

Legal Construction against Customer Deposit Protection as a Result Liquidity of PT Bank Perkreditan Rakyat Mustika Utama Kolaka

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Abstract

This article discusses the protection of customer deposits of PT. Bank Perkreditan Rakyat (BPR, rural bank) Mustika Utama Kolaka. This type of research is descriptive and qualitative with data collection methods using observation, interviews, and documentation. The research data is categorized into primary data and secondary data, processed and analyzed through data reduction steps, data presentation, and conclusion drawing with an analytical descriptive approach. The results showed that the procedure carried out by the Financial Services Authority (OJK) was in the process of expiring PT. BPR Mustika Utama Kolaka's license was to carry out direct and indirect supervision of the bank. OJK after declaring its business license revoked, the handling of customer deposit protection is carried out based on the procedures established by the Indonesia Deposit Insurance Corporation (IDIC) by referring to Law Number 21 of 2011 concerning the Financial Services Authority. On the other hand, in terms of the legal construction of conflict resolution between customers and the

bank, it prioritizes steps to acculturate local wisdom and actualize legal culture in the local community.

Artikel ini membahas tentang perlindungan simpanan nasabah PT. Bank Perkreditan Rakyat (BPR) Mustika Utama Kolaka. Jenis penelitian ini adalah deskriptif kualitatif dengan metode pengumpulan data menggunakan teknik observasi, wawancara, dan dokumentasi. Data penelitian ini dikategorikan menjadi data primer dan data sekunder, diolah dan dianalisis melalui langkah reduksi data, penyajian data, dan penarikan kesimpulan dengan pendekatan deskriptif analitis. Hasil penelitian menunjukkan bahwa prosedur yang dilakukan Otoritas Jasa Keuangan (OJK) dalam proses berakhirnya izin PT BPR Mustika Utama Kolaka adalah melakukan pengawasan langsung dan tidak langsung terhadap bank tersebut. OJK setelah menyatakan izin usahanya dicabut, maka penanganan perlindungan simpanan nasabah dilakukan berdasarkan prosedur yang telah ditetapkan oleh Lembaga Penjamin Simpanan (LPS) dengan merujuk Undang-Undang Nomor 21 Tahun 2011 tentang Otoritas Jasa Keuangan. Di sisi lain dalam hal konstruksi hukum penyelesaian konflik antara nasabah dan pihak bank mengedepankan langkah-langkah akulturasi kearifan lokal dan aktualisasi budaya hukum pada masyarakat daerah tersebut.

Key words: *Legal construction; deposit protection; customers, local wisdom.*

Introduction

The Financial Services Authority (OJK) as a state institution was established based on Law Number 21 of 2011 concerning the Financial Services Authority which is tasked with implementing an integrated regulatory and supervisory system for all activities of the financial services sector, both in the banking sector and in the bank financial services sector such as the capital market. and insurance companies, pension funds, financial institutions, and other financial service institutions.¹ The banking sector is very important in the national economy to maintain balance, progress, and economic unity, and the stability of the banking sector has a major impact on overall economic stability. In 1998, Indonesia faced a currency and banking crisis which was marked by the liquidation of 16 banks.² This causes a decline in public confidence in the banking system.

To overcome the current crisis, the government has launched several policies, including providing guarantees for all bank payment obligations, including

¹Republic of Indonesia, Law Number 21 of 2011 concerning the Financial Services Authority, article 6.

²Nurul Qomariyah Pramisti, "Krisis Moneter 1997/1998 adalah Periode Terkelam Ekonomi Indonesia," <https://tirto.id/krisis-moneter-1997-1998-adalah-periode-terkelam-ekonomi-indonesia-f6YV>, accessed on Agustus 8, 2022.

public deposits. This is regulated in Presidential Decree Number 26 of 1998 concerning the Guarantee of Payment Obligations for Commercial Banks and Presidential Decree Number 193 of 1998 concerning the Guarantee of Payment Obligations for Regional Banks. However, it can restore public confidence in the banking industry, but its scope is too broad and poses risks to both bankers and the public. To overcome this, while still providing peace of mind for depositors and maintaining the stability of the banking system, the very broad guarantee program needs to be replaced with a limited guarantee scheme.

