

Banking Responsibility for Employee Fault

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Abstract

Introduction: This research discusses the legal responsibility of banks for mistakes made by employees in performing their duties, particularly in the context of the legal relationship between banks and customers. As a legal entity in the form of a Limited Liability Company, a bank has an obligation to maintain customer trust through the principles of prudence and consumer protection as regulated by the Banking Law and the Limited Liability Company Law.

Purposes of the Research: This research aims to analyze the legal responsibility of banks for mistakes made by employees and explore to what extent a bank can be held accountable for negligence or abuse of authority by employees. The study also aims to explore the application of strict liability principles and their impact on the stability of the financial system and customer protection.

Methods of the Research: This study uses a legal approach by analyzing relevant regulations, such as the Banking Law, the Limited Liability Company Law, and Article 1367 of the Civil Code regarding vicarious liability mechanisms. The study also explores the responsibility of the Board of Directors as the management of the bank.

Findings of the Research: The research is expected to provide a clearer understanding of the legal responsibility mechanisms applied in the banking sector and their implications for managing the relationship between banks and customers, including the impact on customer protection and the supervision of the Board of Directors in preventing mistakes that harm customers.

Keywords: Responsibility; Banking; Banking Law; Employee Errors.

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INTRODUCTION

Banking is one of the crucial sectors in a country's economy that functions as a financial intermediation institution. Public trust in the banking system is highly dependent on the professionalism, integrity, and accountability shown by banking institutions. However, in practice, various problems often arise due to mistakes or negligence made by bank employees, which ultimately cause losses to customers and other related parties.

One of the cases that attracted quite a lot of attention in Indonesia was the case involving an employee of Bank Nasional Indonesia (BNI) in 2020. An employee in the case at the BNI branch in East Java, named Melisa Dwi Ratnasari, illegally transferred funds to her personal account. He used his access to forge transaction documents without the knowledge of the account owner, namely a customer in the name of Andi Saputra. The total losses suffered by customers reached more than IDR 1.7 billion. The bank's internal investigation revealed that the perpetrator had been carrying out his actions for several months before he was finally detected. This case is clear evidence that even though banks have an internal supervisory system, there are still loopholes that allow violations to occur, especially when involving internal parties with direct access to customer data and funds.

Another case that has attracted public attention is the negligence of an employee of PT Bank Rakyat Indonesia in 2019. An employee in the case, named Riko Setiawan, incorrectly entered the account number when processing third-party fund transactions, which resulted in customer funds in Siti Aminah's name amounting to IDR 100 million being sent to an unauthorized person's account. Although the funds were eventually returned after a lengthy legal process involving the courts, this incident highlights the need for increased internal controls and employee training to minimize the risk of these types of operational errors.

Legally, banking liability for employee faults can be seen from various perspectives. Article 1367 of the Civil Code, states that the employer is responsible for unlawful acts committed by its workers as long as the act is carried out in the course of carrying out their duties. This provides a legal basis for aggrieved customers to demand compensation from the bank. Law Number 8 of 1999 concerning Consumer Protection is also an important legal basis in customer protection. Banks in the law, as business actors, are obliged to provide guarantees for the security and reliability of services provided to consumers. Failure to provide such protection can be a basis for consumers to file a lawsuit.

Apart from the legal side, this issue is also relevant in the context of risk management in banking. A weak internal supervision system can open up opportunities for fraud, both individually and in collaboration with outside parties. Therefore, strengthening the internal supervision and audit system is a strategic step to minimize these risks. The mistakes of bank employees in some cases, not only cause financial losses but also significant reputational impacts. A bad reputation can result in a loss of public trust, which ultimately impacts the bank's operational sustainability. Therefore, the responsibility of banks in addressing employee mistakes must be managed seriously.

Another case that also attracted attention was the case of customer data theft by employees of PT Bank Central Asia (BCA) in 2021. An employee in the case named Aditya Ramadhan collaborated with an outside party to steal customer data named Lina Kusuma. The data was then used to carry out illegal transactions, which caused financial losses for victims of up to Rp500 million. This incident shows that in addition to internal supervision, banks also need to invest resources in data security and information technology to prevent similar crimes from happening in the future.

Countries in the international context have implemented many strict regulations related to the responsibility of banking institutions for the actions of their employees. For example, in the United States, banking institutions are required to comply with strict regulations in terms of consumer protection and internal supervision. Regulations like this can be a reference for Indonesia in improving its banking system. On the other hand, employee training and education are also important factors in preventing mistakes. Bank employees need to be equipped with knowledge of work ethics, legal compliance, and good governance. Thus, the chances of errors can be minimized. Another challenge faced is how to handle cases involving contract employees or freelance workers, who often do not have strong working ties with banks. In situations like this, banks need to ensure that all workers, whether permanent or contracted, understand their responsibilities professionally.

