

Legal Protection for Sharia Bank Customers in the Digital Era Following the Issuance of Law Number 4 of 2023 Concerning the Development and Strengthening of the Financial Sector

Nurhasanah Br Sinulingga¹ Ahmad Wahyudi Zein²

¹Medan Area University

²State Islamic University of North Sumatra

E-mail: nurhasanahsini@gmail.com ahmadwahyudizein@uinsu.ac.id

Info Article	Abstract
<p>Article History Received: 2025-09-05 Revised: 2025-09-15 Published: 2025-09-30</p> <p>Keywords: <i>Cultural Customs, Marriage Law, Muarasipongi, Borders, Sociology of Islamic Law.</i></p>	<p>This study examines the legal protection available to customers of Islamic banking in Indonesia within the framework of national banking regulations. The purpose of the research is to identify how the law safeguards the rights and interests of Islamic bank customers, considering that such protection is essential not only for conventional banking customers but also for all financial institutions. The urgency of this topic arises from the fact that Islamic banking is relatively new in Indonesia, making it more susceptible to various challenges and disputes in practice that may potentially harm customers as the main consumers of banking services. The research adopts a normative juridical approach, emphasizing an analysis of legal norms, principles, and rules that regulate banking activities in Indonesia. The data sources consist of primary legal materials, including laws and regulations governing banking, and secondary legal materials, such as academic literature, journals, and other relevant documents. Data collection is conducted through a library research method, while data analysis employs a descriptive-analytical technique to systematically describe, explain, and assess the legal framework in order to provide a clear understanding of the extent of legal protection for Islamic banking customers.</p>

I. INTRODUCTION

Law is the protection of the interests of every human being in the form of norms. Law as a regulation or norm whose content is general and normative, because it applies to everyone, and normative because it determines what is not and may not be done, as well as determining the implementation of compliance with norms. According to Sudikno Mertokusumo, law has the goal of achieving a social order so that it is hoped that all human interests are protected in achieving a goal and is tasked with dividing the rights and obligations of each individual in society, dividing authority and resolving legal problems must be prioritized and must be able to maintain legal certainty. According to Subekti, the purpose of law is to serve the State, namely to provide prosperity and welfare for its people. In another sense, legal protection can be interpreted as an act to protect legal subjects with applicable regulations and enforced with sanctions. The conclusion from this, legal protection is something given to legal

subjects in the form of legal instruments, both preventive and repressive, and in written or unwritten form.(Palsari, 2022).

Several definitions of legal protection according to experts: According to Satjipto Raharjo Legal protection is the protection of human rights that are harmed by others and this protection is provided so that they can enjoy all the rights granted by law. According to Paton Interests are the target of rights, not solely protected by law, but because of the recognition of it. According to Setiono Legal protection is an effort to protect the people from arbitrary actions of rulers who do not comply with applicable legal regulations. So that order and security in the community can be realized, so that they can enjoy their dignity as human beings in community life.(Masurip, 2023). According to Hadjon, legal protection includes two things, namely,

Preventive Legal Protection: Preventive legal protection provides the public with the opportunity to raise objections or opinions before a government decision is finalized. This legal

protection aims to prevent disputes. Preventive legal protection allows the government to be more careful in making decisions related to the principle of free emessen, and the public can raise objections. Preventive legal protection can be implemented through guidance, supervision, legislation, and repressive legal protection.(Suryamizon, 2017).

Repressive legal protection is legal protection in dispute resolution. Repressive legal protection can be carried out through, Enforcement and Imposition of Sanctions. From the existential side, Islamic law in Indonesia is divided into two parts, namely normative law and formal law. Both are positive law in Indonesia, because their application is normative juridical, that is, based on statutory regulations, and formal juridical, that is, their application is designated by legislation or has become legislation.(Ikromi, 2024).

