

# UPAYA PERLINDUNGAN HUKUM PEMEGANG KARTU KREDIT TERHADAP PERMASALAHAN PERETASAN KARTU KREDIT

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## ABSTRAK

Penelitian ini bertujuan agar mengetahui hubungan hukum terhadap bank penerbit dan nasabah kartu kredit saat menangani perkara peretasan kartu kredit serta untuk mengetahui lindungan hukum nasabah kartu kredit dan upaya secara hukum oleh nasabah kartu kredit dalam penyelesaian hak yang dilanggar.

Metode yang digunakan yaitu yuridis empiris disertai jenis data-data yang diambil berupa data kualitatif sebagai suatu data-data yang mencakup hampir seluruh data bersifat nonnumerik dan meliputi data berjenis primer maupun sekunder. Perolehan data berjenis primer didapatkan dari aktivitas mewawancarai Grup Kredit dan *Consumer Care* PT. Bank Central Asia cabang Jakarta Pusat dan data sekunder diperoleh dari studi pustaka. Studi pustaka yang dilakukan dengan sumber bahan hukum berjenis primer serta sekunder maupun buku tersier. Cara perolehan data data dilaksanakan melalui metode pengumpulan data studi pustaka serta studi lapangan.

Berdasarkan penelitian yang telah dilakukan didapatkan hasil dari penelitian perlindungan hukum pemegang kartu kredit dicapai melalui partisipasi adanya keterlibatan semua pihak. Pemegang diharuskan memiliki sifat proaktif dalam memahami hak-hak maupun kewajiban serta perbankan mempunyai keterbukaan meningkatkan kinerja yang dimiliki agar interaksi hukum dari bank dan pemegang kartu kredit dapat dijalankan sebaik-baiknya dikarenakan dua pihak ini mengetahui mengenai hak serta kewajiban masing-masing. Untuk melindungi hak - hak pemegang kartu kredit dari kejahatan peretasan, beberapa UU telah dibuat sehingga risiko yang dialami dapat diminimalisir. UU tersebut antara lain adalah UU ITE Pasal 27, 28, dan 29 tahun 2008 tentang kejahatan *phishing* termasuk perbuatan kejahatan yang dilarang. Terdapat Upaya hukum penyelesaian kartu kredit yaitu sanksi Pidana penjara dijatuhkan kepada orang yang melakukan tindakan carding dikarenakan dikategorikan tindak pidana yang mempergunakan komputer menjadi sarana kejahatannya, dan Sanksi Administrasi yang terdapat pada Pasal 30 UU Nomor 11 Tahun 2008 mengenai UU ITE. Dalam tindakan carding yang dilakukan maupun kecurangan, Bank BCA dapat memproses untuk menyelesaikan masalah berawal melalui tahap menginvestigasi. Bank BCA bertanggung jawab secara penuh bagi nasabah kartu kredit apabila dibuktikan melalui investigasi yang dihasilkan jika kartu kredit sudah dilakukan peretasan ataupun terdapat indikasi tindak meretas kartu kredit.

**Kata Kunci : Kartu Kredit, Carding, Upaya Hukum, Perlindungan Hukum, Alat Pembayaran**

**LEGAL PROTECTION MEASURES FOR CREDIT CARD  
HOLDERS TO CREDIT CARD HACKING PROBLEMS**

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**ABSTRACT**

*This study aims to determine the legal relationship between issuing banks and credit card customers when handling credit card hacking cases and to find out the legal protections for credit card customers and legal remedies by credit card customers in resolving rights that are violated.*

*The method used is empirical juridical with the type of data taken in the form of qualitative data as data that covers almost all non-numeric data and includes primary and secondary data. The primary type of data obtained from the activities of interviewing the Credit Group and Consumer Care of PT. Bank Central Asia Central Jakarta branch and secondary data obtained from literature study. Literature study conducted with primary and secondary sources of legal materials as well as tertiary books. The method of data collection is done through the collection of literature study data and field studies.*

*Based on the research that has been done, the results of the research on the legal protection of credit card holders are achieved through the participation of all parties involved. Holders are required to be proactive in understanding their rights and obligations and banks have transparency in improving their performance so that legal interactions between banks and credit card holders can be carried out as well as possible because these two parties know about each other's rights and obligations. To protect credit-card holders' rights from the crime of hacking, some laws have been created that will decrease the risk. These laws include the ITE Law Articles 27, 28, and 29 of 2008 about the crime of phishing, including prohibited crimes. There are legal remedies for credit card settlement, namely imprisonment punishment imposed on people who carry out carding actions because they are categorized as criminal acts using computers as a means of crime, and administrative sanctions contained in Article 30 of Law Number 11 of 2008 concerning the ITE Law. In the case of carding actions that are carried out or fraudulent activities, Bank BCA can process to resolve the problem starting through the investigative stage. The Bank BCA is fully responsible for its credit card customers when it is investigated if a credit card is hacked or there is any indication of credit card hacking*

**Keywords: Credit Cards, Carding, Legal Efforts, Legal Protection, Payment Instrument**