume that the bank's security system should have prevented such illegal transactions. (Rahmahdhani et al., 2023). As a result, the customer's position becomes weak because they do not actually have access to technical evidence or the ability to prove that there is a system error on the bank's part.

One concrete example is several cases that have appeared in the mass media and been reported to the Financial Services Authority (OJK), where customers have lost significant amounts of funds due to account breaches, but the settlement process takes a long time, and the results are often unsatisfactory. In some cases, banks only compensate for a portion of the lost funds or even deny responsibility, citing a lack of evidence of negligence on their part (Rinaldi & Wijaya, 2025a).

In the Indonesian legal system, the liability of banking financial institutions stems not only from civil law as stipulated in Article 1365 of the Civil Code concerning unlawful acts, but also encompasses aspects of administrative law and consumer protection. The Financial Services Authority (OJK) has the authority to impose administrative sanctions on banks that fail to implement the principle of prudence (Wicaksono et al., 2025), while Law Number 8 of 1999 concerning Consumer Protection requires business actors, including banks as financial service providers, to provide compensation for losses suffered by consumers or customers. Thus, banks are legally responsible for maintaining the security of customer funds and protecting their interests.

Although the Indonesian banking regulatory framework provides a fairly comprehensive legal foundation through prudential regulations, consumer protection, and good governance provisions, in practice, a significant normative gap remains between legal norms and their implementation. Prudential regulations, such as the prudential principle, risk management obligations, and payment system security, as stipulated in the Banking Law, the OJK Regulation on Risk Management, and Bank Indonesia's Payment System Regulations, should provide preventative protection against potential customer fund losses. However, these norms have not been fully integrated effectively with the banking consumer protection regime stipulated in the Consumer Protection Law and the OJK Regulation on Consumer Protection in the Financial Services Sector. This gap is evident in the absence of explicit technical standards regarding bank liability for unauthorized transactions, evidentiary standards that tend to place the burden on customers, and inconsistent complaint handling procedures across banks. Thus, there is a wide gap between the concept of prudence mandated by regulators and the actual mechanisms implemented by banks to protect customers in the event of fund losses. Furthermore, there is a discordance between the norm that grants customers the right to compensation for losses incurred by financial services and banking practices in the field, which often delay, reduce, or even refuse compensation without transparent investigative due diligence. Consumer protection regulations require information transparency, contractual fairness, and simple, expeditious, and affordable dispute resolution mechanisms—yet in practice, banks still rely on standard clauses that shift responsibility to customers and internal investigative procedures that cannot be independently verified. Furthermore, authoritative regulations such as the Financial Services Authority Regulation on Consumer Protection do not provide sufficiently clear parameters for determining when a bank is considered negligent or what minimum security standards must be met. This normative gap indicates that while the regulatory system appears formally strong, substantive protection for customers remains operationally weak. Therefore, discussions on bank accountability must critically analyze the dissonance between prudential regulations, consumer protection regimes, and the operational realities of the banking world,

thereby providing a comprehensive picture of the legal issues underlying the loss of customer funds.

Normatively, this responsibility includes the bank's obligation to investigate lost funds, return lost funds, and strengthen its internal security system. Banks are also required to implement good corporate governance principles and provide a mechanism for expeditious and equitable dispute resolution. However, in practice, the implementation of these responsibilities is often ineffective. Many customers are forced to undergo lengthy and expensive civil legal proceedings, while settlements through the Financial Services Authority (OJK) are non-litigation and do not always result in legally binding decisions.

The norms that should guarantee the protection of customer funds have not been implemented effectively. Therefore, a comprehensive legal study is needed regarding the form, basis, and limits of liability of banking and financial institutions for the loss of customer funds. This study is crucial for strengthening legal protection for customers, ensuring the implementation of the principles of justice and legal certainty, and maintaining public trust in the national banking system

## 2. Materials and Methods

This research uses a normative legal research method (normative juridical) that focuses on the analysis of positive legal norms, legal principles, the concept of legal responsibility, and institutional practices related to the liability of banking and financial institutions for the loss of customer funds. The approaches applied include the statute approach, the conceptual approach, and the case approach.