Pancasila first principle Belief in the One Almighty God, UUD 1945 article 29, Provisions of article 29 paragraph (1) UUD 1945 stating that the State is based on Belief in the One Almighty God basically contains three meanings, Law Number 7 of 1992 concerning Banking which was amended by Law Number 10 of 1998 concerning banking, and Law Number 21 of 2008 concerning Islamic banking. Civil Code article 1338 that all agreements made legally apply as laws for those who make them, and Bank Indonesia Regulation (BI) Number 6/24/PBI/2004 dated 14 October 2004 concerning Commercial Banks that carry out business activities based on sharia principles. And for BPRS, namely Bank Indonesia Regulation (BI) Number 6/17/PBI/2004 dated 1 July 2004 concerning Islamic Rural Credit Banks.

The implementation of legal protection for Islamic bank customers to understand their business activities in collecting funds needs to be traced through data sources managed by Bank Indonesia. Bank Indonesia, an independent institution as a Central Bank that has responsibilities, one of which is as a supervisor and mentor of banks, can be used as a centralized source at this time. The form and nature of the legal relationship between banks and creditors in banking practice, that bank customers can be divided into 3 (three): customers who save funds/creditors, customers who receive funds/debtors, customers who use bank services.

In bank business activities, all three are referred to as customers who have a legal relationship with the bank.(Rilda Murniati, 2015).

II. RESEARCH METHODS

The approach used is normative juridical. The purpose of the normative juridical approach is legal research that prioritizes a library approach. The normative juridical approach also seeks to examine the legal rules applicable in society and their relationship to their application in practice. This aims to examine and test legal aspects and discover the law in practice. Data analysis used in this study was conducted descriptively and analytically, describing the applicable laws and regulations comprehensively and systematically, followed by analysis to solve the problems.

III. RESULTS AND DISCUSSION

A. Research result

Law Number 23 of 1999 concerning Bank Indonesia, as amended several times, most recently by Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector, strengthens Bank Indonesia's authority in regulating and supervising financial sector business actors and implementing financial sector technology innovation, particularly regarding the implementation of Information System security and reliability, including Cyber resilience.

This strengthening of authority aligns with Bank Indonesia's efforts to support the acceleration of sustainable digital financial economic development, as outlined in the 2025 Indonesian Payment System Blueprint. Increasing digitalization in the financial sector not only supports sustainable digital financial economic growth but also has other impacts, such as increased exposure to cyber risk. Cyber incidents in the financial sector can cause financial losses and disrupt the stability of the financial system.

As an effort to mitigate Cyber Risk, Bank Indonesia regulates and supervises information system security and cyber resilience (hereinafter referred to as KKS) for Payment System Operators, Money Market and Foreign Exchange Market players, and other parties regulated and supervised by Bank Indonesia. This is done so that these Operators can build KKS, including by

implementing anticipatory, adaptive, and proactive activities against Cyber Risk. Furthermore, efforts are needed to strengthen supervision and collaboration in preventing and handling Cyber Incidents that have systemic and non-systemic impacts on the Financial System. (Luthfah, 2023).

As a business activity regulated by laws and other legislation based on Sharia principles, Sharia banking also includes a legal protection system for bank customers. This system can be seen in the relationship between the bank and its customers, as well as between the bank and Bank Indonesia (BI), its central bank.

1. Legal Protection for Customers Through the Consumer Protection Act.

The Consumer Protection Law is not the only law governing consumer protection in Indonesia. Before the enactment of the Consumer Protection Law, there were already several laws and regulations that protected consumer interests, including: Articles 202-205 of the Criminal Code, the Hazardous Materials Ordinance (1949), Law Number 1 of 1995 concerning Limited Liability Companies, Law Number 10 of 1998 concerning Amendments to Law Number 7 of 1992 concerning Banking, and so on. The birth of the Consumer Protection Law is expected to be a legal umbrella (umbrella act) in the consumer sector, without precluding the possibility of the formation of other laws and regulations that provide legal protection for consumers. In providing protection for debtor customers, it is necessary to realize regulations on credit so that they can be used as guidelines in providing credit. (Fahlevi, 2023).

