



Juridical Analysis of Banking Authority in Blocking Accounts Indicated for Online Gambling: The Conflict between the Prudential Principle and Customer Protection

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Abstract: *This research examines the juridical clash between the mandatory authority of banks to block suspicious accounts and the constitutional rights of customers to legal certainty and property protection. Utilizing a normative legal research method with statutory and conceptual approaches, this study analyzes the implementation of Law Number 8 of 2010 and POJK Number 8 of 2023. The findings reveal that heavy reliance on automated Artificial Intelligence (AI) monitoring systems creates a significant risk of "false positive" identifications, which often lack transparent verification mechanisms. Although banks possess the legal basis for account blocking as an ex-officio obligation, the current "block first, verify later" procedure frequently ignores the prudential guarantees of the Banking Law and consumer protection principles. This research concludes that a reconstruction of internal banking regulations is essential to integrate a "Right to be Heard" mechanism, ensuring that preventive measures comply with the due process of law. Implementing standardized, transparent procedures and human oversight is crucial to balancing financial system stability with the protection of well-intentioned customers.*

Keywords: *account blocking; online gambling; prudential principle; customer protection; due process of law.*

Introduction

The banking sector serves as the backbone of the national economy, operating based on the principles of trust and the prudential principle. As intermediary institutions, banks bear the legal responsibility to mitigate money laundering risks, particularly those originating from online gambling activities, which have now reached a state of national emergency. Data from the Financial Transaction Reports and Analysis Center (PPATK) in 2024 shows a significant escalation, where the turnover volume of online gambling money in Indonesia has reached a staggering Rp327 trillion within the last year. This condition demands that banks exercise strict oversight functions to safeguard the integrity of the financial system from the threat of criminal acts.

The authority of banks to take preventive measures in the form of account blocking is explicitly based on Article 12 paragraph (1) of Law Number 8 of 2010 (UU TPPU) and

instructions from relevant authorities. Based on real data, authorities have instructed the blocking of more than 5,000 accounts through the third quarter of 2024, identified as instruments for both deposits and withdrawal payouts. However, the effectiveness of these steps often clashes with privacy rights and consumer protection, given the frequent emergence of legal uncertainty due to non-transparent indication parameters and the lack of clarification mechanisms for customers.

Theoretically, this dispute presents a dilemma between the public interest (system stability) and private interest (customer property rights), which must be analyzed using the Balance of Interests Theory. Implementation in the field reveals heavy technical challenges, where banks must filter thousands of transactions per second in real-time using Artificial Intelligence (AI) systems. Dependence on these automated algorithms creates a significant risk of a margin of error, triggering misidentification or false positives against well-intentioned customers.

This research aims to analyze the legal basis of banking authority in account blocking while evaluating the implementation conflict between the prudential principle and the constitutional rights of customers. Utilizing a normative legal research method with statutory and conceptual approaches, this study examines the application of norms within the Banking Law, UU TPPU, and POJK Number 8 of 2023. The research concludes that standardized procedures that are more accountable and transparent are required to prevent arbitrary actions and ensure the fulfillment of justice through the due process of law mechanism.

Methodology

This research employs a normative legal research method, focusing on the examination of rules and norms within positive law through a statutory approach and a conceptual approach. The research process begins by analyzing primary regulations, including the Banking Law, UU TPPU (Anti-Money Laundering Law), and POJK Number 8 of 2023, which are then integrated with empirical data from the 2024 PPATK Semester Report regarding the escalation of online gambling transactions reaching Rp327 trillion.

The analysis is conducted by dissecting the prudential principle doctrine in relation to consumer protection theory to test the validity of current account blocking procedures, which are automated through Artificial Intelligence (AI) systems. Furthermore, this study evaluates the risk of false positives arising from real-time transaction filtration and examines the legal liability of banks within the framework of Article 1365 of the Indonesian Civil Code (KUHPperdata). This entire methodological sequence is aimed at formulating a reconstruction of more accountable verification procedures to ensure legal certainty for customers.

Result and Discussion

Legal Basis of Banking Authority and Escalation of Empirical Data

Banking authority to block accounts is not merely a discretionary right but a manifestation of ex-officio obligations imperatively regulated in Article 12 paragraph (1) of Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering (UU TPPU). This provision mandates Financial Service Providers (PJK) to suspend transactions if there are strong indications of criminal activity. The urgency of these preventive measures is validated by the 2024 PPATK Semester Report, which shows an escalation in online gambling activities as follows:

Table 1. Statistical Analysis of Online Gambling Transactions and Regulatory Responses

Analysis Parameter	Data Description and Findings
Transaction Turnover Volume	Accumulated to Rp327 Trillion within the last year.
Blocking Intensity	Over 5,000 accounts blocked as of Q3 2024 upon instructions from authorities.
Primary Modus Operandi	Use of nominee accounts through the practice of buying and selling public bank accounts.

The data in Table 1 confirms that banking institutions are currently faced with the technical challenge of filtering thousands of transactions per second in real-time. This drives a total dependency on Artificial Intelligence (AI) and Automated Monitoring systems, as mandated by POJK No. 8 of 2023, to mitigate legal and reputational risks.

Analysis of Juridical Conflict: The Prudential Principle vs. Customer Rights

The application of the prudential principle requires banks to conduct Enhanced Due Diligence (EDD) on suspicious customer profiles. However, in its implementation, legal irregularities emerge due to the "block first, verify later" procedure, which offers minimal room for clarification. This creates a clash between the public interest (financial system stability) and private interest (customer property rights over their funds), which theoretically can be analyzed through the Balance of Interests Theory.

