

ABSTRAK

Bank melalui *Elektronic banking* atau *internet banking* memungkinkan nasabah memperoleh informasi, melakukan komunikasi dan transaksi perbankan melalui jaringan. *Internet banking* merupakan salah satu fasilitas yang disediakan bank melalui media internet untuk mengganti kebutuhan bertransaksi yang biasanya dilakukan oleh ATM. Berdasarkan uraian pada latar belakang masalah di atas dapat dirumuskan permasalahan sebagai berikut: Bagaimana perlindungan hukum bagi nasabah yang kehilangan uang karena penggunaan internet banking akibat virus ? Bagaimana pengajuan ganti rugi oleh nasabah atas kehilangan uang karena penggunaan internet banking akibat virus ?

Penelitian ini merupakan penelitian hukum yang menggunakan pendekatan yuridis empiris (*socio legal research*). Dalam penulisan tesis ini spesifikasi penelitian yang digunakan bersifat *deskriptif analitis*. Analisis data yang digunakan adalah pendekatan kualitatif terhadap data primer dan data sekunder.

Berdasarkan hasil penelitian dan pembahasan dapat ditarik suatu kesimpulan sebagai berikut: Perlindungan hukum bagi nasabah yang kehilangan uang karena penggunaan internet banking akibat virus diberikan melalui Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, Peraturan Otoritas Jasa Keuangan Nomor 1 Tahun 2013 tentang Perlindungan Konsumen Sektor Jasa Keuangan, Peraturan Bank Indonesia Nomor:7/7/PBI/2005 tentang Penyelesaian Pengaduan Nasabah. Pengajuan ganti rugi oleh nasabah atas kehilangan uang karena penggunaan internet banking akibat virus dapat dilakukan berdasarkan PBI No. 7/7/PBI/2005. Tahap pertama, bank wajib menyelesaikan terlebih dahulu sengketa dengan nasabahnya sesuai PBI No.7/7/PBI/2005 tentang Penyelesaian Pengaduan Nasabah. Apabila sengketa belum dapat diselesaikan dengan baik, nasabah bank dapat mengajukan permohonan penyelesaian sengketa melalui mediasi yang difasilitasi oleh BI sesuai PBI No.8/5/PBI/2006 tentang Mediasi Perbankan. Jika upaya damai gagal, menurut Pasal 23 Undang-Undang Perlindungan Konsumen, konsumen berhak untuk menuntut pelaku usaha yang menolak dan/atau tidak memenuhi ganti rugi, baik melalui Badan Penyelesaian Sengketa Konsumen (BPSK) maupun mengajukan gugatan ke Badan Peradilan ditempat kedudukan konsumen.

Kata Kunci : *Ganti Rugi, Internet Banking, Virus*

ABSTRACT

Banks through Electronic banking or Internet banking allow customers to obtain information and perform communication and banking transactions through the network. Internet banking is one of the facilities provided by banks via the Internet to replace the need to have the transactions normally carried out by the ATM. Based on the description on the background of the problems above, the problems can be formulated as follows: What are the legal protections to customers who lost money because of the use of internet banking due to virus? How is the filing for compensation by the customers for the loss of money due to the use of internet banking caused by virus?

This research was a legal research using juridical-empirical approach (socio legal research). In this thesis, the research specification used was analytical descriptive. The data analysis used was a qualitative approach to the primary and secondary data.

Based on the research results and discussion, it can be concluded as follows: legal protection for the customers who lost money because of the use of internet banking due to virus is provided by Law No. 8 of 1999 on Consumer Protection, the Regulation of the Financial Service Authority No. 1 of 2013 on Consumer Protection of Financial Service Sector, the Regulation of the Bank of Indonesia Number 7/ 7 / PBI/ 2005 on Settlement of Customer Complaints. The submission of compensation by the customer for the loss of money due to the use of internet banking as a result of virus can be performed by PBI No. 7/ 7/ PBI/ 2005. In the first phase, the bank must first resolve the disputes with the clients in accordance with PBI No.7/ 7/ PBI/ 2005 on Settlement of Customer Complaints. When the dispute cannot be resolved, the bank's customer may request a mediation process facilitated by the Bank of Indonesia in accordance with PBI 8/ 5/ PBI/ 2006 on Banking Mediation. When the peace effort fails, according to Article 23 of Consumer Protection Law, the consumer has the right to sue the businesses that refuse and / or do not give the compensation, either through Consumer Dispute Resolution Body (BPSK) or filing to the Courts in the domicile of the consumer.

Keywords: Compensation, Internet Banking, Virus