In some cases that occur due to various reasons, customers often fail to meet the time they have agreed to repay the loan, resulting in bad credit, substandard, suspicious, loss, and so on. As with other banks, regional banks such as rural banks (BPR) have a high potential for non-performing loans, and this problem can be attributed to customer and bank negligence. This is indicated by the presence of several customers who are late in making payments. When dealing with non-performing loans, BPRs behave differently depending on their behavior.³

Research by Rato et.al. in their analysis explained that the Indonesia Deposit Insurance Corporation (IDIC) is one of the institutions that play a very important role in the economy. IDIC has a responsibility to maintain public trust in the banking world. If there is a liquidation of a bank, the IDIC carries out its responsibility to take over the management of the bank, this happened in the case of BPR Agra Artakha Mulya.⁴ The analysis of their research found that IDIC acts as a deposit insurance agent for bank customers during the clearing process, to maintain significant responsibility and promotion in the trusted banking industry. IDIC can be divided according to the legal relationship between the bank and divided by the customer because the contractual relationship and legal protection are regulated by article 1236 of the Civil Code (KUHPdata).⁵

The transfer of supervision of the financial services sector, financial institutions in the capital market, and the non-banking financial industry before the formation of OJK was supervised by the capital market and financial institutions. The Capital Market and Financial Institution Supervisory Agency (Bapepam LK) and the banking industry are carried out under the supervision of Bank Indonesia (BI). However, the transfer of the two financial services institutions to OJK was

³Ashadi L. Diab, "Perjanjian Kredit Pada Bank Perkreditan Rakyat, *Al'Adl*, Vol. 10, No. 1 (2017); pp. 1-14.

⁴Anthוניus Aldo Rato, Budiharto, Paramita Praningtyas, "Perlindungan Nasabah dalam Proses Likuidasi PT. Bank Perkreditan Rakyat Agra Artakha Mulya sebagai Bank Gagal," *Diponegoro Law Journal*, Vol. 5, No. 4 (2016), pp. 1-16.

⁵Nining Analita, "Perlindungan Hukum Terhadap Nasabah Penyimpan Atas Simpanannya Yang Tidak Dijamin Oleh Lembaga Penjamin Simpanan," *Thesis BA* (Purwokerto: Universitas Jenderal Soedirman, 2012).

carried out in stages, namely the book entry of the capital market branch and the open-bank financial branch on December 31, 2012, and the transfer of the bank branch on December 31, 2013. In addition, 2015 will be based on the law. Regarding microfinance institutions in 2013, OJK is in charge of providing guidance, regulation, and supervision of microfinance institutions.⁶

PT. BPR Mustika Utama Kolaka, which is located at Jalan Khairil Anwar No.17 (ex. Jalan Pramuka No. 65), Lamokato, Kolaka, Kolaka Regency, Southeast Sulawesi 93511 is one of the banks that is subject to supervision and liquidity in the long term from 24 June 2016 to 23 June 2017, so that the bank's operational business license was revoked based on SK DK OJK No. 10/KDK.03/2016 dated 20 June 2016.⁷ Of course, with this incident, there are various problems related to the process of revocation of business licenses and legal protection for the bank's customers.

Legal protection is an effort to exercise rights and provide assistance to convince witnesses and/or victims, but on the one hand, legal protection for victims of criminal acts as part of community protection can be carried out in various forms.⁸ Through waivers, compensation, and preventive and repressive measures, legal protection is given to legal subjects, both in the form of prophylaxis and oppression, as well as verbally and in writing. In other words, legal protection is an independent description of the functioning of the law itself with the understanding that the law provides justice, order, certainty, benefit, and peace.

Several legal experts expressed their views on the importance of legal protection. According to Raharjo, legal protection is intended to protect human rights that are violated by other people or institutions, so that protection is given to the community, and all rights are granted by law.⁹ According to Hadjon, legal protection is the protection of dignity, and recognition of human rights where legal subjects are legally entitled to arbitrariness.¹⁰

BPR needs to pay attention to several things in granting credit, including (a) having the ability and ability of the debtor to pay off his debts under the agreement that the BPR can make to the borrower or a group of related borrowers (including entities in the same group); (b) in providing BPR credit under the provisions stipulated by Bank Indonesia, the upper limit may not exceed 30% of the capital;

⁶Tim Penyusun, *Mengenal Otoritas Jasa Keuangan dan Industri Jasa Keuangan Kelas X* (Jakarta: t.p., 2017), p. 13.

⁷https://lps.go.id/bank-yang-dilikuidasi/-/asset_publisher/Z7el/content/pt-bpr-mustika-utama-kolaka-dl, accessed on Agustus 10, 2022.

⁸Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2010).

⁹Satjipto Rahardjo, *Ilmu Hukum* (Cet. V; Bandung: Citra Aditya Bakti, 2000), p. 53.

¹⁰M. Philipus Hadjon, *Perlindungan Hukum Bagi Rakyat di Indonesia* (Surabaya: PT. Bina Ilmu, 1987), p. 12.

(c) If a BPR provides a loan, Bank Indonesia may provide loan limits, guarantees, or other similar things that the RB can do to shareholders (and their families) who own 10% or more of the loan paid under regulations. Capital interests, committee members (and their families), board members (and their families), other BPR staff, and shareholders (and their families) are 10% or more of the paid-up capital of committee members (and their families), management (and their families), and other BPR staff. Under the provisions stipulated by Bank Indonesia, the upper limit of capital may not exceed 10%.¹¹

This paper contributes to the problems faced in various regions in Indonesia, in particular, the issue of consumer protection when OJK and LPS systematically protect people who are disadvantaged due to bankruptcy, so that it helps customers to get their rights back. This paper is based on the claim of OJK's efforts or actions after the expiration of its business license with PT. BPR Mustika Utama Kolaka and the form of legal protection that its customers receive after their business license is revoked.