2. Legal Protection for Bank Customers Reviewed from the Perspective of Statutory Regulations

Banking Laws Trust is the core of banking, so a bank must be able to maintain the trust of its customers. Law as a tool of social engineering is seen in its actualization here. At the level of laws and Bank Indonesia regulations (PBI), there are regulations in order to maintain public trust in banking and at the same time can provide legal protection for customers. Protection of Sharia bank customers with a banking regulation

program by Bank Indonesia. BI as the subject of supervision has designed a supervisory program through an institution called the Indonesian Banking Architecture (API), which is tasked with preparing programs, targets and schedules for the implementation of banking supervision in a certain period. In addition to preparing the supervisory program, API also made regulations related to the Bank's customer protection program implemented from 2004 to 2010. The implementation of protection for Sharia bank customers according to PBI No. 6/24/PBI/2004 Sharia bank business activities, namely banks are required to apply sharia principles and prudential principles in carrying out their business activities. Bank business activities which are another very potential source of income in the era of globalization are trading securities in the money market, capital market and developing more innovative customer service services, including opening customer business opportunity information services, helping to organize customer administration. (Ais, 2014.)

In these activities, banks are increasingly able to compete in attracting customers with other banks because they have specifications in improving customer business affairs. The implementation of supervision carried out by Bank Indonesia, the legal relationship between banks and depositors is an agreement between the fund provider/investor and the bank as a manager with the principle of PLS for the profits and consequences of each party. In the Civil Code, Article 1765 is a reflection of the loan agreement between the bank and the customer, while the depositor is only willing to deposit his funds in the bank concerned if the depositor believes that the bank concerned is able to repay the funds when billed. Furthermore, in the Islamic banking system, the definition of Mudharabah and Musyarakah is as follows; Mudharabah is a contract between two parties where one party called rab al-mal (investor) entrusts money to the second party, called mudlarib, for the purpose of trading. Musyarakah (partnership) is the second basis of the concept of Profit and Loss Sharing in Islamic banking. Musyarakah is a contract that is usually entered into by equal partners, meaning that both parties agree to the terms of the

contract, and neither party may dictate those terms to the other party.(Ashori, 2018).

Furthermore, Law No. 8 of 1999 concerning Consumer Protection stipulates that customers are viewed as banking consumers within a legal framework. This unique perspective demonstrates the philosophical significance of Sharia-compliant banking, as the bargaining position between parties creates a fair and comfortable business environment, as parties agree on the logical consequences they will face.

According to Law no. 21 of 2008, the principles of sharia banking business activities are sharia principles, economic democracy and the principle of prudence. What is meant by being based on sharia principles is business activities that do not contain usury, maisir, gharar, haram objects and give rise to injustice. Meanwhile, what is meant by being based on economic democracy is business activities that contain the values of justice, togetherness, equality and benefit.

The rules and mechanisms for ratification of the fatwa authority regarding the halal/conformity of bank financial products and services with sharia principles, the fatwa authority regarding the halal/conformity of bank financial products and services with sharia principles is regulated by Bank Indonesia Regulation Number 10/32/PBI/2008 - Sharia Banking Committee, is the rules and mechanisms for ratification of the fatwa authority regarding the halalness of sharia banking services and products. Normatively, the BI regulations above contain legal norms that must be obeyed to achieve legal order, because in principle the purpose of a regulation is to achieve order. Therefore, violation of the regulated mechanism is the loss of legal order that is constructively built to achieve the desired goals. Furthermore, mediation (Banking) is a dispute resolution process that involves a mediator to assist the disputing parties to reach a settlement in the form of a voluntary agreement on some or all of the disputed issues. The organizer of Banking Mediation as referred to in the provisions of Article 3 of PBI No. 8/5/PBI/2006.(Dewi, 2004).

A supervisory system that monitors bank financial transactions in accordance with fatwas issued by banking fatwa authorities and the

mechanism for determining sharia compliance opinions. Ideally, Islamic banking operations are characterized by implementing a profit-sharing system for both fundraising and financing activities. The commonly used contracts are mudharabah and musyarakah. In these contracts, Islamic bank management acts as the mudharabah for both parties: the bank owner and the depositor (investor), who have distinct rights. This situation can create a conflict of interest between bank management and their treatment of both parties. The mudharabah contract is a financial instrument based on a profit-sharing principle, where the rights of the depositor (investor) are not exactly the same as those of a conventional bank depositor or shareholder.

