



## The Impact of Embezzlement of Bank Indonesia Deposit Cash in Maluku and the Implications for Banking Security

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### Abstract

**Introduction:** One of the most common criminal offenses in the banking sector is falsification of records, particularly in the provision of credit facilities. Falsification of records refers to the act of creating or manipulating data and information that do not reflect reality to gain unlawful advantages. The case of misappropriation of Bank Indonesia's entrusted funds faced by the Regional Development Bank of Maluku and North Maluku, involving an outsourced employee, serves as a concrete example of how banking crimes can have widespread effects and negative impacts

**Purposes of the Research:** To analyze the legal impact and implications of the misappropriation of Bank Indonesia's entrusted funds in Maluku on the banking sector.

**Methods of the Research:** This study employs a normative legal research method, primarily utilizing library research as the main data source. It adopts a conceptual approach, gathering data from various literature sources. Legal materials are collected from secondary legal sources, then processed and analyzed qualitatively.

**Findings of the Research:** The embezzlement of Bank Indonesia's trust funds by ES at Bank Maluku has significant consequences for the bank, customers, and the banking system. The financial loss threatens the bank's liquidity, damages its reputation, and lowers public trust. Additionally, the bank faces potential legal sanctions, while this case encourages stricter regulatory changes in Indonesia's banking sector to prevent similar incidents in the future.

**Keywords:** Misappropriation of Entrusted Funds; Bank Indonesia; Banking Crime; Bank Maluku.

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## INTRODUCTION

Banking is one of the vital sectors in a country's economy, including in Indonesia. This aligns with the economic growth in Indonesia, which is certainly influenced by the economic sectors of each region. This responsibility then lies with the Regional Development Banks, where each regional economic sector is mobilized through these banks. In Maluku, the presence of regional banks not only serves as financial service providers but also becomes a pillar in supporting local economic growth. However, along with the increasing complexity and dynamics of challenges in the banking sector, these also escalate. One serious challenge that has emerged is banking crime, which can damage the integrity of the financial system and cause widespread negative effects.

In principle, the relationship between the bank and the deposit-holding customer is based on trust. The bank primarily works with funds from the public that are entrusted to it, so every bank needs to maintain its health by preserving the trust of the public. The law plays a role in regulating the financial sector to prevent and address illegal actions committed by

certain individuals in the execution of the activities of these financial institutions, which could harm the wider community.<sup>1</sup>

One form of criminal activity that frequently occurs in the banking sector is falsification of records, particularly in the granting of credit facilities. Falsification of records refers to the act of creating or manipulating data and information that does not reflect the reality, with the intention of gaining illegal profit. The case of embezzlement of Bank Indonesia's trust fund faced by the Maluku Malut Regional Development Bank, which involved an outsourcing employee at the bank, is a real example of how this banking crime can have broad effects and negative impacts. The embezzlement of funds amounting to 1.5 billion rupiahs, committed by an employee of the Maluku branch in Namlea, not only reflects weaknesses in the bank's internal monitoring system but also raises serious questions regarding law enforcement and the effectiveness of existing regulations. This criminal act not only harms the banking institution financially but also impacts the public's trust in the banking system as a whole.

The legal consequences of this crime are significant. The perpetrators face severe legal consequences, including imprisonment and fines. However, the legal impact is not limited to the individuals involved. The regional bank institution also faces consequences due to the actions of its employee. The bank's tarnished reputation due to the actions of its staff certainly affects the local community, customers, investors, and regulators. The consequence is a decline in public trust in the bank, leading to reduced interest from customers in saving at the bank and even engaging in transactions, as well as a decrease in public participation in the formal financial system. Against this backdrop, this research aims to analyze the legal impact and implications of the embezzlement case involving Bank Indonesia's trust fund in Maluku on the banking sector. Previous legal research has focused on embezzlement of customer funds, but none has specifically analyzed the embezzlement of Bank Indonesia's trust funds, thus making this research a new contribution to the field of banking crime.

## METHODS OF THE RESEARCH

The research method used is a normative method, as normative research primarily relies on literature materials as the data source, also known as library research. It employs a conceptual approach, a method used to gather data from various literatures. The collection of legal materials is done through secondary legal sources, followed by the management and analysis of the legal materials, which are described qualitatively.

