

Tinjauan hukum aspek perlindungan konsumen perbankan atas penggunaan data pribadi nasabah penyimpan di Bank Umum Konvensional

Ivonne Silvia Tumbel, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20324243&lokasi=lokal>

Abstrak

Perlindungan konsumen nasional telah diatur dalam UUPK yang menganut azas keseimbangan antara kepentingan konsumen pelaku usaha. Perlindungan konsumen atau nasabah termasuk salah satu aspek penting dalam hukum perbankan. Pertukaran informasi data nasabah dalam praktek perbankan merupakan hal lazim khususnya dalam operasional pemasaran produk bank sendiri ataupun produk pihak lain yang bekerja sama dengan bank. Data pribadi nasabah termasuk dalam hak privasi yang telah diatur secara tegas dalam Undang-Undang Dasar negara kita sebagai alas konstitusi. Namun harus disadari bahwa bentuk perlindungan yang membingkai hak privasi belum terimplementasi menjadi instrumen hukum nasional. Beberapa peraturan perundang-undangan berlaku (*ius constitutum*) maupun RUU terkait (*ius constituendum*) berupaya mengatur aspek perlindungan data pribadi dengan berbagai pembatasan-pembatasan terhadap penggunaannya, di antaranya adalah hukum perbankan. Penghargaan atas privasi data nasabah bank diwujudkan dalam bentuk penerapan ketentuan rahasia bank, GCG Bank Umum, dan transparansi penggunaan data pribadi nasabah terkait dengan desakan atau tuntutan keterbukaan perbankan dan penerapan international best practice dari pihak-pihak internasional yang berkepentingan dengan kondisi ekonomi Indonesia, selain juga program edukasi nasabah perbankan yang dicanangkan oleh BI. Berdasarkan penelitian dengan metode yuridis normatif dan menggunakan jenis data kepustakaan dengan bahan hukum primer, sekunder maupun tersier ini, dapat disimpulkan bahwa untuk mengimbangi pesatnya perkembangan teknologi informasi, diperlukan keberadaan peraturan perundang-undangan yang dapat memberikan kepastian hukum perlindungan konsumen atas penggunaan data pribadinya mencakup keberlakuan penegakan hak dan kewajiban konsumen berimbang dengan hak dan kewajiban pelaku usaha yang dikaji berdasarkan kaidah etis Privacy, Accuracy, Property dan Accesibility termasuk dalam sektor perbankan dan kelak berkembang menjadi perlindungan privasi secara nasional.

.....The protection of nation-wide consumers has been arranged and regulated within the Law of Consumer Protection (UUPK) which is based on the balance principles, referring to both the consumers' and business players' interests. This matter, undoubtedly, is one of the most important aspects within the law of banking. Exchange of customers' private data information among banks is considered as something common, particularly in purpose of marketing their products, as well as other parties' products which hold cooperation with the concerned bank itself. Private data of the customers, however, have been included as a privacy right, and regulated in our National Constitution as the basis of the constitution itself. However, it is a fact that the implementation of privacy right in Indonesia has yet to be properly and perfectly carried out, particularly due to the absence of any specific national legal instrument regulating the matter. Some parts of our law, be it in form of applicable law (*ius constitutum*) as well as draft of applicable law (*ius constituendum*) have been trying to regulate the aspects of private data protection, particularly emphasizing the restrictions should be applied in its usage. Among those regulations is Law on Banking. The appreciation on the data privacy of the bank customers have been manifested in form of various means,

comprising the implementation of the bank's secrecy utilization, GCG of the Public Bank, as well as the transparency of the private data usage, as the logic consequence of the demand for transparency addressed to the banks currently as well as the implementation of the international best practice of some particular international parties concerned about Indonesian economy. In addition, the customer education program held by Bank Indonesia can also be included within. This research, applying juridical normative method and using literature data, comprising primary, secondary and tertiary legal materials, leads into conclusion that in order to catch up with the fast dynamics of information technology, it is necessary to provide a legal instrument (law) that can firmly guarantee the consumers' protection concerning the usage of their private data. This would also comprise the balanced implementation of both consumers' and business players' rights and obligations, which are based on the ethical codes, namely Privacy, Accuracy, Property and Accessibility, including in the banking context in particular, and hopefully also nation-wide in general (in future).