

ABSTRAK

Setiap kegiatan usaha di perbankan diharuskan untuk menerapkan prinsip kehati-hatian, mengingat bahwa bank berperan sebagai lembaga keuangan yang memberikan jasa sebagai perantara antara pihak kelebihan dana kepada pihak yang kekurangan dana dengan tujuan untuk pemerataan dan pertumbuhan perkenomian di suatu negara. Bank harus dapat menjaga dan menjamin serta memberikan rasa aman dalam pengelolaan dana milik para nasabahnya, sehingga adanya kepercayaan dan kerahasiaan antara bank dengan nasabah. Kepercayaan yang dibangun salah satunya dengan merahasiakan data milik para nasabah. Pihak afiliasi seperti komisaris, direksi, pegawai bank dan pihak afiliasi lainnya diwajibkan untuk menjaga rahasia data nasabah bank. Namun terdapat temuan bahwa adanya jual-beli data nasabah yang melibatkan mantan pegawai bank, yang mana mantan pegawai bank belum ada yang mengatur untuk tetap merahasiakan data nasabah. Rumusan masalah penelitian ini: (1) Bagaimana penerapan dari prinsip kehati-hatian bank terhadap rahasia data nasabah yang di jual-belikan oleh mantan pegawai bank? dan (2) Bagaimana bentuk perlindungan hukum bagi nasabah yang datanya dijual belikan oleh mantan pegawai bank?. Penelitian ini adalah penelitian hukum Normatif dengan data sekunder dengan pendekatan undang-undang dan pendekatan konseptual. Penerapan kehati-hatian bank terkait dengan rahasia data nasabah dapat dilakukan dengan cara preventif yaitu ketika masih bekerja di bank dan represif yakni jika terjadi tindak kejahatan jual-beli data nasabah. Perlindungan hukum bagi para nasabah yang data pribadi miliknya dijual-beli kan oleh mantan pegawai bank, dapat mengajukan gugatan perdata dan pidana dengan dikenakan Undang-Undang Informasi dan Tranksaksi Elektronik

Kata Kunci: Bank, Prinsip Kehati-hatian, Jual-Beli Data Nasabah.

ABSTRACT

Every business activity in banking is required to apply principle of prudence, considering that bank acts as a financial institution that provides services as an intermediary between the party of excess funds to the underfunded party with the aim of equitable distribution and economic growth in a country. Banks must be able to maintain and guarantee and provide a sense of security in the management of funds belonging to their customers, including trust and confidentiality between banks an customers. Trust built one of them by keeping the data of the customers. Affiliate parties such as commissioners, directors, bank employees and other affiliates are required to keep the bank's customer data confidential. But there are findings that there is a sale and purchase of customer data involving former bank employees, which former bank employees have not arranged to keep secret. Customer data. Formulation of this research problem: (1) How is the application of the principle of bank prudence to the confidential customer data traded by former bank employees? and (2) What is the form of legal protection for customers whose data is sold by former bank employees?. This research is Normative legal research with secondary data with a statue approach and conceptual approach. The application of bank caution related to confidential customer data can be done in a preventive way, namely while still working in the bank and repressive, namely if it occurs. The crime of buying and selling customer data. Legal protection for

customers whose personal data is sold by former bank employees, can file civil and criminal lawsuits by being charged Information and Technology Act

Keywords: Bank, Precautionary Principle, Buying and Selling Customer Data.