Through this study, this study aims to explore more deeply about the responsibility of banks for employee mistakes in Indonesia. This research will analyze the existing legal foundations, identify loopholes in the internal supervisory system, and offer recommendations to improve legal protection for customers, by utilizing a

multidisciplinary approach that includes legal, management, and technological aspects, this research is expected to contribute to the development of banking regulations in Indonesia. The results of this study are also expected to be a guide for banks in improving their internal systems to prevent employee mistakes in the future. Banking liability for employee misconduct is a complex issue and requires a holistic approach. Facing these challenges, collaboration between regulators, banks, and the public is key to creating a safer and more reliable banking system.

METHODS OF THE RESEARCH

This research method uses a legal analysis approach by utilizing the applicable laws in Indonesia, especially related to banking responsibility for actions committed by employees. This research analyzes several laws and regulations such as the Civil Code, the Banking Law, and the Consumer Protection Law. In addition, this study also examines relevant legal cases related to employee misconduct in the banking sector.

RESULTS AND DISCUSSION

A bank that is a legal entity, namely a Limited Liability Company, where a Limited Liability Company as per Article 1 number (1) of Law Number 40 of 2007 concerning Limited Liability Companies is defined as a legal entity that is a capital partnership, established based on an agreement, conducts business activities with authorized capital that is entirely divided into shares and meets the requirements set out in this law and its implementing regulations.

The Bank is an intermediary institution, which means that its main activity is to collect funds and activities to distribute funds to the community. The funds withdrawn from the community are channeled back to the community. The function of banking institutions as intermediaries between parties who have excess funds with parties who need funds brings intensive consequences between the Bank as a business actor and customers as consumers who use financial services. Interaction between the Bank and Consumers who use banking services, hereinafter referred to as Customers, can also take the form of other bank products when the customer makes other transactions such as fund transfer services, deposits, deposits, credit and others as well as the business activities of other commercial banks in Article 6 of the Banking Law and its amendments.¹

In principle, the relationship between banks and customers in storing their funds is based on a relationship of trust, which is commonly referred to as a *fiduciary relationship*. Banks work with funds from the community that are deposited in it on the basis of trust, so every bank needs to continue to maintain its health by maintaining and maintaining public trust in it. Banks are very interested in ensuring that the level of public trust is at a high level, considering that banks are part of the financial system and payment systems, the wider community is interested in the health of these systems. While public trust in banks is a basic element of existence for banks, the maintenance of public trust in banking is also in the interest of many people.²

Banks in carrying out their business activities are obliged to apply the principle of prudence, they must also maintain the health of the bank so that it is maintained for the

¹ Rosyda, *Fungsi, dan Jenis-Jenis Bank di Indonesia*, Artikel.

² Fatimah Chalim, "Hubungan Hukum Antara Bank Dan Nasabah Penyimpan Dana Menurut Undang-Undang Perbankan", *Jurnal Lex Et Societatis* 5, no. 9 (2017). p. 120.

benefit of the public in general and for customers who deposit funds refer to Article 29 paragraph (2) of the Indonesian Banking and Banking Law in conducting their business based on Economic Democracy by using the principle of prudence as in Article 2 of Law Number 10 of 1998 concerning Companies on Law Number 7 of 1992 about Banking. The reason why the public entrusts the money they have to the Bank is because of the level of trust factor which is based on the integrity of the management, knowledge and ability of the management both in the form of knowledge of managerial abilities and knowledge and technical capabilities of banking, the health of the bank concerned, and the bank's compliance with the bank's obligations.³

Customers who are bank consumers have the right to get information about their funds from banking services. The customer is a very important element, the existence of banking relies on the trust of the community or customers. In fact, the relationship between a bank and a customer is not just an ordinary contractual relationship between a bank and a customer that is covered by the general principles of treaty law, but also a relationship of trust that is covered by the principle of trust.⁴

Banking as a Limited Liability Company has company organs that have their respective duties and functions, including the General Meeting of Shareholders, the Board of Directors and the Board of Commissioners in Article 1 number (2) of the Limited Liability Company Law. where the Board of Directors is an authorized organ of the Company and is fully responsible for the management of the Company for the benefit of the Company, in accordance with the Company's intentions and objectives and represents the Company, both inside and outside the court in accordance with the provisions of the articles of association of Article 1 number (5) of the Limited Liability Company Law.

In general, in business practice, the Banking Sector does not only consist of the Head Office, but also has Operational units that carry out the Bank's duties and functions directly to the Customer. Thus, in carrying out business activities, the role, duties and functions of the Board of Directors are mandated to the structure of the organs that are hierarchically internal to the Bank. authority as per Article 92 paragraph (2) of the Limited Liability Company Law where the Board of Directors is authorized to carry out management in accordance with the policy deemed appropriate, within the limits specified in this law and/or the Articles of Association.

The Bank's Board of Directors in carrying out its duties and functions may mandate to other organs on its behalf in routine relations of superiors and subordinates which are expressly regulated internally by the Bank regarding limits and authority. The mandate includes the Branch Office which is a Bank Office that is directly responsible to the Head Office of the Bank concerned with a clear address of the place of business where the branch office conducts its business referring to Article 1 number (19) of the Banking Law.