Methodology

Settlement of disputes between banks and customers has long been an unfinished discourse, due to a lack of public understanding, and sometimes it is even ignored. Therefore, this study includes banking and customer resolution by the Financial Services Authority (OJK). This research uses a qualitative approach with a descriptive-analytic approach. Sugiyono argues that the descriptive-analytic approach is a method that functions to describe or provide an overview of an object under study through data or samples that have been collected as they are without analyzing to make general conclusions.¹² The data source used in this study is the primary data source obtained through observation and interviews. The samples interviewed were the management of PT. BPR Mustika Utama Kolaka, the financial services authorities, and customers. Meanwhile, secondary data sources were obtained through documents, articles, research, and newspapers related to the discussion. Furthermore, the collected data is processed and analyzed using a legal approach, resulting in the conclusion that there is a legal reconstruction of the protection of customers of PT. BPR Mustika Utama Kolaka.

¹¹<http://www.bprpuridana.co.id/pengertian-bpr>, accessed on Agustus 8, 2022.

¹²Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif dan R & D* (Bandung: Alfabeta, 2014)

Discussion

The existence of the Financial Services Authority (OJK) in the Process of Revocation of PT. BPR Mustika Utama Kolaka

OJK as an institution authorized by law to carry out regulatory and supervisory duties on financial services in the banking sector is obliged to run it professionally, especially in regulating and supervising bank institutions. This case is related to the license revocation case at PT. BPR Mustika Utama Kolaka. The steps were taken by OJK after revoking the business license of PT. BPR Mustika Utama Kolaka, namely:

1. Direct supervision, namely supervision carried out by the OJK by assigning OJK officials to the bank supervision section to directly supervise PT. The BPR Mustika Utama Kolaka and the supervision are aimed at all employees on duty and involved in the bank.
2. Indirect supervision, namely supervision carried out by the OJK where OJK officials instruct employees involved in PT. The Mustika Utama BPR is to make a report on the work they have done, and through that report, the OJK can confirm whether the BPR can be financially healthy or not.

In addition, it also checks the level of minimum capital fulfillment obligations or the Capital Adequacy Ratio (CAR)/the ratio of PT. BPR Mustika Utama Kolaka. If the CAR value is below the predetermined provisions, then the bank is included in special supervision.

The determination of the status of a bank under special supervision is due to mismanagement by the BPR management which results in the BPR's financial performance not being able to meet the standards set under applicable regulations. The restructuring efforts carried out by the BPR until the specified time limit cannot improve the condition of the BPR to leave the status of a bank under special supervision which must have a CAR of 4% and an average Cash Ratio in the last 6 months of a minimum of 3%.¹³

During this special supervision period of 6 months, PT BPR Mustika Utama Kolaka was asked by OJK to carry out financial restructuring and OJK to monitor the restructuring process, in this case, it is not OJK that is healthy, but everything is the responsibility of the BPR. If OJK participates in rehabilitating the BPR, then OJK is no longer independent. After 6 months there is no clarity from PT. BPR Mustika Utama Kolaka under the provisions when the 6 months cannot be

¹³Otoritas Jasa Keuangan, "Siaran Pers: Pencabutan Izin Usaha PT BPR Mustika Utama Kaloka [Kolaka] Kendari," <https://www.ojk.go.id/id/kanal/perbankan/berita-dan-kegiatan/siaran-pers/Pages/Siaran-Pers-Pencabutan-Izin-Usaha-PT-BPR-Mustika-Utama-Kaloka-Kendari.aspx>, accessed on Agustus 8, 2022.

rehabilitated financially, then the OJK must take over to revoke its business license, in which the OJK Southeast Sulawesi submits the BPR report to the Central OJK in Jakarta. The report from the Southeast Sulawesi OJK was submitted to the Central OJK as consideration for the Central OJK to revoke the business license of PT. BPR Mustika Utama Kolaka. The responsibility for the revocation of the business license was handed over to the Central OJK because at that time the granting of a business license to PT. BPR Mustika Utama Kolaka was awarded by BI. Southeast Sulawesi OJK also provides coordination with IDIC. Southeast Sulawesi OJK reported to IDIC that PT. The BPR Mustika Utama Kolaka could not be rehabilitated because the owner of the bank was no longer able to handle financial health problems.

Furthermore, IDIC will liquidate PT BPR Mustika Utama Kolaka, and if IDIC has declared to be liquidated, then the OJK must immediately revoke its business license. After the business license is revoked, the OJK's responsibilities are completed and the process of liquidation and dissolution of the bank's legal entity is completed. After OJK revoked its business license, all the responsibilities of PT. BPR Mustika Utama Kolaka was handed over completely to IDIC for liquidation.

