

Application of Restorative Justice in Handling Account Transfer Errors by Banking Officials

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ABSTRACT

Wrongful account transfers by bank officials are a problem that has a direct impact on customer confidence and the stability of the banking system, so it requires a settlement mechanism that is not only sanctions oriented, but also recovery. Although the restorative justice approach has begun to be introduced in the Indonesian legal system, its application in the context of banking administrative errors is still limited and has not been comprehensively studied. This study aims to analyze the application of restorative justice in handling account transfer errors by bank officials and assess its effectiveness in providing justice for the parties. The research method used is normative juridical with a legislative approach and conceptual studies, supported by related case analysis. The results of the study show that restorative justice can be an effective alternative settlement by emphasizing the recovery of customer losses, the responsibility of the perpetrator, and maintaining the reputation of the banking institution, if there is no element of intentionality or serious crime. The implication is that it is necessary to strengthen regulations and guidelines for the implementation of restorative justice in the banking sector to ensure legal certainty and customer protection.

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1. INTRODUCTION

The phenomenon of bank book transfer errors as described earlier is not only conceptual but also supported by various empirical facts that occur in banking practices. This shows that this problem is a real issue that requires serious attention in the study of banking law. Bookkeeping errors can take many forms, from administrative errors to actions that are beyond authority. In this context, customers are often the party who is directly harmed by the mistake.

Empirical data shows that cases of book transfer errors are still frequent in Indonesia. Various customer complaint reports indicate that banking transaction disputes, including transfer or book transfer errors, are one of the most dominant problems. One concrete example is the case involving Bank Nusantara Parahyangan, where the bank was declared to have committed an unlawful act due to an error in the transfer of customer accounts. This case is proof that administrative errors can lead to serious legal consequences.

In the case, the court ruled that the bank was obliged to pay compensation of Rp 2.6 billion to the customer [1]. This ruling shows that the bank's responsibility is not only moral but also has a binding legal dimension. In addition, there are cases involving Bank BNI related to alleged transfer of funds without customer consent. This action raises a legal dispute with a huge lawsuit value. The aggrieved customer in the case filed a lawsuit of up to IDR 679 billion. This value reflects the number of potential losses that can arise due to errors or irregularities in the management of customer funds [2].

This case also shows that the problem of book transfer is not always caused by technical errors alone but can also be related to aspects of compliance with procedures and prudential principles in banking. Furthermore, the case at Bank Jateng shows the involvement of internal officials in the wrong book transfer. A branch head is proven to transfer customer funds to another account without approval. As a result of this action, customers suffered losses of around IDR 4.9 billion.[3] This case confirms that the human resource factor is also one of the main causes of errors in banking. Furthermore, the court in the case determined that there was personal liability for the bank officials concerned. This shows that not all faults can be blamed on institutions, but also on individual perpetrators.

On the other hand, a bookkeeping error can also be caused by a technological system glitch. The rapid development of banking digitalization has led to increased complexity of the systems used [4]. This was evident in the case of the system disruption at Bank Mandiri in 2019, which affected approximately 1.5 million customer accounts [5].

This error causes a balance change that does not correspond to the actual condition. Some customers even received an excess balance and transferred the funds. This condition suggests that system errors can have far-reaching and difficult to control impacts. The case shows that risks in banking

do not only come from human factors, but also from the weaknesses of the technological systems used in bank operations.

Overall, these cases show that account transfer errors are a complex and multidimensional problem. The impact is not only limited to financial losses but also concerns public trust in banking institutions. Nevertheless, the settlement of these cases is still dominated by a litigation approach and the award of compensation. This approach tends to be oriented towards the formal aspects of the law and has not fully accommodated the interests of the parties to recovery. This condition reinforces the importance of developing alternative approaches, such as restorative justice, that can provide more balanced solutions. This approach is expected to be able to answer the need for justice that is not only repressive, but also restorative in the context of banking.

2. LITERATURE REVIEW

2.1 *Howard Zehr*

The study of restorative justice in modern law has been widely discussed by experts in response to the limitations of the retributive approach. Howard Zehr in his work *The Little Book of Restorative Justice* explains that restorative justice focuses on the recovery of victim losses, perpetrator responsibility, and community involvement [6]. This source is an important conceptual basis that emphasizes that the settlement of cases is not solely oriented towards punishment, but rather on the restoration of the affected relationship.

2.2 *Tony F. Marshall*

Furthermore, Tony F. Marshall defines restorative justice as a process in which all parties involved in an offense come together to resolve the consequences of the offense together. This definition strengthens the understanding that restorative approaches are participatory and dialogical, making them relevant to be applied in disputes involving the relationship between

perpetrators and victims, including in the banking sector [7].

