



## Banking Crimes

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Info Articles	Abstract
<b>Article History</b> Received: 2025-12-15 Revised: 2025-12-23 Published: 2025-12-30  <b>Keywords:</b> Banking; tipibank; legal regulations	This study examines various forms of criminal acts occurring in banking activities, particularly those related to violations of licensing requirements, bank secrecy, and other actions that disrupt the integrity of the financial system. This study was conducted to provide a comprehensive overview of the characteristics of banking crimes and how regulations in Indonesia regulate them. This study aims to explain the types of violations included in banking crimes and emphasize the importance of customer protection and financial system stability. The method used is a literature study, reviewing relevant laws, books, and journals as a basis for analysis.

### I. INTRODUCTION

The increasingly complex development of the banking industry has made banking activities no longer merely about collecting and distributing funds, but also a key pillar in maintaining national economic stability. Bank operations, which directly deal with public funds, require compliance, transparency, and prudent management. However, in practice, various violations, such as abuse of authority, manipulation of financial reports, embezzlement of customer funds, and licensing violations, continue to be found, indicating that this sector still has loopholes for unlawful actions. These problems arise when banking activities, which should be carried out based on trust, are misused by internal or external parties, resulting in losses for customers and threatening the stability of the banking system as a whole. Theoretically, banking crimes are understood as unlawful acts related to banking business activities and are subject to criminal sanctions in accordance with the Banking Law and general criminal provisions.

Previous studies have shown that banking crimes fall under the category of economic crimes, often involving banks as both a means and a target of the crime. Indra Gunawan Purba's journal

outlines that the typology of banking crimes encompasses various forms of violations such as money laundering, forgery, transaction fraud, and misuse of banking documents. It also distinguishes between "banking crimes" and "crimes in the banking sector" based on the scope of norms and the perpetrators. Meanwhile, Wahyu and Subroto's research confirms that the majority of banking crimes are complex and often committed through collaboration between parties inside and outside the bank. The study also explains that the qualifications for banking crimes in Law No. 7 of 1992 in conjunction with Law No. 10 of 1998 include offenses related to licensing, bank secrecy, supervision, business activities, affiliated parties, and shareholders, each of which carries different criminal penalties. These two studies demonstrate that banking crimes involve not only administrative violations but also unlawful acts that threaten public trust and the sustainability of banking institutions.

Based on this background, this research was compiled to further examine the definition of banking crimes, the forms of violations included in them, and how the law regulates them in Indonesia.

## II. RESEARCH METHODS

This research uses a normative juridical approach method, namely research that focuses on literature studies by analyzing relevant laws and regulations, as well as various literature in the form of books and scientific writings related to the research object.

## III. RESULTS AND DISCUSSION

### 1. Understanding Banking Crimes

The definition of a bank is clearly stated in Article 1 paragraph (2) of Law Number 10 of 1998 concerning banking, which states that a bank is a business entity that collects funds from the public in the form of savings and distributes them to the public in the form of credit and/or other forms in order to improve the standard of living of the people. In addition, the same law also regulates the definition of banking in Article 1 paragraph (1), namely banking is everything related to banks, including institutions, business activities, and methods and processes in carrying out business activities. (Indra Gunawan Purba, 2024)

Regarding banking fraud, this refers to crimes committed in connection with the banking industry, including banking institutions, devices, and products. These crimes can involve both banks and their customers, either as perpetrators or victims. (Wahyu; Setyawan, Subroto Rindang Arie, 2022)

Banking crimes involve the money deposited in banks and the public. Therefore, banking crimes harm the interests of various parties, including the bank itself as a business entity and its depositors, the banking system, banking authorities, the government, and the wider community. (Financial Services Authority, 2017)

There is no consensus on the use of the terms banking crime (tipibank) and banking crime. From a legal perspective, no laws and regulations provide a clear definition of banking crime and banking crime.

In terminology, the term tipibank is different from criminal acts in the banking sector. Criminal acts in the banking sector have a broader meaning, namely all types of unlawful acts related to activities in running a banking business, so that

these acts can be subject to regulations governing banking activities that contain criminal provisions or general/specific Criminal Law regulations, as long as there are no prohibited regulations, are threatened with criminal penalties contained specifically only in the Banking Law and the Sharia Banking Law (Financial Services Authority, 2017).