However, before IDIC conducts the liquidation of PT. BPR Mustika Utama Kolaka, the first step taken by IDIC is to contact all customers involved to inform the issue of the revocation of the bank's business license to maintain financial system stability. One of the key aspects is to maintain public trust, if IDIC does not quickly take anticipatory steps in the future, what will the condition be like, the community will falter and lose their trust and this will cause people to flock to take their funds in banks and any class of bank will lose legality if they are no longer trusted to the community. Therefore, in the handling of failed banks, IDIC is the guarantor institution that stands at the forefront to handle customer deposits.

For payment of customer deposit insurance claims at PT. BPR Mustika Utama Kolaka, IDIC will reconcile and verify customer deposit data as well as information regarding the determination of customer deposits that are eligible to be paid and not eligible to be paid. Reconciliation and verification will be completed by IDIC no later than 90 working days from the date of revocation of the bank's business license by OJK.

With the liquidation process carried out by IDIC, all authorities of the shareholders and the general meeting of shareholders will be taken over by the IDIC. Therefore, IDIC has taken 4 actions, including:

1. IDIC dissolves the legal entity PT. BPR Mustika Utama Kolaka;
2. IDIC establishes a liquidation team;

3. IDIC determines the status of PT. BPR Mustika Utama Kolaka as a bank in liquidation;
4. IDIC has disabled all Directors and the Board of Commissioners of PT. BPR Rakyat Mustika Utama Kolaka.

The case of the revocation of the business license of PT. BPR Mustika Utama Kolaka, namely the credit position is Rp. 4.48 billion, with the position of deposit funds reaching Rp. 5.74 billion, while the allowance for losses (-) Rp. 1.47 billion (negative), and total assets of only Rp. 3.76 billion.¹⁴

This incident gave a response from the customers of PT. BPR Mustika Utama Kolaka was involved in a savings contract (savings). With the issue of revoking the bank's business license, it becomes a valuable lesson to be wiser in choosing a bank to save money. The initial intention of the customers was to entrust the bank to secure their money, but it turned out that there was a problem that they did not want as a customer of the bank.

Deposit Protection for Customers of PT. BPR Mustika Utama Kolaka Perspective of Law Number 21 of 2011 concerning the Financial Services Authority

People in their daily lives are often in contact with banking institutions, both to save money and for borrowing money. In this case, people who save money are called customers, several reasons make people become bank customers, both borrowing customers and depositing customers. When viewed from the perspective of depositors (savers), the reason customers keep their money in the bank is for the safety of their money, which is more secure than keeping it at home. For this reason, many people become bank customers. The existence of customers for the bank becomes a necessity because the source of bank profits comes from customers, both from customer loan interest and from customer money saved in the bank which is then re-lent by the bank to other customers.

The protection of bank customers is very influential in the banking industry. This is because the banking business is closely related to trust. If people believe in a bank, then they will feel safe being the customer concerned. On the other hand, public distrust will greatly affect the business continuity of a bank.

To give customers the confidence to deposit their money in banking institutions, the existence of LPS is very important. LPS has been operating in Indonesia since 2005 to convince the general public about banking institutions. Its existence is regulated in Law Number 24 of 2004 concerning the Deposit Insurance

¹⁴Financial Data of PT Bank Perkreditan Mustika Utama Kolaka, 2016.

Corporation. Currently, all banks operating in Indonesia are LPS guarantee participants, both conventional and Islamic banks.

In the case of PT. BPR Mustika Utama Kolaka, the maximum guaranteed deposit value is Rp. 2,000,000,000 (two billion rupiah) per customer per bank. Deposits that are paid are deposits that meet the requirements to be eligible for guarantee payments, that is, recorded in the bank's books are customers who are involved in contracts or agreements with PT. BPR Mustika Utama Kolaka. For customers who are recorded in the bank's books, when the BPR's business license is revoked by the OJK, the customer's money can be replaced by the IDIC.

The deposit interest rate does not exceed the guarantor interest rate determined by the LPS. The guarantor interest rate determined by the LPS is 8.75%, so the deposit interest at the bank does not exceed the interest rate determined by the LPS. So that when the BPR's business license is revoked, all of its customers can be replaced with their savings at the BPR. In addition, customers do not take actions that are detrimental to the bank, such as bad loans and fraud. Bad credit is a condition where a customer is unable to pay off bank loans on time. Meanwhile, fraud is a customer who commits a lie so that his money is replaced by more than what is stored at PT. BPR Mustika Utama Kolaka. In addition, customer deposits guaranteed by IDIC are the bank's products, such as savings accounts, time deposits, and other types of deposits.¹⁵

The steps were taken by the customer for a refund by PT. BPR Mustika Utama Kolaka is guaranteed by IDIC as follows:

1. The customer must check the savings at the bank (reconciliation) by printing out the customer's savings book periodically (for example once a month). This can reduce the possibility of a mismatch of customer records with PT. BPR Mustika Utama Kolaka.
2. Customers need to check LPS interest on the IDIC official website (www.lps.go.id) and at PT. BPR Mustika Utama Kolaka, then the customer asks the bank so that the interest given to the customer is IDIC interest.
3. Customers must avoid bad credit and must pay off their obligations on time.
4. For submission or disbursement of a customer's guarantee claim, the customer must bring proof of ownership of the deposit (for example a savings book or deposit slip) as well as strong evidence that the customer has been bound by

¹⁵Achmad Zaelani, Head of Consumer Education and Protection, Financial Services Authority, *Interview*, at Financial Services Authority Office in the Province of Southeast Sulawesi, November 21, 2019.

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the contract in PT. BPR Mustika Utama Kolaka, customers must bring their identity cards.¹⁶

Reasonable interest is calculated using the maximum guaranteed interest rate as shown in the following table:¹⁷

Periode	Bank Umum (IDR)	Bank Umum (Valas)	BPR
20 Nov 2019 - 24 Jan 2020	6.25%	1.75%	8.75%
26 Sep 2019 - 24 Jan 2020	6.50%	2.00%	9.00%
31 Jul 2019 - 25 Sep 2019	6.75%	2.25%	9.25%
15 May 2019 - 25 Sep 2019	7.00%	2.25%	9.50%
13 Jan 2019 - 14 May 2019	7.00%	2.25%	9.50%
31 Oct 2018 - 12 Jan 2019	6.75%	2.00%	9.25%
13 Sep 2018 - 12 Jan 2019	6.50%	2.00%	9.00%
18 Jul 2018 - 17 Sep 2018	6.25%	1.50%	8.75%
06 Jun 2018 - 17 Sep 2018	6.00%	1.25%	8.50%
15 May 2018 - 17 Sep 2018	5.75%	0.75%	8.25%

The relationship with consumer protection for bank customers is explained in Law Number 21 of 2011 concerning the Financial Services Authority, namely:

Article 28

For the protection of consumers and the public, OJK has the authority to take steps to prevent losses for consumers and the public, which include:

- provide information and education to the public on the characteristics of the financial services sector, services, and products;
- ask the Financial Services Institution to stop its activities if the activity has the potential to harm the community; and
- other actions deemed necessary under the provisions of laws and regulations in the financial services sector.¹⁸

Article 29

OJK provides services for consumer complaints which include:

- prepares adequate equipment for the service of consumer complaints that have been harmed by actors in Financial Services Institutions;
- creates a mechanism for consumer complaints that are harmed by actors in Financial Services Institutions; and
- facilitates the settlement of consumer complaints that have been harmed by actors in Financial Services Institutions under the laws and regulations in the financial services sector.¹⁹

¹⁶The mechanism for submitting a claim can be seen at <https://www.lps.go.id/web/guest/procedure-pengajuan-objection>, accessed on August 8, 2022.

¹⁷Processed data from the website: <https://www.lps.go.id>

¹⁸Republic of Indonesia, Law Number 21 of 2011, article 28.

¹⁹Republic of Indonesia, Law Number 21 of 2011, article 29.

Article 30

- (1) For the protection of consumers and the public, OJK is authorized to carry out legal defenses, which include:
 - a. instructs or takes certain actions to the Financial Services Institution to resolve the complaints of the Consumers who are harmed by the said Financial Services Institutions;
 - b. file a lawsuit:
 1. to recover the assets belonging to the injured party from the party causing the loss, whether under the control of the party causing the loss or under the control of another party in bad faith; and/or
 2. to obtain compensation from parties who cause losses to Consumers and/or Financial Services Institutions as a result of violations of the laws and regulations in the financial services sector.
- (2) Compensation as referred to in paragraph (1) letter b number 2 is only used for payment of compensation to the injured party.²⁰

Victims are consumers of the financial services industry due to violations of the laws and regulations of the financial services industry. Compensation will be paid under the amount determined by the competent authority, namely the Financial Services Authority as mandated by Law Number 21 of 2011 concerning the Financial Services Authority.

Revocation of PT. BPR Mustika Utama Kolaka conducted by OJK has had a detrimental impact on its customers. In this position, IDIC plays an important role in helping customers who have been harmed by PT. BPR Mustika Utama Kolaka carries out its duties and responsibilities as a guarantee or reimbursement of customer money.

One of the basic principles of Islamic economics is the principle of *ta'awun* (help). Helping in Islamic economics is a commendable act in Islam. Help each other in goodness among human beings and brothers and sisters in the faith. Because the relationship between Muslims is very close, even closer than blood relatives. They are united by a common belief in God so that if one is in trouble the other will immediately help. Even fellow Muslims are usually likened to a body, if one part of the body feels pain, the other body parts will also feel the same pain.²¹

The principle of helping to help is also explained in one of the words of Allah SWT., as follows:

²⁰Republic of Indonesia, Law Number 21 of 2011, article 30.