2.3 *Indonesian Laws and Regulations*

In the Indonesian context, the concept of restorative justice has been accommodated in various regulations, such as Police Regulations and the Prosecutor's Office policy regarding the termination of prosecutions based on restorative justice. Analysis of this regulation shows that the state is beginning to recognize the importance of resolving cases outside the litigation route, although its implementation is still dominant in minor criminal cases.

On the other hand, the banking legal literature emphasizes the importance of prudential banking principle as regulated in the Banking Law. This principle requires banks to carry out their business activities carefully to protect customer funds. Analysis of this principle shows that wrongful bookkeeping is a form of violation of operational standards that can give rise to legal liability.

2.4 *Munir Fuady*

According to Munir Fuady, in business and banking law, administrative errors that harm other parties can be qualified as defaults or unlawful acts, depending on the context of the agreement and the consequences caused. This view provides the basis that wrongful book-transfer has clear legal consequences in the civil law system [8].

Furthermore, a study from the Financial Services Authority shows that customer complaints against the banking sector are still dominated by transaction problems, including transfer and book-transfer errors. This data indicates that the problem is actual and requires an effective and responsive resolution mechanism. In practice, the settlement of banking disputes in Indonesia is carried out through several channels, such as internal bank mechanisms, banking mediation, and litigation in court. Analysis of this mechanism shows that the approach used

is still formal and procedural, with the focus on proving and awarding sanctions or compensation.

2.5 *Mardjono Reksodiputro*

Previous research, such as that conducted by Mardjono Reksodiputro, highlights that restorative approaches can be an alternative in a justice system that focuses too much on punishment. This analysis shows that restorative justice has the potential to create more substantive justice. However, most of the literature still focuses on the application of restorative justice in the context of criminal law, such as misdemeanor offenses and juvenile cases. This shows the limitations of the study in the context of other sectors, including banking [9].

In the context of consumer protection, the Consumer Protection Law emphasizes that customers have the right to security and convenience in using financial services. An analysis of these provisions shows that banks have an obligation to provide services that are free from errors that are detrimental to customers. Furthermore, the restorative justice approach can be integrated with consumer protection principles to create a more balanced dispute resolution mechanism. This approach allows for dialogue between banks and customers to reach a fair deal.

However, the challenges in implementing restorative justice in the banking sector include the lack of special regulations governing the mechanism. In addition, there is a potential imbalance in the position between banks as large institutions and customers as individuals. Analysis of the literature gap shows that there are still few studies that specifically examine the application of restorative justice in the case of account transfer errors. This shows that there is a significant research gap.

Thus, based on the existing literature review, it can be concluded that restorative justice has a strong theoretical foundation and the potential to be applied

in the banking sector. However, further studies are needed to adapt the concept to suit the characteristics of banking disputes. Therefore, this research is expected to contribute to filling the study gap and offer a more relevant and applicable model for the application of restorative justice in handling account transfer errors by bank officials.

3. METHODS

This study uses a normative legal method to examine the application of restorative justice in handling account transfer errors by bank officials [10], [11]. The normative legal research method was chosen because the focus of the study lies on legal norms, legal principles, and legal concepts that are relevant to the issue being studied. In this context, the research does not focus on field data, but on the analysis of the applicable legal rules and developing legal doctrines.

The approaches used in this study are the statute approach and the conceptual approach. The legislative approach is carried out by examining various regulations related to banking, customer protection, and provisions regarding dispute resolution. Meanwhile, a conceptual approach is used to analyze the concept of restorative justice in the context of banking law that has not been explicitly regulated in laws and regulations.

The legal materials used consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations such as the Banking Law and the Consumer Protection Law. Secondary legal materials include books, scientific journals, and the opinions of relevant legal experts, while tertiary legal materials are legal dictionaries and encyclopedias that support the understanding of legal terms.

The data analysis in this study was carried out qualitatively by interpreting existing legal norms and relating them to the concept of restorative justice. The analysis process is carried out through legal reasoning to find the relationship between the applicable legal rules and the need to resolve account

transfer disputes fairly and effectively. Thus, this research seeks to produce systematic and logical legal arguments. Through this normative legal research method, it is hoped that a comprehensive understanding of the relevance and possibilities of the application of restorative justice in the banking sector can be obtained. The results of the analysis are expected to be able to make a theoretical contribution to the development of legal science, especially in the field of banking law and restorative justice-based dispute resolution [11].