## RESULTS AND DISCUSSION

Law Number 10 of 1998 formulates in Article 1, point 5, that "Deposits are funds entrusted by the public to the bank based on a deposit agreement in the form of current accounts, deposits, certificates of deposit, savings, and/or other forms equated with these." Based on this formulation, an important function of the bank is to bridge the interests of the public, particularly customers, in the form of gathering customer funds that are deposited in the bank. The scope of criminal acts that occur or are committed in the banking world is divided into 3 (three) major groups, namely Crimes For Banking: These are crimes or legal

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<sup>1</sup> Suci Sulistiawati, Elsa Rina Maya Toule, and Margie Gladies Sopacua, "Pertanggungjawaban Perbankan Sebagai Korporasi Atas Penggelapan Dana Nasabah Yang Dilakukan Oleh Pegawai Bank," *TATOHI: Jurnal Ilmiah Hukum* 2, no. 5 (2022): 509 - 522, <https://doi.org/10.47268/tatohi.v2i5.1114>.

violations committed by banks in order to achieve specific goals and obtain profits. Examples include: instructing criminal acts to their personnel, destroying or eliminating records that should have been kept, failing to make required accounting entries, failing to submit necessary reports, disclosing bank secrets that should be protected for personal gain, failing to provide required information to Bank Indonesia, and so on. Crimes Against Banking: These are crimes or criminal acts directed at the bank, such as theft or embezzlement of the bank's property, obtaining credit from the bank using fake documents or collateral, fictitious customers, misuse of credit, obtaining repeated credit with the same collateral, and so on. In this case, the bank is seen as the victim of the crime. Criminal Banking: This involves the establishment of a bank with the sole purpose of committing crimes or illegal acts. In this case, the bank is created as a front or cover for a criminal organization.<sup>2</sup>

There are several forms of criminal acts that can be committed by a bank, including a) Credit Card Fraud; b) Insider Trading (information trading) conducted by the bank; c) Assisting in money laundering; d) Telemarketing Fraud; e) Falsifying records for specific interests of the banking institution; f) Conducting mark-ups; g) Keeping double books by issuing or creating both original and fake or fictitious reports; h) Manipulating reports to protect its reputation; i) Abuse of authority; j) Client Fraud: Fraud against clients or customers, which can take various forms of criminal acts; k) Erosion of customer funds; l) Crimes in the field of crediting; m) Manipulating reports to protect its reputation; n) Abuse of authority; o) Colluding with major shareholders; p) Collaborating in the utilization or abuse of procedural mechanisms; q) Using customer funds for the benefit of bank executives, both commissioners and directors; r) Granting credit without adhering to the principle of prudence; s) The existence of manipulated accounting by management and owners; t) Embezzling funds from debtors or customers by exploiting the money of customers who regularly deposit and never withdraw their funds; u) Document falsification. Examples include: falsifying certificates of deposit, falsifying documents such as land certificates, vehicle ownership books, invoices, giro slips, checks, falsifying credit cards, as well as engaging in false transactions or fictitious transactions (false transfers or mutations, fictitious credit write-offs, fictitious credit disbursements, and so on).

The case of embezzlement of Bank Indonesia's trust funds in Maluku involved an employee of Bank Maluku, Namlea Branch. The embezzled funds were used for online gambling purposes. In a statement made by the Director of the Special Criminal Investigation Unit of the Maluku Police, Kombes Hujra Soumena, it was revealed that there was a fraud case involving a sum of IDR 1.5 billion entrusted by Bank Indonesia (BI) to Bank Maluku, Namlea Branch in 2022. The perpetrator, identified as ES, engaged in manipulative actions by creating two sets of records: one original and one fake, in order to create the impression that the funds were still available at the bank, when in reality, they had already been used by the perpetrator. According to information obtained, the funds, which should have been safely kept, were gradually used by the perpetrator for online gambling since December 2022.<sup>3</sup> The Indonesian Penal Code regulates several articles related to the crime

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<sup>2</sup> Ismaidar, T. Riza Zarzani, and Delianto Habeahan, "Pertanggungjawaban Korporasi Atas Tindak Pidana Penggelapan Dana Nasabah Yang Dilakukan Oleh Oknum Pegawai Bank," *Innovative: Journal Of Social Science Research*, 4, no. 3 (2024): 7940-50, <https://doi.org/10.31004/innovative.v4i3.11348>.

