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Bank Customer Protection in Account Blocking from Legal Perspective on Execution Seizure Requests and Bank Secrecy

Ni Wayan Regina Novyanti^{1*}, Prof. Dr. Johannes Ibrahim Kosasih², Dr. Putu Ayu Sriasih Wesna

¹reginanovyanti50@gmail.com, ²johannesibrahim26@gmail.com, ³ayuwesna@gmail.com

Master of Notarial Law, Postgraduate Program, Universitas Warmadewa Denpasar

*Corresponding Author: Ni Wayan Regina Novyanti

Email: reginanovyanti50@gmail.com

ABSTRACT

Banking business actors must maintain the level of health of their banks by applying the Precautionary Principle which is also directly related to the application of the Bank Secrecy Principle, which if the bank has neglected to apply the Bank Secrecy Principle, there is a potential loss that will be experienced by both customers and banking business actors themselves so that it can endanger the health of the bank itself. This study aimed to evaluate the legal protection for bank customers in the context of bank account blocking, with focus on the principles of bank secrecy. This study employed a normative legal methodology, using statutory and conceptual approaches. The data collection was conducted through library-based research. The findings indicated that according to the regulations stipulated in the Financial Services Authority Regulations (POJK) No. 1/2013 and No. 1/2014, bank customers who feel aggrieved have the right to file an internal complaint to the bank and seek resolution through dispute resolution. Moreover, bank customers are also allowed to file a lawsuit against the bank under Article 1365 of the Civil Code and file a lawsuit against an execution decision (verzet) as outlined in Article 195, Paragraph (6) of the Herzien Inlandsch Reglement (HIR) if the account blocking resulted from execution seizure request.

Keywords: Account Blocking, Bank Secrecy Principle, Legal Institution, Legal Protection

INTRODUCTION

Every form of state administration must be based in legal regulations, as these regulations provide the framework for governance and the execution of public policies. Each legal entity holds a specific role and position within society, which are defined by its capacity and function—this applies to the banking sector as well. In banking sector, a legal entity is a financial institution that serves as an intermediary between parties with surplus funds and those with limited funds. Therefore, the primary role of a financial institution is to act as a financial distributor for the community.¹ According to the Decree of the Minister of Finance No. 792/1990, a financial institution is a business entity engaged in finance that saves and distributes funds to society or bank customers, especially for development investment. Financial institutions are classified into three groups: bank financial institutions, non-bank financial institutions, and financing institutions.² Bank financial institution is one of the primary institution that have the biggest role in society that provide credit and other financial services to customers. Bank is a business entity that collects funds from the public in the form of deposits and distributes them to the public in the form of credit and / or other forms in order to improve the lives of many people.

The bank will provide incentives in the form of service fees to depositors to encourage public interest in keeping their money with the bank. After obtaining deposits from the public, the bank recycles these funds by channeling them back into the community through loans or credit. The bank charges interest and administrative fees on these loans, with the amounts influenced by the deposit interest rates.³ In carrying out their activities, banks must adhere to the principles of economic democracy and apply the principle of prudence as outlined in Article 2 of the Banking Law. The implementation of economic activities in the banking sector requires legal regulations that cover all aspects of banking, including institutional matters, daily operations, required standards, the conduct of bank officers, and the rights, obligations, duties, and responsibilities of all parties involved in the banking business.⁴

The regulation in fact also regulates customer data, including the customer's account itself. Security over customer data or customer accounts has in fact been accommodated by the presence of the Bank Secrecy Principle which has been

¹ Jamal Wiwoho, "Peran Lembaga Keuangan Bank Dan Lembaga Keuangan Bukan Bank Dalam Memberikan Distribusi Keadilan Bagi Masyarakat," *MMH: Masalah-Masalah Hukum* 43, no. 1 (2014), <https://ejournal.undip.ac.id/index.php/mmh/article/view/9028/7333>.

² Ibid.