The false positive phenomenon—where algorithms erroneously identify legal transactions as indications of online gambling—becomes a crucial point of consumer rights violation. Banks tend to take a defensive stance to avoid sanctions from the Financial Services Authority (OJK), often neglecting Article 29 of the Banking Law, which guarantees the security of customer funds. Referring to Gustav Radbruch's Theory of Legal Certainty, the absence of rigid time limits and non-transparent indication parameters undermines the principles of justice and legal utility for well-intentioned customers.

Legal Liability and Reconstruction of Due Process of Law Procedures

This research emphasizes that banks cannot hide behind the efficiency of AI algorithms to waive their legal liability in the event of an error in objecto. If a blocking error is proven, the customer has the legal standing to file a lawsuit based on Article 1365 of the Indonesian Civil Code (KUHPerdata) regarding Unlawful Acts (PMH). In this case, the bank bears the burden of proof to demonstrate that its actions were based on the principle of due diligence, rather than mere automated system assumptions.

In an effort to synchronize preventive functions with the protection of constitutional rights, this study proposes a reconstruction of procedures through :

1. Right to be Heard Mechanism: Providing a clarification space for customers within a maximum of 24 hours after a temporary block.
2. Accountability Standardization: Establishing more transparent indication parameters to ensure that bank actions are not arbitrary.
3. Multi-layered Verification: Integrating human oversight to minimize the margin of error inherent in AI systems.
4. These steps are necessary to ensure that efforts to eradicate online gambling remain constitutional without sacrificing the privacy rights and consumer protection of bank customers.

Conclusion

This research concludes that the authority of banks to block accounts indicated for online gambling has a solid legal foundation as a form of ex-officio obligation within the anti-money laundering regime. However, the implementation of such authority, which currently relies heavily on automation systems (Artificial Intelligence), has created an imbalance between the prudential principle and customer protection. The absence of transparent verification procedures has the potential to turn preventive measures into unlawful acts (tort) should a misidentification (false positive) occur that harms well-intentioned customers. Therefore, the primary urgency of these findings is the need for a reconstruction of internal banking regulations that adopt the principle of due process of law. Banks are obliged to balance repressive actions by providing a Right to be Heard mechanism, namely the provision of standardized clarification space for customers within a reasonable timeframe before the blocking becomes permanent. This step is crucial to ensure that national financial system stability is maintained without violating the constitutional rights of citizens to legal certainty and asset ownership.

References

- Abednego, S., Panggabean, M. L., & Simanjuntak, J. (2022). PENERAPAN ASAS IN ABSENTIA TERHADAP KASUS KORUPSI. *Jurnal Hukum to-ra: Hukum Untuk Mengatur dan Melindungi Masyarakat*, 8(Special Issue), 190-201.
- AHMAD HANIF, A. H. (2022). PERTANGGUNG JAWABAN PIDANA TERHADAP AFFILIATOR APLIKASI PLATFORM BINARY OPTION DALAM PRESPEKTIF HUKUM INDONESIA (Doctoral dissertation, Universitas Batanghari).
- Buana, H. (2023). Tanggung jawab bank dalam pelanggaran prinsip kehati-hatian pada pemblokiran rekening nasabah salah sasaran (Doctoral dissertation). Universitas Islam Indonesia.
- Fahd, M. A. (2023). PELAKSANAAN PENGAWASAN OTORITAS JASA KEUANGAN TERHADAP LEMBAGA JASA KEUANGAN DALAM TRANSAKSI JUDI ONLINE= IMPLEMENTATION OF SUPERVISION OF THE FINANCIAL SERVICES AUTHORITY ON FINANCIAL SERVICE INSTITUTIONS IN ONLINE GAMBLING TRANSACTIONS (Doctoral dissertation, Universitas Hasanuddin).
- Jayadi, H., & Simanjuntak, J. (2019). Lembaga Penjamin Simpanan Dalam Likuidasi Bank Di Indonesia. *Jurnal Hukum To-ra Hukum Untuk Mengatur dan Melindungi Masyarakat*, 5(2).
- MANDIRI, Y. H. V. P. B., & TARIGAN, R. A. C. ANALISIS YURIDIS PERLINDUNGAN HUKUM BAGI NASABAH BANK DALAM HAL TERJADINYA PEMBOBOLAN BANK TERHADAP PENGGUNAAN AUTOMATED TELLER MACHINE (ATM).
- Saputro, H. J., & Chandra, T. Y. (2021). Urgensi Pemulihan Kerugian Keuangan Negara Melalui Tindakan Pemblokiran Dan Perampasan Asset Sebagai Strategi Penegakan Hukum Korupsi. *Mizan: Journal of Islamic Law*, 5(2), 273-290.
- Simanjuntak, J. (2023). Penggunaan informasi debitor dari sistem layanan informasi keuangan Otoritas Jasa Keuangan (SLIK OJK) sebagai alat bukti permohonan PKPU. *Jurnal Hukum To-Ra: Hukum Untuk Mengatur Dan Melindungi Masyarakat*, 9(1), 83-94.
- Simanjuntak, J. (2025). *Hukum Industri*.
- Suryadi, S. H., Edwar Rlady, S. H., & Tamam Rosid, S. E. (2025). *Aspek Hukum Dalam Perekonomian Nasional*. Alinea Indonesia.
- Simanjuntak, J. (2023). Tinjauan Hukum Atas Kewenangan Kreditor Mengajukan Penundaan Kewajiban Pembayaran Utang Berdasarkan Undang-Undang Nomor 37 Tahun 2004. *Jurnal Tinjauan Hukum*, 1-9.