4. RESULTS AND DISCUSSION

4.1 *Application of Restorative Justice in the Settlement of Account Transfer Errors by Bank Officials*

The application of restorative justice in the banking sector is a new development in the resolution of legal disputes that were previously dominated by retributive and civil approaches. In the context of account transfer errors, this approach becomes relevant because the problems that arise are not only related to violations of the law, but also real losses suffered by customers as victims [12]. Normatively, book-transfer errors in banking transactions can be categorized as a form of default or unlawful act if they cause losses. This is in line with the principle of bank responsibility in ensuring the safety of customer funds as affirmed in various banking and consumer protection regulations. The legal literature shows that banks have strong legal responsibility for any transaction errors. In fact, in certain studies, it is stated that the responsibility of the fund transfer operator is absolute, meaning that the bank remains responsible even though the fault does not entirely come from its side [13].

In practice, bookkeeping errors can occur due to human negligence, data input errors, or system disruptions. This is reinforced by various studies that show that errors in fund transfers are one of the

most common disputes in banking services. In addition, jurisprudence shows that banks are basically obliged to ensure that every transaction is carried out correctly and according to procedures. Errors in the implementation of fund transfers can cause material losses and damage public trust in banks.

In this context, dispute resolution has tended to be carried out through litigation mechanisms or banking mediation. However, such mechanisms often focus on the aspects of proving fault and redress, rather than on restoring relations between the parties. This is where the relevance of restorative justice emerges as an alternative solution. This approach emphasizes dialogue between banks, at-fault officials, and customers as victims to reach a fair recovery agreement.

Theoretically, restorative justice focuses not only on legal accountability, but also on recovering victims' losses and reconstructing damaged social relationships. This is different from the conventional judicial system which is adversarial. In the context of banking, the application of this approach can be in the form of prompt refunds, formal apologies, improvements to the bank's internal systems, and strengthening operational controls to prevent similar mistakes.

Legal studies show that although there is no explicit regulation of restorative justice in the banking sector, this principle has begun to be adopted in several law enforcement policies, especially in minor criminal and corporate cases. However, the wrong bookkeeping by a bank official has special characteristics because it involves a contractual and trust relationship between the bank and the customer. Therefore, the application of restorative justice must consider the balance of the positions of the parties.

Research shows that customer legal protection in case of transfer errors

still depends on the bank's internal complaint mechanism and litigation process. This often takes a long time and does not always provide satisfaction for the victim. In practice, customers as aggrieved parties are often in a weak position compared to bank institutions. This inequality is an important reason for the need for a more humanist approach such as restorative justice.

In addition, in some banking cases, settlement through peaceful settlements has shown effectiveness in restoring customer funds and restoring trust, although it has not been formalized as a restorative justice model [14]. The implementation of restorative justice also has the potential to reduce the burden on the judiciary, as many banking disputes can be resolved out of court through faster and more efficient agreements between the parties.

The process of resolving account transfer errors by bank officials through the restorative justice approach begins with the complaint stage from customers who feel aggrieved. The customer reports any transaction irregularities to the bank, which is then followed up through an internal audit. At this stage, the bank verifies transaction data, audits the system, and clarifies the parties involved to ensure the correctness of the transfer error.

After the mistake is proven, the bank together with the responsible official make an admission to the error, either caused by human negligence or system factors. Furthermore, the bank initiates a restorative justice-based settlement by bringing together customers as victims, banks, and officials who make mistakes in a deliberation or mediation forum. In the forum, the form of losses experienced and alternative solutions that are fair for all parties were openly discussed. The results of the process are usually expressed in the form of a recovery agreement that includes a refund of the customer's funds, compensation if necessary, and a formal

apology from the bank. In addition, banks are also obliged to improve internal systems and provide administrative sanctions to negligent officials. With the fulfillment of the agreement, the dispute is resolved restoratively because it prioritizes not only legal settlement, but also the recovery of losses and the relationship between the bank and the customer.

However, there are major challenges in its implementation, namely the lack of clear operational standards, as well as the risk of an imbalance of power between banks and customers in the negotiation process. In addition, there needs to be legal certainty so that the application of restorative justice is not abused to avoid legal responsibility by banks or wrongdoers. Thus, the application of restorative justice in account transfer errors can be an alternative solution that balances aspects of justice, efficiency, and the restoration of relationships between the parties. This approach is not intended to replace the existing legal system but rather complements it with a more recovery-oriented settlement model, especially in the context of customer losses due to banking operational errors.