³ Ryan Fuhrmann, "How Banks Set Interest Rates on Your Loans," *Investopedia*, last modified 2024, <https://www.investopedia.com/articles/investing/080713/how-banks-set-interest-rates-your-loans.asp>.

⁴ Amry Syahputra and Hono Sejati, "Legal Protection of Banking Customers in the Perspective of Law 8 of 1999," *Journal Research of Social Science, Economics, and Management* 2, no. 11 (June 10, 2023), <https://jrssem.publikasiindonesia.id/index.php/jrssem/article/view/475>.

regulated in Law No. 7/1992 jo. Law No. 10/1998 concerning Banking (hereinafter referred to as 'Banking Law') jo. Law No. 4/2023 on Financial Sector Protection and Development (hereinafter referred to as the 'PPSK Law'). The Banking Law also outlines that Indonesian banking aims to support economic growth and national stability towards the improvement of the common people.⁵

Violation of bank secrecy is one of the crimes that harm customers.⁶ The customers protection due to bank secrecy is regulated in Article 1 number 28 of the Banking Law jo. Article 1 point 28 of the PPSK Law. The application of the Bank Secrecy principle itself occurs in the agreement between the customer and the bank itself, which the banking business is obliged to maintain all information from its own customers. The principle of Bank Secrecy itself plays an important role, thus business actors in the banking sector can carry out their business activities properly. The principle of Bank Secrecy itself is concretely regulated in the provisions of Article 40 of the Banking Law jo. Article 40 of the PPSK Law. Legal protection of bank customers has been regulated through the provisions of the Financial Services Authority Regulation No. 6.POJK.07/2023 concerning Consumer and Community Protection in the Financial Services Sector, that states legal protection is to protect the interests of depositing customers, as well as their deposits within the bank, against a risk that can harm the customers. Unilateral blocking account is one of the risks that may arise even though it is protected by the principle of bank secrecy.⁷ Unilateral account blocking can lead to customer harm and dissatisfaction, as customers may feel their access to funds is unjustly restricted. Legal protection should also be applied when a third party, who does not have any legal relationship with the bank, submits a request for seizure of execution in a civil case in the district court against the property of a customer. This is interesting since the applicable provisions in banking law can only be regulated the disclosure of information on depositing customers and their deposits, which is regulated in Article 40A of the PPSK Law.

Bank must submit and always comply in carrying out their activities based on the principle of prudence as in Article 2 and Article 29 Paragraphs 2 and 3 of the Banking Law, which aims to achieve a healthy and efficient banking system, in which case the moral measure is determined by the consequences of actions taken by banking actors in managing their business to achieve a healthy, efficient bank, and its role in encouraging national economic development.⁸ Furthermore, the legal

⁵ Malayu S. P. Hasibuan, *Dasar-Dasar Perbankan* (Jakarta: Bumi Aksara, 2017).

⁶ Putri Anggia, Ani Yunita, and Fadia Fitriyanti, "Legal Justice: The Abolition of the Principle of Bank Secrecy for Tax Interests in Indonesia," *Jambura Law Review* 5, no. 2 (June 30, 2023): 314–331, <https://ejurnal.ung.ac.id/index.php/jalrev/article/view/18793>.

⁷ Martino Prismadana, "Tinjauan Yuridis Terhadap Pemblokiran Rekening Nasabah Secara Sepihak Oleh Pihak Bank (Studi Kasus PT CIMB Niaga Kota Padang)," *NOVUM: JURNAL HUKUM*, no. Vol 1 No 4 (2014) (2014): 210–223, <https://ejournal.unesa.ac.id/index.php/novum/article/view/11995/11190>.

