Legal Implications and Customer Losses Arising from the Mass Blocking of Dormant Bank Accounts by Banks at the Request of PPATK

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Abstract

The mass blocking of dormant bank accounts carried out by banks at the request of PPATK has caused public concern among affected customers. This situation has sparked debate regarding the balance between public interests and the protection of individual customers' rights. From the state's perspective, such measures can be justified as an effort to prevent inactive accounts from being used for criminal activities such as money laundering, terrorism financing, or other economic crimes. However, from the individual's perspective, this policy causes direct harm because access to personal funds is restricted.The conflict between these two interests creates the need for a further normative discussion based on statutory regulations, particularly regarding whether such measures are consistent with the principles of the rule of law and what legal consequences and losses may arise for customers as a result of account blocking by banks and PPATK. Within the framework of progressive law, the state is also obligated to ensure that the civil rights of the public are not arbitrarily sacrificed.

Keywords: Legal Consequences, Account Freezing, Ppatk

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Introduction

The phenomenon of the mass blocking of dormant bank accounts by the Indonesian Financial Transaction Reports and Analysis Center (PPATK), in cooperation with banking institutions, has emerged as a legal issue warranting in-depth examination. In the context of a rule-of-law state, any measure that restricts the civil rights of citizens, particularly their property rights and their ability to access and use bank accounts, must be supported by a clear legal basis, implemented through lawful procedures, and accompanied by safeguards to protect against potential losses[1].

Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering Crimes (*Undang-Undang Republik Indonesia Nomor 8 Tahun 2010 tentang Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang*) grants PPATK the authority to temporarily suspend transactions suspected of being linked to criminal activities. Article 44 paragraph (1) of Law No. 8 of 2010 expressly provides that "PPATK is authorized to request Financial Service Providers to temporarily suspend all or part of any transaction known or suspected to constitute proceeds of crime." This provision clearly establishes PPATK as a financial intelligence agency with a preventive function in safeguarding the integrity of the national financial system. However, the extensive exercise of this authority against millions of dormant bank accounts raises serious legal concerns, as not all inactive accounts can reasonably be presumed to be associated with criminal activity [2].

Financial Services Authority Regulation (POJK) No. 8 of 2023 (*POJK Nomor 8 Tahun 2023 Tentang Penerapan Program Anti Pencucian Uang, Pencegahan Pendanaan Terorisme, dan Pencegahan Pendanaan Proliferasi Senjata Pemusnah Massal di Sektor Jasa Keuangan*) concerning the Implementation of Anti-Money Laundering, Counter-Terrorism Financing, and Counter-Proliferation Financing of Weapons of Mass Destruction Programs in the Financial Services Sector requires banks to apply the prudential principle in managing financial transactions. Article 17 paragraph (1) stipulates that financial service providers are obligated to monitor all suspicious transactions and take preventive measures in accordance with the risk-based approach principle.

The prudential principle must be distinguished from the practice of mass account blocking, as collective administrative measures may potentially violate the principle of proportionality. Although preventive measures are indeed necessary, under the doctrine of modern financial law, false positives—that is, the erroneous identification of innocent parties as subjects of account-blocking measures—may undermine the legitimacy of the policy itself [3].

The mass blocking of dormant bank accounts implemented pursuant to a policy adopted by PPATK in coordination with banks and the Financial Services Authority (OJK) has also sparked debate over the balance between the public interest and the protection of individual rights [4]. There is an urgent need for a comprehensive examination of the limits of PPATK's authority, the responsibilities of banks as financial service providers, and the avenues for civil liability available to customers. Such an examination would also address an academic gap in Indonesian legal scholarship, as previous studies have predominantly focused on criminal and administrative aspects, while the civil-law implications and customers' rights to compensation have yet to be systematically explored. From the perspective of progressive law, the state must not focus solely on preventing money laundering; it is also obligated to ensure that the civil rights of the public are not arbitrarily sacrificed in the pursuit of that objective [5].

When a bank account is suddenly blocked, customers risk losing the trust of their business partners, failing to fulfill their contractual obligations, becoming embroiled in legal

disputes with third parties, and suffering other losses arising from their inability to access their deposited funds.

Literature Review

The applicable legal framework includes Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering and OJK Regulation No. 8 of 2023 on the implementation of anti-money laundering, counter-terrorism financing, and counter-proliferation financing programs in the financial services sector. Read together with Articles 1243, 1338, and 1365 of the Indonesian Civil Code (KUHPerdata), these rules provide a framework for considering the legal basis of account restrictions, banks' contractual duties, and possible civil liability. The research gap addressed in this proceeding is the need to examine these matters together: PPATK's statutory authority, banks' responsibilities when implementing temporary suspensions, and the legal position of customers who allege losses. The analysis therefore considers whether the implementation of account suspensions balances financial-crime prevention with legal certainty, proportionality, and the protection of legitimate customer interests.