4.2 Restorative Justice Approach Able to Provide Adequate Legal Protection for Harmed Customers

The restorative justice approach in resolving account transfer errors by bank officials basically offers a new paradigm in legal protection for customers [15]. Not only is it penalty-oriented, but this approach also emphasizes the recovery of losses directly to the aggrieved party, making it relevant to the need for more substantive legal protection.

In the conventional banking legal system, customer protection is generally realized through compensation, mediation, or litigation mechanisms. However, these mechanisms are often administrative and take a relatively long

time, so they do not always provide satisfaction for customers who suffer losses directly [16]. The restorative justice approach is present as a more responsive alternative by placing the client as the main victim whose rights must be restored. In this context, legal protection is not only interpreted as legal certainty, but also as the restoration of conditions before losses occurred.

Conceptually, adequate legal protection includes three main elements, namely legal certainty, justice, and utility [17]. Restorative justice has the potential to fulfill all three elements because the process involves dialogue, agreement, and direct responsibility from the perpetrator. In the case of book transfer errors, customers are often in a weak position compared to bank institutions. This inequality causes litigation settlements to not always result in balanced justice, so a more participatory approach is needed.

Through restorative justice, customers are given the space to convey the losses experienced directly to the bank. This process reinforces aspects of victim participation in dispute resolution, which has been underappreciated in the formal justice system. In addition, this approach allows for a faster recovery than the judicial process. Refunds can be made as soon as the agreement is reached without having to wait for a court ruling with permanent legal force. This shows that restorative justice not only provides normative legal protection, but also practically through more effective and efficient recovery of losses for customers.

From the perspective of consumer protection law, this approach is in line with the principle of protection of consumer interests as regulated in the financial services sector regulations. Customers as consumers of banking services have the right to a fair and harmless settlement. Furthermore, restorative justice also encourages institutional accountability. Not only

officials who make mistakes are held accountable, but also the bank's internal systems are corrected so that similar mistakes do not repeat.

In this case, legal protection is not only reactive to losses that have occurred, but also preventive through the improvement of the bank's system and governance. This strengthens the customer's position in the long run. However, the effectiveness of legal protection through restorative justice is highly dependent on the equality of positions of the parties in the negotiation process. If not properly supervised, there is a risk that the customer is in a disadvantageous position in reaching the deal. Therefore, an independent third-party supervision mechanism or involvement in the restorative process is needed so that the principle of justice is maintained. It is important to ensure that the resulting agreement truly reflects adequate legal protections.

In addition, the success of this approach is also determined by the commitment of banking institutions in admitting mistakes and providing voluntary remedies. Without good faith, restorative justice will not run effectively in providing protection to customers. Thus, it can be concluded that restorative justice has great potential in providing more comprehensive legal protection than conventional mechanisms. This is because this approach focuses not only on the formal legal aspect, but also on the substantive justice and victim recovery aspects. Therefore, the application of restorative justice in the case of account transfer errors can be an important instrument in strengthening legal protection for customers, if it is carried out with the principles of transparency, balance, and strict accountability.

5. CONCLUSION

The application of restorative justice in the settlement of account transfer errors by

bank officials shows that this approach has strong relevance in providing fairer and more effective solutions than conventional settlement mechanisms. Mistakes in bookkeeping that cause losses to customers not only require legal liability, but also direct recovery of losses so that customers' rights can be fulfilled optimally. The restorative justice approach allows for dialogue between customers, banks, and responsible officials to reach a recovery agreement that includes refunds, compensation, and improvements to the bank's internal systems. This process focuses not only on the penalty aspect, but also on restoring relationships and trust between customers and banking institutions. Despite having great potential in providing more substantive legal protection for customers, the implementation of restorative justice still faces challenges, especially related to the lack of special arrangements in the banking sector and the potential imbalance in the position of the parties. Therefore, it is necessary to strengthen regulations and supervisory mechanisms so that their implementation can run fairly, effectively, and accountably.

The restorative justice approach in the settlement of account transfer errors by bank officials demonstrates the ability to provide more adequate legal protection for aggrieved customers. This is because the approach is not only oriented towards formal settlement but also emphasizes the recovery of losses directly through refunds, compensation, and improvements to the banking system. In addition, restorative justice provides a more active participation space for customers as victims to convey losses and determine the desired form of recovery. This mechanism makes legal protection not only normative, but also more substantive and responsive to the needs of victims. However, the application of this approach still requires strict supervision so as not to cause an imbalance between the customer and the bank. Thus, restorative justice can be an effective legal protection instrument if it is implemented in a transparent, fair, and accountable manner.

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