⁸ Johannes Ibrahim, P. Lindawaty S. Sewu, and Hassanain Haykal, "Prinsip Kehati-Hatian Dalam Konsistensi Penerbitan Kebijakan PPAP Sebagai Upaya Menciptakan Struktur Perbankan Yang

framework surrounding account blocking, particularly in cases involving money laundering or bankruptcy, complicates the situation, as customers may feel powerless against institutional actions that they view as unfair. Pratiwiningtyas (2020) explain that legal certainty for customer who experienced account blocking is written in Article 25 of the Financial Authority Services Regulation Number 1/7/POJK.07/2013 on the Consumer Protection of the Financial Services Sector, namely the bank as a financial services institution is obliged to maintain the security of deposits, funds or assets of consumers who are in the responsibility of the bank as a financial services business actor. In addition, based on Article 38 POJK No. 1/7/POJK.07/2013 banks are required to submit an apology statement and offer compensation or repair of products and or services, if the consumer complaint is true.

Banking business actors must maintain the level of health of their banks by applying the Precautionary Principle which is also directly related to the application of the Bank Secrecy Principle, which if the bank has neglected to apply the Bank Secrecy Principle, there is a potential loss that will be experienced by both customers and banking business actors themselves so that it can endanger the health of the bank itself. Therefore, this research aims to analyze an account blocking action carried out by a bank based on an execution request which is associated with the Bank Secrecy Principle as regulated in Article 40 of Law No. 10/1998 concerning Banking.

LITERATURE REVIEW

Bank

Article 1 point 2 of Law No. 10/1998 defines a bank as “a business entity that collects funds from the public in the form of deposits and redistributes them in the form of credit or any other forms to improve people's lives.”⁹ This definition is also adopted by Law No. 4 of 2023 on Financial Sector Development and Strengthening (PPSK Law). Experts such as G. M. Verryn Stuart, Kasmir, and Abdurrachman explain that banks are financial institutions that function to provide loans, save money, supervise currency, and support businesses with various services.¹⁰ The Banking Law also emphasizes that Indonesian banking activities must be based on economic democracy and the principle of prudence. The business activities of banks

Sehat,” *LITIGASI* 14, no. 1 (October 25, 2016), <http://journal.unpas.ac.id/index.php/litigasi/article/view/155>.

⁹ Pemerintah Pusat Indonesia, *Undang-Undang (UU) Nomor 10 Tahun 1998 Tentang Perubahan Atas Undang-Undang Nomor 7 Tahun 1992 Tentang Perbankan* (Jakarta, 1998), <https://peraturan.bpk.go.id/Details/45486/uu-no-10-tahun-1998>.

¹⁰ Lidiyawati Lidiyawati, “Analysis on Corporate Governance Influences toward Banking Efficiency with Bank Category as Moderator Variable,” *Binus Business Review* 6, no. 1 (May 29, 2015): 127, <https://journal.binus.ac.id/index.php/BBR/article/view/996>; Muchtar Anshary Hamid Labetubun et al., *Manajemen Perbankan (Sebuah Tinjauan Teori Dan Praktis)*, CV WIDINA MEDIA UTAMA (Bandung: CV WIDINA MEDIA UTAMA, 2021).

include raising funds, channeling credit, payment systems, and other services, with the main objective of supporting national development and improving people's welfare. Banks are further classified into two types, Commercial Banks and People's Economic Banks, which conduct business either conventionally or based on *sharia* principles.¹¹

Bank Customer

Article 1 point 16 of the Banking Law states that customers are parties using bank services, which are divided into Depository Customers (Article 1 point 17) and Debtor Customers (Article 1 point 18).¹² Depositor Customers refer to those who deposit funds in the bank, while Debtor Customers correspond to those who obtain credit or financing facilities from the bank. According to Rachmadi Usman, customers include parties who deposit funds, utilize credit, or conduct transactions through banks.¹³ Customer rights are regulated in Financial Services Authority Regulation No. 6/POJK.7/2023, including the right to equal access, data protection, and special services. Customers also have obligations such as filling out forms, depositing initial funds, and paying provisions. The Financial Services Authority (OJK) is authorized to supervise the financial services sector, with the principles of independence, legal certainty, public interest, and transparency in the performance of its duties.¹⁴