²¹Mursal, "Implementasi Prinsip-Prinsip Ekonomi Syariah: Alternatif Mewujudkan Kesejahteraan Berkeadilan," *JPED: Jurnal Perspektif Ekonomi Darussalam*, Vol.1, no.1 (2015); pp. 75-84. <https://doi.org/10.24815/jped.v1i1.6521>

... وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ.

“...and do not help each other in sin and enmity. Fear Allah, indeed Allah is very severe in punishment.” (QS al-Ma'idah/5:1)

Based on the verse, it is known that the commandment is to help good deeds that are beneficial to others and prohibit helping bad deeds that can harm others. Helping each other with good deeds is also the basis for building a harmonious relationship. The attitude of helping reflects all behavior of compassion towards fellow human beings, namely helping each other, to reduce the burden on each other through correct behavior. Helping one another in goodness can bring peace to mankind. A helpful attitude and lifestyle are the best secret for mankind to live in peace wherever they are.

Construction of Consumer Protection Law in Conflict Resolution between the Customer and PT. Mustika Utama Rural Bank Kolaka

Consumer protection is one form of protection against the loss of a person's human rights. Consumer protection is given to the public to be able to enjoy all the rights granted by law. In other words, legal protection is a legal effort that must be provided by law enforcement officers to provide a sense of security, both mentally and physically from interference and various threats from any party.

To resolve conflicts that occur in the community, not only through legal channels (litigation) but also in the form of non-litigation. This can be considered construction in legal protection. Construction of consumer protection can be done in the following forms:

1. Cultural Adaptation (Local Wisdom) in Society

Local wisdom is considered an alternative problem-solving in conflict resolution. Local policies that are rooted in and considered sacred, cause their implementation to be more efficient and effective because they are easily accepted by the community. Local wisdom has the potential to encourage people's desire to live in harmony and peace.²²

Conflicts that often occur in society tend to lead to protracted feuds. Every region has cultural potential known as local wisdom that needs to be considered to

²²Herlina Astri, “Penyelesaian Konflik Sosial melalui Penguatan Kearifan Lokal,” *Aspirasi*, Vol. 2, no. 1 (2011); pp. 151-162.

resolve conflicts in the community.²³ For example, Banyumas local wisdom is the capital in resolving disputes or cases, namely the *cablaka/blakasutha/thokmelong* character, egalitarian nature, the tradition of *rembugan*, and the principle of *poncho waliko*. This local wisdom becomes a means of resolving conflicts that occur in the Banyumas community by applying mediation channels and reconciliation meetings.²⁴ The mediation mechanism is carried out through a process of deliberation, the use of mediators, institutionalization of dispute resolution, and implementation of the results of the decision.

Purworini and Santos stated that the dispute arose because of the lack of strong will from the disputing parties to immediately resolve the dispute. As a result, ongoing conflicts can even lead to new conflicts. Moreover, public understanding is an obstacle to peace and can even lead to unresolved conflicts.²⁵ Prayitno explained that the existence of primitivism which emphasizes class, ethnicity, ethnicity, and race, cannot be separated from the conflicts that occur. Primitivism is a person's attachment to social life that is very attached to what comes from birth in the form of ethnicity, belief, race, customs, place of birth, and others.²⁶

Primitivism tends to show the community's commitment to maintaining social ties in the form of ethnicity, race, tradition, and cultural values, norms, and customs that are passed down from generation to generation. The attitude of primitivism is very influential on individual behavior patterns in social relationships.²⁷ Therefore, in resolving the conflict of interest of the parties, be it groups, institutions, tribes, groups, or institutions, it must take precedence. This is done so that conflicts can be resolved without showing primitivism between competing groups.

Using local wisdom as politics and knowledge is a long-standing community experience in conflict resolution because local wisdom is part of the history and experience of the community in conflict resolution. This wisdom is the attitude,

²³Zaenuddin Hudi Prasajo, Mustaqim Pabbajah, "Akomodasi Kultural dalam Resolusi Konflik Bernuansa Agama di Indonesia," *Jurnal Aqlam: Journal of Islam and Plurality*, Vol. 5, no. 1 (2022); pp. 1-28.

²⁴Muhammad Taufiq, et.al, "Forms and Mechanisms of Law Dispute Resolution Using the Principle of Pancasila Basen nn Local Wisdom," *Jurnal Dinamika Hukum*, Vol. 16, no.1 (2016); p. 24.

