

ABSTRACT

Kemala Dwi Kusniadi (00000017946)

CORPORATE CRIMINAL LIABILITY OF BANK RELATION TO PRODUCT AGREEMENT JOINT ACCOUNT “OR” WHICH DISENTITLE HEIR’S INHERITANCE IF ONE OF THE ACCOUNT HOLDER PASS AWAY

(v, + 89 pages: 1 appendix)

Bank offer savings products namely *joint account “or”* that enables transaction can be authorized with only an instruction from one of the account holder. The mutual agreement between the bank and *joint account “or”* holders include a mutual clause that if one of the account holder pass away, then the living holder became the sole owner of the account. By using doctrinal research which use primary and secondary data, and statute approach and conceptual approach, the authors analyze that it contradicts with the prudential banking principle and specifies that Commissioners, Management, or Bank employees could be held criminally liable. Provisions of the law that are being violated is by omitting heir’s right if one of the account holder pass away. An heir automatically inherits if the account holder pass away either through or not through handover, and even if the heir does not know that he/she inherited it. However, bank as a corporation could not be held criminally liable since the bank regulation does not recognize corporations as subjects of criminal law. Whereas, the bank can be held criminally liable as corporation since the bank is categorized in corporation definition by law and based on the theory of corporate criminal liability *vicarious liability* where in this case, criminal liability that are imposed to the bank is on the action of others, namely actions undertaken by bank employees.

Keywords: Bank, Saving Product, Criminal Law, Criminal Liability

References: 45 (1963-2015)