Regulatory and Supervisory Mechanisms according to Law No. 23 of 1999 concerning Bank Indonesia The banking mechanisms in Law No. 23 of 1999 concerning Bank Indonesia are as follows;

1. The task of regulating and maintaining the smooth operation of the payment system. Bank Indonesia's authority to regulate and maintain the smooth operation of the payment system is regulated in Articles 15 to 23 of the BI Law. In order to regulate and maintain the smooth operation of the payment system, Bank Indonesia has the authority to implement and provide approval and permits for the implementation of payment system services, require payment system service providers to submit reports on their activities and determine the use of payment instruments.
2. The task of regulating and supervising banks is one of the duties of Bank Indonesia as stipulated in Article 8 of the BI Law. In order to carry out this task, Bank Indonesia establishes regulations, grants and revokes permits for certain bank institutions and business activities, carries out bank supervision, and imposes sanctions on banks (Article 24). In addition, Bank Indonesia has the authority to establish banking provisions containing prudential principles (Article 25). Supervision carried out by Bank Indonesia

includes direct and indirect supervision (Article 27).

B. Discussion

Bank Indonesia's (BI) control (supervision) function for Islamic Banks is to protect Islamic Bank customers, which is manifested in several ways, namely: a) Carrying out banking regulations. b) Carrying out supervision based on the supervision program created by the Indonesian Banking Architecture (API). (Prabowo, 2003).

Bank Indonesia's (BI) supervision of Islamic banks in implementing Sharia principles is a program designed by Bank Indonesia (BI), the Central Bank, to address both general and specific aspects of Islamic banking. In general, supervision of Islamic banking is the same as that of conventional banking, based on Bank Indonesia's (BI) supervisory program for all banks in Indonesia.

The purpose of bank regulation and supervision is to optimize the function of Indonesian banking as a public trust institution in relation to its role as a fund collecting and distributing institution, implementing monetary policy, an institution that plays a role in helping economic growth and equality; in order to create a healthy banking system, both the banking system as a whole and individually, and able to maintain the interests of the community well, develop naturally and benefit the national economy. To achieve this goal, the approach taken is to implement a policy of providing business flexibility (deregulation), prudential banking policy and bank supervision that encourages banks to consistently implement their own internal regulations (self-regulatory banking) in carrying out their operational activities while still referring to the prudential principle.

Bank Indonesia, as the subject of supervision, has designed a supervisory program through an institution called the Indonesian Banking Architecture (API), which is tasked with developing programs, targets, and schedules for implementing banking supervision over a specific period. In addition to developing the supervisory program, API also establishes regulations related to the bank's customer protection program.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the research results, it can be concluded that: In general, reviewed from Law Number 23 of 1999 concerning Bank Indonesia as amended several times, most recently by Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector, legal protection for Bank customers is very weak, because most of the articles in it are only concentrated on aspects of bank interests. Legal protection for Islamic bank customers as consumers is reviewed from laws and regulations in the banking sector, for example, there is an obligation for banks to become members of the LPS so that they can provide protection for customers. In addition, there is also the right for customers to file customer complaints, and use banking mediation forums to obtain simple, cheap, and fast settlement of banking disputes.

B. Suggestion

Based on the findings of this study, it is recommended that legal protection for banking customers, particularly Islamic bank customers, be strengthened through more balanced and customer-oriented regulations, including revisions to Law Number 23 of 1999 concerning Bank Indonesia as last amended by Law Number 4 of 2023 concerning Financial Sector Development and Strengthening, so that they better accommodate customer rights alongside banking interests; furthermore, the role of Indonesia Deposit Insurance Corporation should be enhanced not only in guaranteeing deposits but also in improving public awareness of customer rights, while complaint handling mechanisms and banking mediation forums must be optimized to ensure accessibility, transparency, and efficient dispute resolution, and banks, especially Islamic banks, should consistently implement principles of fairness, transparency, and accountability in their operations, supported by increased financial literacy among customers to enable them to better understand and exercise their rights.

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