The legal materials used in this research consist of: (a) Primary legal materials, namely laws and regulations, court decisions (if available), and OJK/BI regulations; (b) Secondary legal materials, namely legal literature, scientific articles, expert opinions, and legal analyses; and (c) Tertiary legal materials, such as legal dictionaries and encyclopedias, which help explain legal terms and concepts. Data collection techniques include library research, review of legal documents, and case studies from media reports or publications from regulatory agencies.

The analysis was conducted descriptively and qualitatively, namely by outlining and interpreting the legal norms found, linking them to relevant legal concepts, and assessing the extent to which these norms and concepts have or have not been implemented in practice (based on case illustrations). The results of the analysis will be linked to the research problem formulation to provide a comprehensive understanding of the form, basis, and limits of bank liability for the loss of customer funds and the dispute resolution mechanisms between customers and banks.

## 3. Results and Discussion

### *3.1. Form and Legal Basis of Responsibility of Bank Financial Institutions for the Loss of Customer Money Stored in Accounts According to the Provisions of Legislation in Indonesia*

The form and legal basis of a bank's liability for the loss of customer funds can be analyzed through the contractual legal relationship between the bank and its customers and the bank's public obligations as a financial services provider. The legal relationship is essentially born from a deposit agreement, which, according to Subekti, is a loan agreement in which the bank acts as the party borrowing money from the customer and is obligated to repay it upon the customer's request (Subekti, 2014). Therefore, when customer funds are lost without their knowledge, the bank is legally obligated to return them as a form of contractual responsibility.

From a normative perspective, Law Number 10 of 1998 concerning Banking stipulates that banks are required to implement the principle of prudence in all their business activities (Article 29 paragraph (2)). The obligation implies a legal responsibility for banks to protect public funds from the risk of loss, whether due to system errors, em-

ployee negligence, or the actions of third parties (Hermansyah, 2005). The prudential principle is the main basis in the framework of bank accountability, which is emphasized in Law Number 21 of 2011 concerning the Financial Services Authority (OJK), where the OJK has the authority to impose administrative sanctions on banks that violate the prudential principle and cause losses to customers (Cahyono, 2022).

In addition to sectoral legal bases, bank liability also stems from Article 1365 of the Civil Code concerning unlawful acts (onrechtmatige daad) (Cevitra & Djajaputra, 2023). This provision applies if the customer's loss does not arise from a direct contractual relationship, but rather from negligence or a system error that causes harm to another party (Didiyanto, 2020). Thus, banks can be held liable both contractually (default) and non-contractually (unlawful acts), depending on the nature and cause of the loss.

In the context of consumer protection, Law Number 8 of 1999 concerning Consumer Protection (UU PK) further legitimizes that business actors, including banks as financial service providers, are required to provide compensation for losses arising from the services they provide (Article 19 paragraph (1)). According to Ahmadi Miru, this obligation to provide compensation reflects the principle of strict liability in consumer protection law, namely that business actors are responsible without having to wait for proof of fault, as long as the loss occurs within the scope of use of the services they offer (Miru & Yodo, 2004). Therefore, banks should not be absolved of responsibility simply by claiming that customers were negligent in safeguarding their personal data, as long as there is a possibility that the bank's security system was inadequate.

In practice, bank accountability also encompasses an administrative dimension. Based on Bank Indonesia Regulation (PBI) Number 10/10/PBI/2008 concerning the Resolution of Customer Complaints, every bank is required to establish a complaint service unit and resolve each complaint within a specified timeframe. A bank's failure to promptly handle complaints can be grounds for administrative sanctions by the Financial Services Authority (OJK) (Maroena & Widyastuti, 2024). This demonstrates that banks' responsibility extends beyond simply reimbursing customer funds, but also includes a moral and institutional responsibility to maintain public trust through transparency and responsiveness to customer complaints.