Previous studies have examined bank accountability, dormant savings accounts, unilateral account blocking, and customer compensation from related but distinct legal perspectives. Bukit (2019) discusses bank accountability for customer losses, while Martono (2020) examines criminalization policy in the management of passive savings accounts. Sopamena (2022) specifically considers unilateral account blocking, and Nisa (2018) addresses bank liability for compensation arising from negligence. Fitrianto (2023) highlights good faith in contractual relationships, while Sadzili and Abubakar (2025) discuss contributory negligence in determining bank liability. These studies provide a basis for analyzing banks' obligations toward customers, although their subject matter does not necessarily address every legal issue arising from mass temporary transaction suspensions requested by PPATK.

Research Methodology

This study employs normative legal research using statutory and conceptual approaches. The statutory approach examines relevant Indonesian legislation and regulations, particularly Law No. 8 of 2010 concerning the Prevention and Eradication of Money Laundering, Financial Services Authority Regulation No. 8 of 2023, and the relevant provisions of the Indonesian Civil Code. The conceptual approach is used to analyze legal concepts relating to civil liability, legal certainty, proportionality, contractual obligations, and customer protection in the context of mass dormant bank account suspensions requested by PPATK.

The study uses secondary legal materials consisting of primary legal materials, including legislation and regulations; secondary legal materials, including legal journals, scholarly publications, and previous research; and relevant tertiary legal materials where necessary. The materials are collected through library research and analyzed qualitatively using a descriptive-analytical method. The analysis interprets the applicable legal provisions and relevant legal concepts to assess the scope of PPATK's authority, banks' legal responsibilities, and the potential civil remedies available to customers who suffer losses. The findings are then formulated into legal arguments and conclusions concerning the balance between financial crime prevention and the protection of customers' legal rights.

Result

Civil liability is one of the fundamental pillars of a legal system governing relationships between legal subjects, whether between individuals, between individuals and legal entities, or between individuals and the state when state action causes harm or loss [6].

The resulting legal consequences and losses may give rise to civil liability under Article 1365 of the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata), which provides:

"Every unlawful act that causes loss to another person obliges the person whose fault caused such loss to compensate for it."

In the relationship between a bank and its customer, a bank account constitutes a contractual arrangement for the deposit of funds, giving rise to the bank's obligations to safeguard and manage those funds and to provide the customer with access to them. If a bank denies a customer access to their funds without a valid legal basis or in the absence of proper procedures, the bank may be held liable for breach of contract (wanprestasi). Although a bank may argue that it is merely acting in compliance with an order issued by PPATK, it may nevertheless be subject to civil liability if it negligently fails to fulfill its obligation to notify the customer or exceeds the limits of its legally prescribed authority [7].

The contractual relationship between a bank and its customer is rooted in the deposit agreement. Article 1338 of the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata) stipulates that "All agreements lawfully entered into shall have the force of law between the parties who conclude them." This provision establishes the binding nature of the legal relationship between a bank and its customer. Accordingly, the bank is obligated to provide the customer with access to the deposited funds in accordance with the terms of the agreement and applicable law. If a bank breaches this obligation without valid justification, it may be deemed to have committed a breach of contract (wanprestasi), as provided under Article 1243 of the Indonesian Civil Code: "Compensation for costs, losses, and interest arising from the non-performance of an obligation shall become due only when the debtor, having been declared in default, continues to fail to fulfill that obligation." In the context of account blocking, a breach of contract may arise if the bank fails to restore access to, or release, funds to which the customer is legally entitled, provided that such failure is not justified by a valid legal basis for the restriction [8].

A bank's liability is often tested through civil litigation before the courts. For example, in various civil cases involving account blocking, judges assess whether the bank has acted in accordance with legally prescribed procedures. If the bank has merely complied with an order issued by the competent authority on a clear legal basis, it may be absolved of liability. However, if the bank acts beyond the scope of the order or breaches its notification obligations, it may still be held liable for damages [9].

Conclusion

In conclusion, truth and justice cannot be separated from the substance and objectives of the law [10]. A bank's liability is contingent upon whether its actions comply with applicable legal procedures. In the context of the temporary suspension of transactions, a bank's obligations and responsibilities as a financial service provider encompass its duties under public law, civil law, and ethical standards. The bank is required to execute instructions issued by PPATK or the Financial Services Authority (OJK) accurately, properly document and retain relevant records, notify customers where legally required, and ensure that customers' rights remain protected [11]. If any of these obligations are neglected, the bank may be held civilly liable through a breach of contract (wanprestasi) or an unlawful act (perbuatan melawan hukum) claim. A bank cannot simply shield itself behind an order issued by a regulatory authority; rather, it remains accountable to its customers for its own actions and any resulting harm.

In this regard, banks' obligations and responsibilities include taking prompt and proactive measures to review the policies and legal authority governing the mass blocking of dormant bank accounts. Such measures should include proactive communication with and education for customers; streamlined account reactivation procedures through digital

platforms and bank branches; special handling and thorough examination of dormant accounts; data synchronization with PPATK; the establishment of specific risk management policies for dormant accounts; a review and adjustment of the criteria used to classify accounts as dormant; and the lifting of mass account-blocking measures where no indications of suspicious or illicit activity are identified.

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