The definition of tipibank is a criminal act that fulfills the elements as referred to in Articles 46 to 50A of the Banking Law or Articles 59 to 66 of the Sharia Banking Law. (Financial Services Authority, 2017)

### 2. Types of Banking Crimes

In this case, fraud is highly risky and can be committed by managers or executives carrying out banking activities. This includes:

- 1) Fraud against Misappropriation). Assets (In short, Asset misappropriation is the misuse of company/institutional assets, whether stolen or used for personal purposes, without the permission of the company/institution. As we know, company/institutional assets can be in the form of cash and non-cash. Therefore, asset misappropriation is grouped into the following types:

- a) Cash Misappropriation, misappropriation of assets in the form of cash (For example: embezzlement of cash, embezzling checks from customers, withholding payment checks for vendors).
- b) Non-cash Misappropriation, misappropriation of non-cash assets (For example: using company/institutional facilities for personal gain).

- 2) Fraudulent Financial Statements. The ACFE divides this type of fraud into two types: financial and nonfinancial. Any action that causes financial statements to appear false (not representative of reality) is considered fraudulent financial statements. For example:

- a) Falsifying transaction receipts
- b) Recognizing a transaction as larger or smaller than it should be,

- c) Applying certain accounting methods inconsistently to increase or decrease profits
  - d) Applying asset recognition methods in such a way that assets appear larger than they actually are.
  - e) Applying a liability recognition method in such a way that the liability appears smaller than it should be.
- 3) Corruption. The ACFE divides corruption into two groups:
- a) Conflict of interest, a simple example: A person or group of people in a company/institution (usually management level) has a 'special relationship' with an external party (whether it is a person or a business entity). It is said to have a 'special relationship' because it has certain interests (e.g., owning shares, family members, close friends, etc.). When a company/institution transacts with this external party, if a manager/executive makes certain decisions to protect his/her interests, resulting in losses for the company/institution, then this is an act of fraud. In Indonesia, we call this with the terms: collusion and nepotism.
  - b) Bribery or Accepting Bribes, Kickbacks (briberies, bribery, and excoiation), accepting bribes, constitutes fraud. Other acts that fall under this category of fraud include: accepting commissions, leaking company/institutional secrets (either in the form of data or documents) in any form, and collusion in certain tenders. (Faridah, 2018).

In Law No. 7 of 1992 as amended by Law No. 10 of 1998 concerning Banking (hereinafter referred to as the Banking Law), there are thirteen types of criminal acts regulated from Article 46 to Article 50A. These thirteen criminal acts can be classified into five types:

1. Criminal Acts Related to Licensing Every party wishing to establish a bank must of course comply with the provisions stipulated in the law. Bank licensing is

regulated in Article 16 of the Banking Law, which requires every party to obtain a business license as a Commercial Bank or Rural Credit Bank from the Head of Bank Indonesia if they wish to collect funds from the public in the form of deposits. (Hakimah, 2022) The term for unlicensed banking practices is "illegal banking" or also known as "bank within a bank". Illegal banking is a business carried out by an agency or individual that withdraws funds from the public to then be channeled back into the community in the form of credit without a business license from the head of Bank Indonesia, which has now shifted to the OJK institution. (Baidi & Yuherawan, 2023) Criminal provisions regarding violations of bank licensing are also regulated in Article 46 of the Banking Law, which provides a maximum prison sentence of 15 (fifteen) years and a maximum fine of Rp. 10,000,000,000,- (ten billion rupiah).

2. Criminal Acts Related to Bank Secrecy Financial institutions by banks must be able to maintain public trust regarding information on personal data and financial conditions of customers. (Yudhistira & Handayani, 2024) Bank Secrecy based on Article 1 number 28 of the Law on Banking is defined as everything related to information regarding customer deposits and savings. If there is a party who violates bank secrecy, the Law on Banking has regulated the imposition of criminal threats in Article 47 paragraph (1), Article 47 paragraph (2) and Article 47A of the Banking Law.
3. Criminal Acts Related to Bank Supervision This category deals with criminal acts related to violations of banks' obligations to carry out the supervision and guidance process in accordance with the rules stipulated in Article 48. Such violations relate to banks' failure to provide required information or reports to the Financial Services Authority (OJK). When these violations occur, bank managers act beyond

their authority or violate existing regulations. As a result, they may be subject to criminal sanctions in accordance with the principle of managerial accountability under the bank's articles of association. (Firmantor, Adilang, & et al., 2024)