<sup>3</sup> CNN Indonesia, "Respons BI Soal Kas Rp1,5 M Dipakai Pegawai Bank Di Maluku Judi Online," [cnnindonesia.com](https://www.cnnindonesia.com/ekonomi/20240619132321-78-1111480/respons-bi-soal-kas-rp15-m-dipakai-pegawai-bank-di-maluku-judi-online), 2024, <https://www.cnnindonesia.com/ekonomi/20240619132321-78-1111480/respons-bi-soal-kas-rp15-m-dipakai-pegawai-bank-di-maluku-judi-online>.

of embezzlement, including Article 372 of the Criminal Code, which states: "Anyone who intentionally and unlawfully claims as their own (zieh toeegenen) something that is entirely or partially owned by another person, but is in their possession not due to a crime, shall be punished for embezzlement, with imprisonment for a maximum of four years or a fine of up to sixty rupiah."<sup>4</sup> Terminologically, "embezzlement" comes from the word "gelap," which is generally interpreted as vague, unclear, uncertain, and other similar meanings.

Bank Indonesia's trust funds refer to the funds in rupiah prepared by Bank Indonesia and entrusted to the managing banks. The purpose is to assist regions that have difficulty obtaining cash<sup>5</sup>, ensuring that rupiah currency is easily distributed. Therefore, Bank Indonesia can accept and deposit cash with other banks. In the Maluku region, where it is an archipelago, the cash deposit by Bank Indonesia is necessary to ensure that a region does not face a shortage of cash. In addition, the cash deposit aims to maintain the circulation of proper money and meet the needs of circulation based on the denominations. Typically, banking crimes involve the embezzlement of customer funds by bank employees. However, this case is different because the embezzled funds belong to Bank Indonesia. The reported loss is IDR 1.5 billion, a loss that is purely borne by Bank Indonesia as a result of embezzlement by an employee of Bank Maluku. The modus operandi of the embezzlement by the perpetrator indicates weaknesses in the bank's internal monitoring system and the employee's disregard for applicable legal norms. The perpetrator, ES, embezzled IDR 1.5 billion by falsifying financial records. He created two sets of records, one original and one fake, and then manipulated the banking system to alter transaction data, making it appear as though the funds were still in the system. However, during a cash opname, it was found that the actual funds did not match what was supposed to be in the records. Further investigation revealed that ES had embezzled the funds and used them for online gambling since December 2022. This action was carried out gradually, with withdrawals ranging from IDR 100 million, IDR 200 million, up to the full IDR 1.5 billion. This behavior reflects the abuse of authority and the improper management of funds in violation of legal regulations.

Embezzlement itself is regulated in the Criminal Code under Article 372, which addresses embezzlement crimes. Embezzlement is defined as intentionally and unlawfully taking possession of property belonging to someone else, but which is under the perpetrator's control, not through criminal means. The punishment for embezzlement may include imprisonment for up to 4 years or a fine. Article 374 of the Criminal Code deals with embezzlement committed in the course of a position or job, often referred to as aggravated embezzlement. The perpetrator is someone entrusted to manage or oversee property, and the embezzlement takes place within the scope of their job or position. The penalty is heavier than for regular embezzlement, with a maximum imprisonment of 5 years. Article 375 of the Criminal Code regulates embezzlement involving items entrusted to the perpetrator for safekeeping or for specific use. The penalty for this is a maximum of 4 years in prison. However, these provisions apply to general criminal acts, and a different set of penalties applies to banking crimes due to the special nature of banking crime.

According to R. Soesilo, the provision in Article 374 of the Penal Code is usually referred to as "embezzlement with aggravation." This provision, in fact, does not apply to employees

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<sup>4</sup> Moeljatno, *Kitab Undang-Undang Hukum Pidana* (Jakarta: Bumi Aksara, 2003), h. 32.

<sup>5</sup> Bank Indonesia, "Peraturan Bank Indonesia Nomor 21/10/PBI/2019 Tentang Pengelolaan Uang Rupiah" (2019), [https://www.bi.go.id/id/publikasi/peraturan/Pages/PBI\\_211019.aspx](https://www.bi.go.id/id/publikasi/peraturan/Pages/PBI_211019.aspx).

of state-owned banks, tax officers, and others in relation to state-owned funds that are embezzled, but it does apply to private individuals.<sup>6</sup> ES was charged under Article 49, Paragraph (1), letters a and c of the Indonesian Banking Law, Law Number 10 of 1998. The criminal provisions related to embezzlement in office are generally regulated in Article 374 of the Criminal Code. Specifically, it is also regulated in Articles 49 and 50 of the Indonesian Law No. 10 of 1998 concerning Amendments to Law Number 7 of 1992 on Banking, which provides detailed regulations regarding banking crimes, including embezzlement in office committed by bank employees<sup>7</sup>. This article is crucial in the context of banking management in Indonesia. It states that any actions that harm the bank, customers, or other parties related to the bank's management can lead to criminal sanctions. This reflects the government's commitment to maintaining integrity and accountability within the banking system and protecting public interests. The law aims to ensure that banking professionals conduct their duties with caution and in accordance with the law.