However, research also found a gap between legal norms and their implementation. In various cases, such as the loss of Rp56 billion in deposits at the Bank Mega Bali branch (2021), banks were often reluctant to return customer funds, citing a lack of evidence of negligence. This situation demonstrates that although the legal basis for liability is clear, its effective implementation still depends on the evidentiary system and oversight commitment of financial authorities.

Bank liability encompasses civil, administrative, and moral liability, with legal bases derived from statutory regulations, civil law, and consumer protection doctrine, and general legal principles. However, the effective implementation of these norms still depends on strengthening derivative regulations, system security standards, and more concrete legal protection for customers. Therefore, regulatory and supervisory reforms are needed to ensure that bank liability for lost customer funds is not only formal, but also substantive and operational in national banking practices.

### *3.2. Legal Responsibilities of Financial Institutions: Banks Provide Effective Protection to Customers Who Experience Loss of Funds Due to System Errors, Internal Negligence, or Cybercrime*

Legal protection for customers is a fundamental aspect of the fiduciary relationship between banks and their customers, where trust is the primary basis for legal interactions between the two (Setiono & Rahman, 2022). As financial institutions, banks have a legal responsibility to ensure the security of customer funds, both against internal and external risks (Hrp & Saraswati, 2020). In the context of Indonesian banking law, this responsibility stems from the prudential banking principle, the trust principle, and the principle of legal protection for consumers of financial services (Sjahdeini, 1999). Therefore, when funds are lost due to system errors, employee negligence, or cyber-

crime, banks remain legally obligated to provide protection and compensation to affected customers.

The legal relationship between banks and customers is essentially based on a deposit agreement, which has civil characteristics as stipulated in Articles 1313 and 1338 of the Civil Code. However, a bank's liability for lost funds extends beyond contractual aspects and also includes liability for unlawful acts as stipulated in Article 1365 of the Civil Code. It means that if a bank is negligent in maintaining system security, supervising its employees, or failing to prevent data leaks that result in customer losses, it can be held legally liable. In Rachmadi Usman's view, banks cannot absolve themselves of this responsibility because the loss arose from the fault of a third party, as banks have a moral and legal obligation to ensure the reliability of their systems.

Banks' legal responsibilities also have an administrative basis regulated in Law Number 10 of 1998 concerning Banking, Law Number 21 of 2011 concerning the Financial Services Authority, and Financial Services Authority Regulation Number 1/POJK.07/2013 concerning Consumer Protection in the Financial Services Sector (Kusumastuti, 2020). Article 29, paragraph (2) of the Banking Law stipulates that banks are required to maintain soundness and apply the principle of prudence in conducting their business activities. Meanwhile, Article 4 of POJK No. 1/POJK.07/2013 requires financial services businesses to provide accurate information, maintain the confidentiality of consumer data, and handle complaints fairly. Therefore, any loss of funds due to system weaknesses or internal errors constitutes a violation of these legal obligations, which can result in administrative sanctions by the Financial Services Authority (Usman, 2001).

In practice, cases of lost customer funds are often related to weaknesses in banks' internal control systems or cyberattacks that breach digital security (Rinaldi & Wijaya, 2025b). For example, the case of the hacking of PT Bank Rakyat Indonesia (BRI) customer accounts, in which several customers lost funds due to phishing and social engineering practices. The OJK emphasized that banks remain obligated to investigate and recover funds if it is proven that the bank's security system was not functioning properly. This case demonstrates that cybercrime poses a real threat to banking stability and demands proportionate legal responsibility between banks and customers (Novaliana, 2021).