4. Criminal Acts Related to Business Activities  
Criminal acts in banking business activities generally occur when banks fail to adhere to the principles of prudence and transparency obligations, such as making or changing records incorrectly, obscuring reports, or concealing transaction data. Violations also arise when bank facilities are misused to solicit kickbacks from customers, or when business activities ranging from fundraising and credit distribution to services such as fund transfers, custody, and equity participation are carried out in a manner that violates legal provisions. These practices undermine public trust and are categorized as banking crimes. (Wahyu; Setyawan, Subroto Rindang Arie, 2022) Those who fail to comply with legal provisions may be subject to criminal penalties as stipulated in Article 49 of the Banking Law.
5. Criminal Acts Related to Affiliated Parties  
Based on Article 1 number 22 of the Banking Law, it is explained that affiliated parties include: 1) members of the Board of Commissioners, supervisors, Directors or their proxies, officials, or bank employees; 2) members of the management, supervisors, managers or their proxies, officials, or bank employees, specifically for banks in the legal form of cooperatives in accordance with applicable laws and regulations; 3) parties who provide services to banks, including public accountants, appraisers, legal consultants and other consultants; 4) parties who, according to Bank Indonesia's assessment, participate in influencing the management of the bank, including shareholders and their families, families of Commissioners, families of supervisors, families of Directors, families of

managers. Articles 50 and 50A of the Banking Law provide strict sanctions for affiliated parties who intentionally fail to ensure the bank's compliance with legal provisions. This violation can result in imprisonment of three to eight years and a large fine, ranging from five to one hundred billion rupiah. (Affandy & Yusuf, 2024)

### **3. Legal Regulations Regarding Criminal Acts in the Banking Sector in Indonesia**

Banks are institutions that hold funds entrusted to them by the public. Therefore, actions that could damage public trust in banks, which would ultimately harm both the bank and the public, must always be avoided. (Simamora & Fahmi, 2024)

The primary legal basis governing banking crimes is Law Number 10 of 1998 concerning Amendments to Law Number 7 of 1992 concerning Banking, which contains criminal provisions for violations such as violations of bank secrecy, unauthorized business activities, and misuse of customer funds. However, it is regrettable that the criminal sanctions imposed on perpetrators of banking crimes, including internal bank fraud, have not provided a sufficient deterrent effect, and the number of cases is increasing day by day.

This is because these criminal sanctions are still only in the form of fines and imprisonment, which can only be categorized as minor criminal sanctions. In fact, if viewed criminologically, perpetrators of banking crimes usually commit crimes or violations that are not made because of an urgent need on the part of the perpetrator. Therefore, adjustments to the penalties for convicted perpetrators in Articles 46 to 50A are needed so that the sanctions imposed are not in vain. (Akram & Kurniawan, 2024) In addition, the regulation of banking crimes is also included in the Criminal Code (KUHP) to regulate general crimes such as embezzlement, fraud, and document falsification that often occur in banking practices. (Sherin & Mairul, 2025) In

addition, Law Number 21 of 2011 concerning the Financial Services Authority (OJK) also authorizes the OJK to regulate, supervise, and take action against legal violations in the financial services sector, including banking. If the bank's irregularities indicate a banking crime (tipibank), the Financial Services Authority (OJK) will collaborate with parties affiliated with the bank and/or other parties. (Alwahidin, Sriono, & et al., 2020) Other institutions, such as Bank Indonesia (BI), also have the authority to supervise bank operations to ensure they comply with legal provisions and prudential banking principles.

In terms of law enforcement, investigators from the police, prosecutors, the Financial Services Authority (OJK), and even the Financial Transaction Reports and Analysis Center (PPATK) can collaborate to investigate banking crimes, such as money laundering or misuse of customer funds. Therefore, it can be concluded that the regulation of banking crimes in Indonesia is comprehensive and coordinated, involving various supervisory institutions and regulated by a number of laws and regulations to create a safe, transparent, and trustworthy banking system.

#### **IV. CONCLUSION AND SUGGESTIONS**

##### **A. Conclusion**

Banking crimes are crimes that undermine public trust and disrupt the stability of the financial system. Law No. 10 of 1998 regulates various forms of banking crimes, ranging from violations of licensing, bank secrecy, supervision, business activities, to actions by affiliated parties. Although the legal provisions are quite comprehensive, existing sanctions are still considered insufficient to provide a deterrent effect, resulting in a continued increase in banking fraud cases. Strict law enforcement, strong oversight, and coordination between institutions such as the Financial Services Authority (OJK), Bank Indonesia (BI), the Police, and the Financial Transaction Reports and Analysis Center (PPATK)

are essential to maintaining security and trust in the Indonesian banking system.

##### **B. Suggestion**

Moving forward, strengthening internal bank oversight needs to be a primary focus to prevent potential irregularities early on. Supervisory authorities also need to be more proactive in conducting regular evaluations of bank compliance. Furthermore, employee integrity and understanding of banking regulations must be continuously improved. The public also needs to be educated to be more vigilant when using banking services. These measures will minimize banking crime and maintain public trust.

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