Bank Secrecy

The definition of bank secrecy is regulated in Article 1 point 28 of the PPSK Law, which states that bank secrecy is information regarding depositor customers and their deposits.¹⁵ Article 40 of the PPSK Law obliges banks and affiliated parties to maintain the confidentiality of depositor information, including when the customer is also a debtor.¹⁶

Exceptions to the principle of bank secrecy are regulated in Article 40A of the PPSK Law, which allows the disclosure of bank secrets for judicial, tax, liquidation, customer or heir requests, as well as state interests and international cooperation. OJK has the authority to authorize the disclosure of bank secrets in the

¹¹ Yusriadi Ibrahim, "Bank Syariah Dan Bank Konvensional," *Syarah: Jurnal Hukum Islam & Ekonomi* 11, no. 1 (June 8, 2022): 1–15, <https://journal.iainlhokseumawe.ac.id/index.php/syarah/article/view/293>.

¹² Indonesia, *Undang-Undang (UU) Nomor 10 Tahun 1998 Tentang Perubahan Atas Undang-Undang Nomor 7 Tahun 1992 Tentang Perbankan*.

¹³ Rachmadi Usman, *Aspek Hukum Perbankan Syariah Di Indonesia* (Sinar Grafika, 2022), <https://books.google.co.id/books?id=NbOAEAAAQBAJ>.

¹⁴ R. N. Fajrina and W. Waspiah, "Supervision by the Financial Services Authority on Investment-Based Life Insurance (Unit Link)," *Unnes Law Journal* 7, no. 1 (2021): 1–22, <https://journal.unnes.ac.id/sju/ulj/article/view/38802>.

¹⁵ Pemerintah Pusat Indonesia, *Undang-Undang (UU) Nomor 4 Tahun 2023 Tentang Pengembangan Dan Penguatan Sektor Keuangan* (Jakarta, 2023), <https://peraturan.bpk.go.id/Details/240203/uu-no-4-tahun-2023>.

¹⁶ Ibid.

context of criminal and state affairs, as stipulated in Articles 40B, 41A, and 44B of the PPSK Law.¹⁷

Banks are also required to cooperate with OJK in certain cases that require the disclosure of bank secrecy, such as in civil litigation or liquidation, in accordance with Articles 43 and 44A of the PPSK Law.¹⁸ Violations of bank secrecy rules may be subject to criminal sanctions, including imprisonment and fines, as stipulated in Articles 47 and 47A of the PPSK Law.¹⁹

The principle of bank secrecy aims to protect customer privacy and maintain public trust in banks. However, this principle has exceptions regulated by law for various purposes, including taxation, justice, and debt settlement. Violations of bank secrecy may be subject to severe sanctions, including additional penalties if they result in losses.

RESEARCH METHODOLOGY

This research employs a normative legal methodology, utilizing two approaches: the statutory approach and the conceptual approach. The data is collected using library-based method by encompassing an in-depth examination of relevant literature, laws, and regulations. The data includes primary and secondary sources. The primary data consists of various legal instruments, including the 1945 Constitution of the Republic of Indonesia, the Indonesian Civil Code, *Herzien Indlandsch Reglement*, *Reglement voor de Buitenwesten*, *Reglement op de Rechtsvordering*, and several key laws such as Law No. 10/1998 on the transformation of Law No. 7/1992 on banking, Law No. 4/2003 on the development and improvement of the financial sector, Law No. 31/1999 on corruption, and Law No. 8/2020 on the prevention and eradication of money laundering. Additionally, it includes Bank Indonesia Regulation No. 2/19/PBI/2000 on the requirements and procedures for granting or written permission to disclose bank secrets, and Financial Services Authority (OJK) Regulation No. 6/POJK.07/2023 concerning consumer and community protection in the financial services sector.