Adami Chazawi classifies the intent of the perpetrator in embezzlement as follows a) The perpetrator knows and is aware that the act of possessing another person's property in their control is an unlawful act, an act that contradicts their legal obligations or the rights of others; b) The perpetrator, with this awareness, intends to commit the act of possession; c) The perpetrator knows and is aware that they are possessing an object that they know belongs to someone else, either partially or entirely; d) The perpetrator knows and is aware that the property belonging to another person is in their control, but not due to a criminal act.<sup>8</sup> Article 49 includes several elements that must be fulfilled for criminal penalties to apply. These include illegal actions such as using bank funds for personal interests, falsifying documents, or engaging in actions that violate banking laws. This article applies to anyone involved in the management of the bank, including employees, managers, and bank executives (board of directors and commissioners). If the violation is committed by a legal entity, the penalties will be imposed on the entity's management. The actions must cause harm to the bank, customers, or other parties involved, which means that not every illegal action is penalized. Upon further investigation, it was revealed that ES was not a permanent employee of Bank Maluku but rather an outsourcing employee, meaning that he was hired by a company to complete tasks at Bank Maluku. This raises the question of how an outsourcing employee was able to embezzle Bank Indonesia's trust funds totaling IDR 1.5 billion. Internal Monitoring Procedures Every banking institution is required to have stringent security procedures to protect assets and customer funds. These procedures usually include restricted access, where only authorized employees with adequate training are allowed to access cash storage areas and sensitive data. In this case, granting access to outsourcing staff like ES reflects negligence in implementing these policies.

Regulation POJK Number: 56/POJK.03/2016 on the Implementation of Governance for Commercial Banks, Article 3, mandates banks to apply good governance principles, including transparency, accountability, and responsibility. ES's embezzlement clearly violated these principles, as it did not reflect accountability or transparency in fund management. Bank Indonesia's Regulation No. 1/6/PBI/1999 on Risk Management, Article

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<sup>6</sup> R. Soesilo, *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal* (Bogor: Politeia, 1992), h. 259.

<sup>7</sup> Fotedo Zega and Agripa David Kristianto Nduru, "Tinjauan Hukum Tentang Penggelapan Dana Nasabah Bank Bri Analisis Putusan Pengadilan Negeri Kendari NO. 235/Pid.SUS/2019/PN KDI," *Jurnal Dunia Pendidikan* 4, no. 3 (2024): 1352-58, <https://jurnal.stokbinaguna.ac.id/index.php/JURDIP/article/view/2156>.

<sup>8</sup> Muhammad Helmi Badrul, "Implikasi Sistem Peradilan Pidana Tentang Pengaturan Perlindungan Hak-Hak Nasabah Korban Kejahatan Penggelapan" (Skripsi: Universitas Islam Kalimantan, 2024).

2, requires banks to have an effective risk management system. This embezzlement indicates that Bank Maluku did not have adequate internal controls to prevent abuse of authority by employees. Supervision and Audits Banks should conduct tight supervision and periodic audits to ensure that all procedures are followed and that no abuse of authority occurs. Failure to conduct proper audits can create gaps that individuals can exploit. Bank management is responsible for ensuring that all employees, including outsourcing staff, are trained and fully understand security procedures.

Embezzlement of customer deposit funds is a type of banking crime committed by bank employees or staff with various modes of operation (methods of execution), such as falsifying data, identities, or signatures, which results in the loss of customer deposit funds in the bank, whether in the form of deposits, term deposits, or savings, because they were withdrawn and/or taken by someone else who is not legally the owner<sup>9</sup>. In this case, Bank Maluku's management must be accountable for the decision to give ES access, as he should not have had the authority to manage the trust funds. This action reflects a lack of adequate oversight and control over human resource management. Granting access to outsourcing workers to manage funds that should have been tightly guarded increases security risks. Outsourcing employees may not have the same commitment to the bank's integrity and security as permanent staff. After the case was uncovered, the police, through the Maluku Police's Special Criminal Investigation Unit, conducted an investigation and arrested ES. ES is now detained and undergoing further legal proceedings. Bank Maluku has also reimbursed the embezzled funds to Bank Indonesia.