From a consumer protection law perspective, Law Number 8 of 1999 provides a normative basis that every business actor, including financial institutions, is obliged to be responsible for consumer losses resulting from the use of the services they produce (Article 19 paragraph (1)). In the banking context, banks as financial service business actors are obliged to compensate customers for losses if the losses arise due to negligence or imperfections in the service system. According to Philipus M. Hadjon, legal protection for consumers includes two forms, namely preventive and repressive protection. Preventive protection is realized through regulation and supervision by financial authorities, while repressive protection is realized through dispute resolution or the provision of compensation for losses (Hadjon, 1987). These two forms of protection should be balanced to ensure the bank's legal responsibility to its customers is effective.

Furthermore, Hermansyah believes that a bank's responsibility should be measured not only by its compliance with formal legal requirements, but also by its adherence to good corporate governance (GCG) principles (Hermansyah, 2005). GCG implementation encompasses transparency, accountability, responsibility, independence, and fairness. If a bank fails to implement these principles, for example, by not conducting regular security system audits or delaying the handling of reports of lost customer funds, the bank may be deemed negligent in carrying out its legal responsibilities (Saragi, 2023). In practice, most cases of lost funds end in mediation at the Financial Services Authority (OJK) or non-litigation settlement, but their effectiveness remains limited because the results are not legally binding.

Banks' legal responsibility to provide effective protection to customers also has implications for public trust (Endrawati et al., 2024). Sutan Remy Sjahdeini emphasized that the stability of the national banking system depends heavily on the level of public

trust in banks as depositories (Sjahdeini, 1999). Therefore, any form of negligence that results in financial loss for customers can damage the reputation of banks and undermine public trust. Therefore, in addition to formal legal responsibility, banks also have an ethical responsibility to maintain the integrity and reliability of their systems through enhanced cybersecurity, consumer education, and transparency of compensation policies.

From this overall description, it can be concluded that the legal responsibility of banking and financial institutions for lost customer funds is an obligation stemming from various layers of norms: civil law, administrative law, and consumer protection law. The effectiveness of legal protection is determined not only by the existence of regulations but also by the financial institution's commitment to implementing them consistently and transparently. Therefore, banks must view their responsibility to customers not merely as a legal obligation but also as part of efforts to maintain public trust and the sustainability of the national banking system.

### *3.3. Dispute Resolution Efforts Between Customers and Banks in Cases of Lost Account Funds*

In modern banking practices, disputes between customers and banks regarding lost account funds are quite complex legal issues. This complexity arises because the legal relationship between customers and banks is contractual in nature, while also involving administrative and consumer protection aspects. Customers are often in a weak position when it comes to accessing information and providing mechanisms, while banks have stronger internal systems and legal infrastructure. Therefore, resolving disputes between customers and banks requires a fair, transparent, and effective mechanism to ensure legal certainty and protect customers' rights as consumers of financial services.

Dispute resolution in the banking world can basically be done through two main channels, namely litigation (court) and non-litigation (outside the court). Litigation refers to civil lawsuits filed in district courts based on unlawful acts or breach of contract, as stipulated in Articles 1365 and 1239 of the Civil Code. In this case, customers can sue banks for negligence in safeguarding their deposits. However, the litigation process is often considered ineffective due to its lengthy, expensive nature, and it often results in reputational damage to both parties.

According to Hermansyah, resolving disputes through the bank's internal mechanisms is also the first step that customers must take before taking external channels. Banks are required to provide a customer complaint handling unit (CCU) as stipulated in Bank Indonesia Regulation No. 7/7/PBI/2005 concerning Customer Complaint Resolution, which was later amended by POJK No. 18/POJK.07/2018 concerning Consumer Complaint Services in the Financial Services Sector. Under this regulation, banks are required to follow up on every customer complaint within 20 working days and provide a written resolution. If the internal resolution is unsatisfactory, the customer has the right to take the dispute to the Financial Services Authority (OJK) or the Financial Services Authority (LAPS).