Meanwhile, the secondary data were collected through book, journal, research paper, and other related sources. The collected data then analysed descriptively which linked to the valid law regulation and argument of law experts. The data then analyze using theory of certainty and legal protection. The theory of certainty is employed to ascertain the circumstances under which a third party lacking a legal relationship with the bank may submit an application for execution in relation to a customer account. While, the theory of legal protection is used to evaluate the extent of legal protection afforded to customers whose accounts are frozen by banks in response to requests for execution seizures.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

RESULT AND DISCUSSION

The Principle of Bank Secrecy in Banking Practice and its Relationship with Third Party Seizure of Execution Requests

The principle of Bank Secrecy defines as something related to finances and bank customers that cannot be openly disclosed to the public.²⁰ The regulation related to the Bank Secrecy Principle in a contractual relationship between the Bank and the Customer is important considering the Bank has an obligation to keep all customer information safe as well as their Deposits thus the public can trust the bank in protecting their money. Article 40 of the Banking Law states that banks are obliged to keep information about customers in their position as depositors confidential. In addition, there is also an Explanation in Article 40A letter a of the PPSK Law which states that the judiciary in this civil case includes the general and religious courts, including for the purposes of the judiciary regarding joint property in divorce and in the context of asset recovery. The contractual relationship between banks and customers can be seen in 2 (two) perspectives, namely customers as depositors of funds, and customers as creditors. Both perspectives showed that the legal relationship between banks and customers is a private legal relationship, the ties that arise only apply to banks and their customers, thus no third party is allowed to intervene in the legal relationship. The disclosure of bank secrets is generally prohibited; however, as stipulated in Article 40A, Paragraph 1 of the PPSK Law, exceptions may be made, thereby granting third parties the right to access bank secrets. Consequently, the provisions regarding the disclosure of bank secrets may be included in the contract between the Bank and the Customer, provided in compliance with Article 40A, Paragraph 1 of the PPSK Law. Nonetheless, these provisions may indirectly advantage third parties. The bank is permitted to disclose bank secrets related to customers whose accounts are subject to seizure for execution, in accordance with Article 40A, Paragraph 1 of the PPSK Law. This provision allows banks to disclose bank secrets under the following circumstances:

1. For judicial purposes in civil cases between the Bank and the Customer;
2. For judicial purposes in civil cases between customers; and
3. For judicial purposes in civil cases involving the customer.

The limitation on the disclosure of bank secrets in civil cases is governed by Article 43A of the PPSK Law. This article stipulates that the disclosure of bank secrets for civil judicial purposes, as outlined in Article 40A, Paragraph 1, letter a, must be conducted by the Bank's board of directors or their equivalent. The responsible party is required to inform the court of the customer's financial condition and provide other information pertinent to the case, based on the request

²⁰ Tjoeng Sinta Pertiwi Sandjaja, Siti Marwiyah, and Subekti Subekti, "Legal Protection In Banks For Disclosing Bank Confidentiality Related To The Crime Of Money Laundering," *Jurnal Ekonomi* 12, no. 02 SE-Articles (April 2, 2023): 68–74, <https://ejournal.seaninstitute.or.id/index.php/Ekonomi/article/view/1636>.

of the head of the district court, the head of the high court, or the Chief Justice of the Supreme Court.

Other limitations stipulated in the PPSK Law on the opening of bank secrets can be seen in Article 40B of the PPSK Law which also stipulates that the Financial Services Authority has the authority to grant permission to open bank secrets in the realm of the interests of criminal cases and to fulfill reciprocity in criminal matters.

The submission of an execution seizure can only be carried out based on a court decision that has acquired permanent legal force and includes a condemnatory ruling. Following this, after the applicant files a request for execution seizure against the losing party, both the Applicant and Respondent will be summoned by the President of the District Court for the issuance of an execution warning order (aanmaning). This order instructs the Registrar, Bailiff, or Substitute Bailiff to summon the Respondent and warn them to comply with or execute the decision's contents.

If the Respondent fails to appear after being duly and legally summoned, the execution process can proceed immediately without an incidental hearing to issue another warning. The Respondent is then required to comply with the decision's contents no later than eight days following the issuance of the warning.

