

ABSTRAK

Nama : Henri Kusuma

NPM : 01659200107

Judul. : Kepastian Hukum Pidana Korporasi Terhadap Bank Penyelenggara Transfer Dalam Menvembunvikan Bukti Salah Transfer Dari Perspektif Undang-Undang Perbankan.

Pembimbing :

Prinsip kepastian hukum dibutuhkan dalam hal kewajiban bank penyelenggara transfer untuk membuktikan adanya kesalahan transfer terhadap penerima salah transfer sebelum mengembalikan dana salah transfer, dimana prinsip kepastian hukum tersebut perlu dikaji seperti apa pidana korporasi terhadap bank penyelenggara transfer yang tidak patuh terhadap kewajibannya untuk membuktikan kesalahan transfer dari perspektif Undang-Undang Perbankan, penelitian dilakukan dengan yuridis normatif dengan dukungan yuridis empiris dengan pendekatan perundang-undangan (*statute approach*) dengan hasil penelitian bahwa Undang-Undang Transfer Dana hanya mewajibkan bank penyelenggara transfer untuk membuktikan adanya kesalahan transfer terhadap penerima salah transfer sebelum mengembalikan dana salah transfer tanpa bermuatan sanksi sebagai daya paksa sehingga terjadi kekosongan prinsip kepastian hukum, kekosongan tersebut dapat di isi dengan Pasal 49 ayat (1) huruf c Undang-Undang Nomor 10 Tahun 1998 Tentang Perubahan Undang-Undang Nomor 7 Tahun 1992 Tentang Perbankan dengan menggunakan tafsir gramatikal, dimana bank penyelenggara transfer yang menyembunyikan bukti salah transfer diancam dengan pidana korporasi berupa penjara sekurang-kurangnya 5 (lima) tahun dan paling lama 15 (lima belas) tahun serta denda sekurang-kurangnya Rp10.000.000.000,00 (sepuluh miliar rupiah) dan paling banyak Rp200.000.000.000,00 (dua ratus miliar rupiah), untuk itu diperlukan adanya penambahan pasal sanksi pidana pada Undang-Undang Transfer Dana terhadap bank penyelenggara yang menyembunyikan bukti salah transfer dan peran Bank Indonesia untuk menambahkan rumusan peraturannya sebagai jaminan penerima salah transfer mendapatkan bukti salah transfer dari bank penyelenggara transfer.

Kata Kunci: Kepastian Hukum, Bukti Salah Transfer, Bank Penyelenggara Transfer

ABSTRACT

Nama : **Henri Kusuma**

NPM : **01659200107**

Title : ***Certainty of Corporate Criminal Law Against The Transfer Organizing Bank In Hiding Evidence of Wrong Transfer From the Perspective of Banking Law***

Advisors :

The principle of legal certainty is needed in terms of the obligation of the bank that administers the transfer to prove a transfer error to the recipient of the wrong transfer before returning the wrong transfer of funds, where the principle of legal certainty needs to be studied as to what corporate crime is against the bank that does not comply with its obligations to prove wrongful transfers from From the perspective of the Banking Law, the research was carried out with normative juridical support with empirical juridical support with a statutory approach with the results of research that the Funds Transfer Act only requires the transfer provider bank to prove a transfer error to the wrong transfer recipient before returning the funds. wrong transfer without being charged with sanctions as coercive power so that there is a void in the principle of legal certainty, the vacancy can be filled with Article 49 paragraph (1) letter c of Law Number 10 of 1998 concerning Amendment to Law Number 7 of 1992 concerning Banking by using a grammatical interpretation, where the transfer operator bank hiding evidence of wrong transfer is threatened with corporate crime in the form of imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years and a fine of at least - a minimum of Rp.10,000,000,000.00 (ten billion rupiah) and a maximum of Rp.200,000,000,000.00 (two hundred billion rupiah). For this reason, it is necessary to add an article on criminal sanctions in the Funds Transfer Act against the administering bank that hides evidence of wrong transfer and the role of Bank Indonesia to add to its regulatory formulation as a guarantee that the recipient of a wrong transfer gets proof of wrong transfer from the bank that administers the transfer.

Keyword: *Legal Certainty, Proof of Wrong Transfer, Transfer Executing Bank.*