²⁵Dian Purworini, Budi Santoso. "Sensemaking Theory in Portraying an Organizational Conflict: A Case Study Analysis." *Humanities and Social Sciences Reviews*, Vol. 7, no. 3 (2019); pp. 235-240, <https://doi.org/10.18510/hssr.2019.7336>

²⁶Prayitno. "Pengaruh Sikap Primordialisme terhadap Upaya Pembentukan Proses Harmonisasi Masyarakat Multikultur." *Foreign Affairs*, 2017. <https://doi.org/10.1017/CBO9781107415324.004>

²⁷Zaenuddin Hudi Prasajo, Mustaqim Pabbajah, "Akomodasi Kultural dalam Resolusi Konflik Bernuansa Agama di Indonesia."

vision, and ability of the community in dealing with the mental and physical environment of the community, giving the community the stamina and strength to grow in the area where it is located.²⁸

The wisdom of an area is a creative reaction to the geographical, historical, and situational conditions of the area. This is explicit knowledge that has emerged with human civilization over a long time, and because of the long process of civilization, it is incorporated into society and makes not only local wisdom the standard of one's actions but also potential. This is reflected in the settlement of a case handled by the Kendari Resort Police in the case of a man taking someone's wife away.²⁹

Currently, there are many problems in the formation of laws and regulations where lawmakers are more concerned with subjectivity and intellectual interests than human objectivity terms interests so policies that ignore human interests are born.³⁰ Therefore, cultural adjustments are needed to overcome these problems, and one of them is a cultural adaptation,³¹ including the people of Southeast Sulawesi Province.

For example, the local wisdom of *kalosara* in the Tolaki Tribe, Southeast Sulawesi. Socio-psychologically, the culture of the Tolaki community has general characteristics that have great potential as a driver of regional development in terms of resolving conflicts in society. Those characteristics include:

- a. Have the instinct to live in good neighborly;
- b. Have the desire and attitude of cooperation in the form of *gotong royong*, which is applied in the *samaturu* culture;
- c. Have an attitude of kinship which is reflected in solidarity and tolerance for others which is applied in the ancient culture;
- d. Rukun in life, willing to consult which is applied to *mepokoaso* culture;
- e. Have a patient nature;

²⁸Wasisto Raharjo Jati, "Kearifan Lokal sebagai Resolusi Konflik Keagamaan." *Walisongo: Jurnal Penelitian Sosial Keagamaan*, Vol. 21, no. 2 (2013); pp. 293-416, <https://doi.org/10.21580/ws.2013.21.2.251>

²⁹Tribrata Polda Sutra, "Melalui Kearifan Lokal, Bhabinkamtibnas Kendari Selesaikan Masalah," dalam <https://tribrataneews.sultra.polri.go.id/berita/melalui-kearifan-lokal-bhabinkamtibnas/> accessed on Agustus 10, 2022.

³⁰Dian Fitriani, Neneng Yani Yuningsih, "Analisis Kebijakan Pemerintah tentang Pencegahan dan Penanganan Korban Perdagangan (Trafficking) Perempuan dan Anak di Kabupaten Cianjur," *Cosmogov*, Vol. 2, no. 2 (2016); pp. 330-360, <https://doi.org/10.24198/cosmogov.v2i2.10007>

³¹Ali Amin dan Irwan Abdullah, "Intra-Religious Persecution in West Java: Case study of Ahmadiyah Community in Manis Lor Kuningan," *Thesis MA* (Yogyakarta: CRCS UGM, 2015). http://etd.repository.ugm.ac.id/home/detail_pencarian/27679

- f. Respect for others who have a higher social status in the community or work environment is reflected in the expression *inggomi*.³²

Cultural accommodation has long been carried out by the Indonesian people in various variations and approaches, including in solving family problems.³³ In addition, this approach is to empower local communities to create strong, creative, and independent communities. Local wisdom as a way of life and knowledge as well as various life strategies that articulate the activities carried out by the community to solve various problems related to their needs. Local wisdom is related to the principle of brotherhood, which brings harmony, tolerance, and diversity. The emergence of conflict as part of a harmonious division in society is mainly caused by land issues or customary traditions.³⁴ *Kalosara* local wisdom is one of the steps used by the customer and PT. BPR Mustika Utama Kolaka in resolving conflicts related to customer deposits.

Local wisdom plays a role in the adaptation of conflict resolution to the community. Local wisdom is a dynamic resource of knowledge that is owned, developed, transmitted by certain groups, and integrated into the understanding of the natural and cultural environment.³⁵ Therefore, considering regional wisdom in the settlement of industrial relations disputes is a strategic step that needs to be considered. In other words, ongoing labor disputes can be resolved with a cultural approach and local wisdom that is unique to each region.

2. Actualization of Legal Culture in Society

Cultural preservation is a strategic issue in conflict resolution. One of these cultures is the adult legal culture which is currently heavily influenced by external globalization which can have both positive and negative impacts³⁶ so the maintenance of legal culture needs to be managed properly. The synergy between the government and traditional leaders will continue as long as possible to be successful. In this position, it is necessary to redefine legal culture and take a more open approach to power dynamics, because various actors are involved in building social values.