In the case of execution for the payment of the total amount of money, the Chairman of the District Court may summon the Applicant and the Respondent to seek a resolution that alleviates the burden on the losing party within a period of two months. If no solution is reached within that time, the execution will proceed by appointing a public appraiser to determine the minimum price of the object to be auctioned.

The provisions regarding the procedure for filing an execution seizure on customer assets under the authority of the bank are in fact not regulated in any laws and regulations. This can be seen from the chronology that occurred in civil case number 353/Pdt.G/PN. Dps in Denpasar District Court. The case illustrates that the Denpasar District Court merely informed PT Bank Mandiri, Tbk, KCP Canggu that all accounts registered under the name of PT Indo Bhali Makmurjaya were to be blocked in response to a request for execution seizure based on court decision number 469/Pdt.G/2021/PN.Dps, which has attained permanent legal force. This blocking action is considered unlawful because it was carried out without a valid legal basis. As a result, the Execution Respondent incurred losses due to the inability to access the account. Moreover, the Execution Petitioner was ultimately unable to fulfill its legal rights, as the bank account belonging to the Execution Respondent remained blocked by the bank, rather than being seized by the District Court. However, if a District Court is suspected of misapplying the law in its ruling, the aggrieved party may file an appeal for cassation to cancel the action. Additionally, a third party may use the execution seizure order as a basis to disclose a customer's bank secrets if the customer has lost a civil dispute with a legally binding verdict.

Thus, the court decision that has been legally binding and the stipulation of execution on this execution request can be used as a basis for third parties who do not have any relationship in the Customer's agreement with the Bank to override the Bank Secrecy Principle by blocking the account of the Customer who is the Execution Respondent.

Legal Protection of Customer Account Blocking on the Basis of a Third Party's Request for Execution Seizure

Customer account blocking is a measure taken by the bank to restrict the account owner's access, that is preventing the owner from utilizing the account. This customer account blocking is essentially closely related to the Bank Secrecy Principle, as required by the Banking Law and the PPSK Law for banks. The legal basis of the Bank Secrecy Principle can be found in Article 40 of the Banking Law as amended by the PPSK Law, which stipulates that banks and affiliated parties are obliged to keep information about depositors and their deposits confidential. It is important to distinguish between the act of disclosing bank secrets and the act of blocking a customer's account. The act of disclosing bank secrets is defined as the act of a bank disclosing information related to the customer's financial condition. In contrast, the act of blocking an account is defined as the act of deactivating the account so that the account owner cannot access the entire balance contained in the account. There is no regulation stipulating that the act of blocking a customer's account is a form of disclosing bank secrets.

The parties that can file for account blocking can be seen in Article 40A Paragraph 1 of PPSK Law, those are:

1. Bank party;
2. Police / Prosecutor's Office in the area of criminal case examination;
3. Curator (in the context of bankruptcy management) and liquidator (in the framework of managing the company's assets);
4. Depositor and his/her beneficiaries;
5. Taxation agencies;
6. Government agencies in the context of state administration at the central level for the public interest;
7. Bank Indonesia for the implementation in the monetary sector;
8. Deposit Insurance Corporation;
9. Authorities between countries in the context of implementing Cooperation agreements;
10. Financial Services Authority; and
11. Third parties who are civilly litigated with customers.

Article 41 of the PPSK Law also stipulates that the Financial Services Authority is authorized to disclose bank secrets in the interest of criminal justice and to fulfill mutual assistance in criminal matters. Furthermore, banks are obliged

to collaborate with the Financial Services Authority with regard to the disclosure of bank secrets for the purpose of state administration at the central level and for the benefit of the public, in accordance with Article 44B of the PPSK Law. Furthermore, Article 44C of the PPSK Law stipulates that the Financial Services Authority is entitled to grant permission for the disclosure of bank secrets in the event of the implementation of a reciprocally agreed cooperation agreement between authorities. In addition to civil cases, Article 40A, Paragraph 1, letter a, stipulates that civil parties may also apply for the disclosure of bank secrets. Such disclosure is only permissible if the account in question belongs to the customer with whom the litigating party is engaged in litigation. The stipulation implies that bank secrets can be opened by parties authorized by law, that is to say, bank secrets can be opened if certain conditions are met.