## CONCLUSION

The impact of the embezzlement of Bank Indonesia's trust funds at Bank Maluku by ES has significant consequences, both for the bank itself and for customers and the banking system as a whole. Financially, the IDR 1.5 billion embezzlement results in a direct loss that could affect the bank's liquidity. This loss may disrupt the bank's operations, including its ability to meet financial obligations to customers and third parties. In the short term, the bank may need to find alternative sources of funds to cover the shortfall, increasing operational costs and impacting profitability. Secondly, the reputational damage is also substantial. The embezzlement case could undermine public trust in Bank Maluku. Customers who feel insecure about the management of their funds may withdraw their deposits or switch to other banks, resulting in a loss of customers and income for the bank. This negative reputation could have long-term effects, where the bank struggles to attract new investments or secure loans in the future. Trust is a crucial element in the banking industry, and losing trust can affect the bank's sustainability. From a legal perspective, Bank Maluku could face sanctions from banking regulatory authorities if found to have violated regulations, particularly in fund management and security procedures. These sanctions could include substantial fines, operational restrictions, or even the revocation of business licenses. Additionally, legal actions may be taken against individuals involved in the embezzlement, including ES, who may face criminal charges. This case may encourage regulatory changes. The government and regulatory authorities may implement stricter regulations for banking management to prevent similar cases from occurring. This could include enhanced oversight of high-risk banks and the implementation of tighter security

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<sup>9</sup> Rivaldo Datau, "Penggelapan Dana Simpanan Nasabah Sebagai Kejahatan Perbankan," *Lex Privatum* 5, no. 1 (2017): 113-19, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/15119>.

procedures. Thus, this embezzlement not only impacts Bank Maluku but may also influence policies and practices throughout the banking sector in Indonesia.

## REFERENCES

- Badrul, Muhammad Helmi. "Implikasi Sistem Peradilan Pidana Tentang Pengaturan Perlindungan Hak-Hak Nasabah Korban Kejahatan Penggelapan." Universitas Islam Kalimantan, 2024.
- Bank Indonesia. Peraturan Bank Indonesia Nomor 21/10/PBI/2019 tentang Pengelolaan Uang Rupiah (2019). [https://www.bi.go.id/id/publikasi/peraturan/Pages/PBI\\_211019.aspx](https://www.bi.go.id/id/publikasi/peraturan/Pages/PBI_211019.aspx).
- CNN Indonesia. "Respons BI Soal Kas Rp1,5 M Dipakai Pegawai Bank Di Maluku Judi Online." [cnnindonesia.com](https://www.cnnindonesia.com/ekonomi/20240619132321-78-1111480/respons-bi-soal-kas-rp15-m-dipakai-pegawai-bank-di-maluku-judi-online), 2024. <https://www.cnnindonesia.com/ekonomi/20240619132321-78-1111480/respons-bi-soal-kas-rp15-m-dipakai-pegawai-bank-di-maluku-judi-online>.
- Datau, Rivaldo. "Penggelapan Dana Simpanan Nasabah Sebagai Kejahatan Perbankan." *Lex Privatum* 5, no. 1 (2017): 113-19. <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/15119>.
- Ismaidar, T. Riza Zarzani, and Delianto Habeahan. "Pertanggungjawaban Korporasi Atas Tindak Pidana Penggelapan Dana Nasabah Yang Dilakukan Oleh Oknum Pegawai Bank." *Innovative: Journal Of Social Science Research*, 4, no. 3 (2024): 7940-50. <https://doi.org/10.31004/innovative.v4i3.11348>.
- Moeljatno. *Kitab Undang-Undang Hukum Pidana*. Jakarta: Bumi Aksara, 2003.
- Soesilo, R. *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal*. Bogor: Politeia, 1992.
- Sulistiawati, Suci, Elsa Rina Maya Toule, and Margie Gladies Sopacua. "Pertanggungjawaban Perbankan Sebagai Korporasi Atas Penggelapan Dana Nasabah Yang Dilakukan Oleh Pegawai Bank." *TATOHI: Jurnal Ilmiah Hukum* 2, no. 5 (2022): 509 - 522. <https://doi.org/10.47268/tatohi.v2i5.1114>.
- Zega, Fotodo, and Agripa David Kristianto Nduru. "Tinjauan Hukum Tentang Penggelapan Dana Nasabah Bank Bri Analisis Putusan Pengadilan Negeri Kendari NO. 235/Pid.SUS/2019/PN KDI." *Jurnal Dunia Pendidikan* 4, no. 3 (2024): 1352-58. <https://jurnal.stokbinaguna.ac.id/index.php/JURDIP/article/view/2156>.

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