³²Anwar Hafid, Misran Safar, "Kajian Pengembangan Kebudayaan di Kota Kendari" *Research Report* (Kendari: FKIP Unhalu dengan Pemda Kota Kendari, 2008)

³³M. Samson Fajar, Sabdo, "Akomodasi Budaya Lokal dalam Legislasi Hukum Keluarga di Indonesia," *Jurnal Aqlam: Journal of Islam and Plurality*, Vol. 3, no. 2 (2018); pp. 151-163.

³⁴Zaenuddin Hudi Prasajo, Mustaqim Pabbajah, "Akomodasi Kultural dalam Resolusi Konflik Bernuansa Agama di Indonesia."

³⁵Alessandro Demaio, "Local wisdom and health promotion: Barrier or catalyst. Asia Pacific Journal of Public Health, Vol. 2, no. 2 (2011); pp. 127- 132. Doi: 10.1177/1010539509339607

³⁶Ida Bagus Brata, "Kearifan Budaya Lokal Perekat Identitas Bangsa," *Jurnal Bakti Saraswati*, Vol. 05, no. 01 (2016); pp. 9-16.

Culture plays an important role in human life, and human culture on this earth is proven to be the result of culture itself. Therefore, culture is very strategic for regional development and development because it is an abundance and place identity that is important to maintain and maintain the legal culture of the community. In this case, dispute resolution through legal and cultural approaches is an alternative dispute resolution that prioritizes the spirit of unity and comfort among others.

The issue of consumer dispute resolution regulated by Law Number 8 of 1999 concerning Consumer Protection, focuses on three payment models, namely: settlement with the restoration of rights, settlement through mediation or arbitration mechanisms, and settlement through court procedures.³⁷ However, in practice, comparisons in the field tend to use a comparative model based on legal culture, which is costly and time-consuming, and the results of stakeholder negotiations provide certainty for both parties. Therefore, legal and cultural wisdom must be considered in resolving disputes in the banking industry. Legal culture is formed from the introduction, understanding, and practice of religious and cultural values in the form of living ethics. Local rules based on socio-cultural conditions explain a harmonious way of thinking and way of life in society.

Culture and religion in people's lives always exist and are always related. Both influence each other, religion influences culture, and culture influences religion. Experience, understanding, and knowledge of religion will give color to religion and culture. Religious and cultural applications will be determined by these three aspects.³⁸

Mobilization of social resources as social capital to solve problems. The community has the potential to be a source of social capital that can be utilized by the community itself because it is a potential social asset, the community provides awareness and boundaries to residents, including contributing to the realization of mutual needs and benefits.

Some sources of social capital include local values and wisdom that pay attention to common interests, customs or traditions, educational institutions, religious teachings, traditional institutions, and others. The potential for social capital includes values, norms, and morals that can become a forum for regulating

³⁷Ujang Charda S., "Model Penyelesaian Perselisihan Hubungan Industrial di Luar Pengadilan melalui Arbitrase Ketenagakerjaan," *Lex Publica: Jurnal Ilmu Hukum Asosiasi Pimpinan Perguruan Tinggi Hukum Indonesia*, Vol. 3, No. 1 (2016); pp. 447-464.

³⁸Abd. Ghoffar Mahfudz, "Hubungan Agama dan Budaya: Tinjauan Sosioklultural," *Tawshiyah: Jurnal Sosial Keagamaan dan Pendidikan Islam*, Vol. 14, no. 1 (2019); pp. 41-61. <https://doi.org/10.32923/taw.v14i1.1143>

common interests in the face of value decline in the industrialization process,³⁹ there are community leaders who help provide services for the public interest and are trusted and trusted by community members.

Conclusion

PT. BPR Mustika Utama Kolaka after being designated as a bank liquidated by the OJK began with several efforts or handling steps, such as revoking its business license, conducting exclusive supervision involving OJK officials, conducting inspections of its employees, conducting exclusive supervision by reviewing reports of its finances, check the level of CAR/ratio to see the soundness of the bank.

Protection of customer deposits is carried out according to the procedures established by the IDIC by referring to Law Number 21 of 2011 concerning the Financial Services Authority. The protection of bank customers is very influential in the banking industry. This is because the banking business is closely related to trust. In addition, there is a form of consumer protection based on the mandate of Law Number 8 of 1999 concerning Consumer Protection. The consumers here are the customers who signed the contract at PT. BPR Mustika Utama Kolaka.

Resolution of conflicts between customers and PT. BPR Mustika Utama is something that must be done in maintaining the rights of every individual that has been given by law. Settlement of this conflict can be done in the form of litigation and non-litigation. Non-litigation as a legal construction of consumer protection can be done through cultural adaptation or local wisdom owned by the local community, and actualization of legal culture in society, so that law enforcement can be achieved.

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³⁹Zaenuddin Hudi Prasajo, Mustaqim Pabbajah, "Akomodasi Kultural dalam Resolusi Konflik Bernuansa Agama di Indonesia."

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