In accordance with Article 40A of the PPSK Law, Paragraph 1, letter a, a third party that has no legal relationship with the bank may submit a request to block a customer's account in the event of a civil dispute involving a bank and its customer, a civil dispute related to a customer, or a civil dispute involving a customer. A request for execution seizure may be filed on the defendant's account and executed upon the issuance of a first-level court decision with permanent legal force. Furthermore, the property belonging to the defendant, whether movable or immovable, with a value not exceeding the amount of loss specified in the court decision, can be confiscated.

Submission by third parties can be done through the mechanism of execution seizure. However, this can only be done if the third party has won the civil dispute against the customer whose account is requested to be blocked and the decision on the dispute has permanent legal force. If the third party has not won the dispute and the verdict is not legally binding, then the third party can only request the bank to disclose information on the financial condition of the opposing party to the court.

CONCLUSION

The principle of bank secrecy can be set aside in the context of civil law, especially in cases where an application for execution seizure against a customer's account is submitted by a third party that has no legal relationship with the bank. This exception is outlined in Article 40A, Paragraph 1, letter a, in conjunction with Article 43 of the PPSK Law, which stipulates that the bank may disclose bank secrets relating to the financial condition of its customers in the interest of judicial proceedings in civil cases involving the bank's customers. However, the PPSK Law specifies that the disclosure of bank secrets is limited to providing information related to the financial condition of its customers and does not include the act of blocking accounts. Meanwhile, account blocking, as regulated by Indonesian law, is only permitted for accounts whose owners are suspected of being involved in a criminal offense, as stated in PBI No. 2/2000.

Bank blocking is an action to prevent the transfer, change of form, exchange, placement, distribution, or movement of funds for a certain period of time, as stated in the Circular Letter of the Financial Services Authority Number 38/SEOJK.01/2017 concerning Guidelines for Immediate Blocking of Customer Funds in the Financial Services Sector whose identity is listed in the List of Suspected Terrorists and Terrorist Organizations. Meanwhile, the disclosure of bank secrets in civil cases refers to the provision of information by the bank related to the financial condition of a customer to the court for the benefit of judicial cases involving the customer, in accordance with Article 43 of the PPSK Law.

Therefore, a customer whose account has been blocked by the bank on the basis of an execution order can file an internal complaint with the bank and also bring the matter to an alternative dispute resolution institution based on POJK No. 1/2013 and POJK No. 1/2014. In addition, the customer is legally entitled to file a lawsuit against the bank based on Article 1365 of the Civil Code. If the account blocking arises from a request for execution seizure, the customer is also legally entitled to file a lawsuit against the execution decision (*verzet*) as stated in Article 195 Paragraph 6 HIR.