Furthermore, Sentosa Sembiring emphasized that dispute resolution between customers and banks must be oriented towards the principles of justice, balance, and consumer protection. Banks, as financial services providers, are not only contractually responsible for lost funds but also morally responsible for maintaining public trust. In the event of loss of funds due to system negligence or cybercrime, banks are required to demonstrate that they have implemented prudential banking principles and an adequate electronic security system. If the bank cannot prove this, legal responsibility shifts to the bank, and the customer is entitled to reimbursement or appropriate compensation. Furthermore, Gunawan Widjaja and Ahmad Yani stated that the resolution of consumer disputes, including bank customer disputes, must not cause additional losses to consumers. This principle aligns with the provisions of Law Number 8 of 1999 concerning Consumer Protection, which requires businesses to provide compensation or redress if their products or services cause harm to consumers. In banking, customer funds are the

object of the service that must be protected, so the loss of funds due to system or internal errors must be considered a breach of the bank's contractual obligations.

However, in practice, various obstacles remain in the implementation of dispute resolution between customers and banks. Many customers are unaware of their right to file complaints with the Financial Services Authority (OJK) or the Financial Services Authority (SJK)'s LAPS (Laps). Furthermore, there are also cases where banks refuse to acknowledge system errors, arguing that transactions were conducted using the customer's own identity or PIN. It demonstrates the weakness of evidentiary mechanisms and legal protection for customers, particularly in cases of cybercrime involving high-tech manipulation.

Thus, it can be concluded that dispute resolution efforts between customers and banks in cases of lost funds must be carried out in a multi-layered and integrated manner. The initial stage is through the bank's internal mechanisms, followed by referral to the Financial Services Authority (FSA) or Financial Services Authority (OJK) LAPS, and finally, to the courts if an agreement cannot be reached. These mechanisms must be implemented while upholding the principles of transparency, accountability, and fairness, while strengthening public trust in the national banking system.

## 4. Conclusions

The accountability of banking financial institutions for the loss of customer funds demonstrates the urgent need to strengthen legal protection standards in the digital banking sector. This study confirms that bank responsibility is not only based on contractual relationships through deposit agreements, but is also supported by prudential regimes, consumer protection, and good governance obligations as stipulated in the Banking Law, the Financial Services Authority (OJK) Regulation on Risk Management, and the Consumer Protection Law. However, normative gaps remain evident in the absence of standard operating procedures for handling unauthorized transactions, the distribution of the burden of proof, the obligation for digital forensic investigations, and the inconsistent implementation of the prudential principle in the digital banking system. Therefore, the most important normative recommendations include: the establishment of binding national standards for consumer protection in digital banking, strengthening the obligation for transparency in investigations and reporting of security incidents, establishing the principle of limited strict liability for unauthorized transactions, harmonizing regulations between the Financial Services Authority (OJK) and Bank Indonesia (BI) regarding digital security and risk management, and updating provisions regarding standard clauses to prevent customer harm. By addressing these gaps and inconsistencies in norms, consumer protection can be substantively enhanced while strengthening public trust in the national digital financial system.

## 5. Rekomendations

The results of this study indicate that there are several practical steps that banks can immediately implement to strengthen the security of customer funds and reduce the risk of loss in digital transactions. Banks must improve their information technology risk management systems, including the use of multi-factor authentication, early detection of suspicious activity based on AI anomaly detection, and refinement of the OTP security protocol, which has been vulnerable to exploitation. Furthermore, banks are required to expedite the investigation process by involving an independent digital forensics team to ensure objective and accountable results. Banks also need to develop more transparent Standard Operating Procedures (SOPs) for handling complaints, including the delivery of transaction logs to customers, the implementation of real-time notifications for all transaction activities, and the provision of a responsive dispute resolution mechanism through the Financial Services Authority (FSS)'s LAPS. At the same time, banks' internal regulations must be strengthened by increasing cybersecurity training for employees, regular system updates, and routine security audits. Implementing these measures not

only provides direct protection for customers but also strengthens the bank's operational resilience and ensures compliance with prudential standards set by regulators.

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