REFERENCES

- Anggia, Putri, Ani Yunita, and Fadia Fitriyanti. "Legal Justice: The Abolition of the Principle of Bank Secrecy for Tax Interests in Indonesia." *Jambura Law Review* 5, no. 2 (June 30, 2023): 314–331. <https://ejurnal.ung.ac.id/index.php/jalrev/article/view/18793>.
- Fajrina, R. N., and W. Waspiah. "Supervision by the Financial Services Authority on Investment-Based Life Insurance (Unit Link)." *Unnes Law Journal* 7, no. 1 (2021): 1–22. <https://journal.unnes.ac.id/sju/ulj/article/view/38802>.
- Fuhrmann, Ryan. "How Banks Set Interest Rates on Your Loans." *Investopedia*. Last modified 2024. <https://www.investopedia.com/articles/investing/080713/how-banks-set-interest-rates-your-loans.asp>.
- Hasibuan, Malayu S. P. *Dasar-Dasar Perbankan*. Jakarta: Bumi Aksara, 2017.
- Ibrahim, Johannes, P. Lindawaty S. Sewu, and Hassanain Haykal. "Prinsip Kehati-Hatian Dalam Konsistensi Penerbitan Kebijakan PPAP Sebagai Upaya Menciptakan Struktur Perbankan Yang Sehat." *LITIGASI* 14, no. 1 (October 25, 2016). <http://journal.unpas.ac.id/index.php/litigasi/article/view/155>.
- Ibrahim, Yusriadi. "Bank Syariah Dan Bank Konvensional." *Syarah: Jurnal Hukum Islam & Ekonomi* 11, no. 1 (June 8, 2022): 1–15. <https://journal.iainlhokseumawe.ac.id/index.php/syarah/article/view/293>.
- Indonesia, Pemerintah Pusat. *Undang-Undang (UU) Nomor 10 Tahun 1998 Tentang Perubahan Atas Undang-Undang Nomor 7 Tahun 1992 Tentang*

- Perbankan. Jakarta, 1998. <https://peraturan.bpk.go.id/Details/45486/uu-no-10-tahun-1998>.
- . *Undang-Undang (UU) Nomor 4 Tahun 2023 Tentang Pengembangan Dan Penguatan Sektor Keuangan*. Jakarta, 2023. <https://peraturan.bpk.go.id/Details/240203/uu-no-4-tahun-2023>.
- Labetubun, Muchtar Anshary Hamid, Esther Kembauw, Supiah Ningsih, Surya Putra, Siti Epa Hardiyanti, Ahmad Bairizki, Binti Mutafarida, et al. *Manajemen Perbankan (Sebuah Tinjauan Teori Dan Praktis)*. CV WIDINA MEDIA UTAMA. Bandung: CV WIDINA MEDIA UTAMA, 2021.
- Lidiyawati, Lidiyawati. “Analysis on Corporate Governance Influences toward Banking Efficiency with Bank Category as Moderator Variable.” *Binus Business Review* 6, no. 1 (May 29, 2015): 127. <https://journal.binus.ac.id/index.php/BBR/article/view/996>.
- Prismadana, Martino. “Tinjauan Yuridis Terhadap Pemblokiran Rekening Nasabah Secara Sepihak Oleh Pihak Bank (Studi Kasus PT CIMB Niaga Kota Padang).” *NOVUM: JURNAL HUKUM*, no. Vol 1 No 4 (2014) (2014): 210–223. <https://ejournal.unesa.ac.id/index.php/novum/article/view/11995/11190>.
- Sandjaja, Tjoeng Sinta Pertiwi, Siti Marwiyah, and Subekti Subekti. “LEGAL PROTECTION IN BANKS FOR DISCLOSING BANK CONFIDENTIALITY RELATED TO THE CRIME OF MONEY LAUNDERING.” *Jurnal Ekonomi* 12, no. 02 SE-Articles (April 2, 2023): 68–74. <https://ejournal.seaninstitute.or.id/index.php/Ekonomi/article/view/1636>.
- Syahputra, Amry, and Hono Sejati. “Legal Protection of Banking Customers in the Perspective of Law 8 of 1999.” *Journal Research of Social Science, Economics, and Management* 2, no. 11 (June 10, 2023). <https://jrssem.publikasiindonesia.id/index.php/jrssem/article/view/475>.
- Usman, Rachmadi. *Aspek Hukum Perbankan Syariah Di Indonesia*. Sinar Grafika, 2022. <https://books.google.co.id/books?id=NbOAEAAAQBAJ>.
- Wiwoho, Jamal. “Peran Lembaga Keuangan Bank Dan Lembaga Keuangan Bukan Bank Dalam Memberikan Distribusi Keadilan Bagi Masyarakat.” *MMH: Masalah-Masalah Hukum* 43, no. 1 (2014). <https://ejournal.undip.ac.id/index.php/mmh/article/view/9028/7333>.