Regarding the construction of a hierarchical banking organization between the Head Office and other Work Units, including in the Branch Office, the concept of legal liability for the actions and/or deeds carried out by the Employee as the recipient of the mandate in managing the Company refers to Article 1365 of the Civil Code states that "every unlawful act, which brings harm to others, obliges the person for the wrong to publish the loss to

³ Sutan Remy Sjahdeini, *Rahasia BANK: Berbagai Masalah Disekitarnya*, <https://www.oocities.org/hukum97/rahasiabank.pdf>

⁴ Sutrisno Fernando Ngiu, "Perlindungan Hukum Terhadap Nasabah Bank Sebagai Subjek Hukum Menurut Undang Tundang Nomor 10 Tahun 1998 Tentang Perbankan", *Jurnal Lex Privatum* 3, no. 1 (2015), p. 242.

compensate for the loss ". The element of unlawful acts must be proven to be unlawful and there must also be evidence of losses caused by the act (causality).⁵

In addition to people (humans), the law also stipulates that associations and bodies can also have rights and perform legal acts like a human being. The body and the association have their own wealth, participate in legal traffic with the intermediary of their managers, can be sued and also sued before the Panel of Judges. According to Prof. Wirjono Prodjodikoro, a legal entity is a body that, in addition to humans who are considered individuals, is also considered to be able to act in law and also has rights, obligations and legal relationships with other people or entities.⁶

Regarding the form of business of banks, the Banking Law requires a legal entity where a legal entity in Dutch called *Rechtspersoon* is an entity that can have assets, rights and obligations such as private persons.⁷ As a legal entity, it has the following conditions: 1) the existence of assets (rights) with certain purposes that are separate from the personal wealth of the allies or certain purposes that are separate from the personal wealth of the allies or the Founder of the entity, strictly speaking, there is a separation of the company's assets from the personal property of the allies; and 2) the interests that are the goals are the common interest; the existence of several people as Administrators, thus the difference between the individual association and the legal entity lies in the capital and the location of the responsibility. In individual businesses, capital and responsibilities lie. In an individual business, the business capital becomes one with the capital of the Founder, so that the responsibility includes the Founder's personal property. In a legal entity, the working capital is separate from the wealth of the Founders (shareholders), therefore the responsibility of the Pendir (shareholders) is limited to the maximum amount of paid-up capital. The wealth of the legal entity is managed by its Administrators as one of the organs of the legal entity concerned. Based on the description above, it can be known that the Bank as a financing institution can be subject to legal liability.

Responsibility without fault or what is often called absolute responsibility is a legal responsibility regardless of the relationship of the person concerned in doing his act whether it has an element of fault or not, in this case the perpetrator can be asked to be legally responsible, even though in doing his act he did not do it intentionally and did not contain an element of negligence. Lack of caution, or impropriety.⁸ Liability in unlawful acts is one of them formulated in Article 1367 paragraph (1) of the Civil Code which determines that a person is not only responsible for losses caused by his own actions, but also for the actions of the person who is his dependents or the goods under his supervision.

This liability is known as liability or what in Dutch terms is called *aanprakerlijkheid*, which is the theory that determines who should receive a lawsuit or who should be sued for an unlawful act. Liability for unlawful acts committed by others in law is known as the theory of *vicarious liability*. The Bank is a place where Bank Employees who are responsible for the debtor's information system work where based on Article 1367 paragraph (1) of the Civil Code it is determined that a person is not only responsible for losses caused by his own actions, but also for the actions of the person who is his dependents or the goods under his supervision, or what is commonly called *vicarious liability*.

⁵ Indah Sari, "Perbuatan Melawan Hukum (PMH) Dalam Hukum Pidana Dan Hukum Perdata", *Jurnal Ilmiah Hukum Dirgantara* 11, no. 1 (2020): p. 55.

⁶ <https://nu.or.id/syariah/3-teori-dan-konsekuensi-badan-hukum-sebagai-subjek-hukum-OGYYF>

⁷ Tami Rusli, *Legal Entity System in Indonesia*, (Lampung: Unila, 2017).

⁸ Tami Rusli, "Tanggung Jawab Produk Dalam Hukum Perlindungan Konsumen", *Jurnal Pranata Hukum* 7. no. 1 (2012): p. 83.

In Article 1367 paragraph (3) of the Civil Code, "Employers and persons who appoint others to represent their affairs are liable for losses incurred by their servants or subordinates in the performance of the work for which these persons are employed". Regarding these provisions, according to Moegni Djojodirdjo, there are several things that result in the responsibility of this employer, namely the existence of a work agreement with the fund without a work bond but the handover of work from the person who leads the work himself.⁹ The existence of the relationship between the employer and the subordinate in the legal entity with its organ is also inseparable from the existence of a labor bond contained in Article 1601 point (a) which determines: "labor agreement is by which one party, the worker, binds himself to be under the order of the other party, the employer, for a certain time to perform work by receiving wages". So that the existence of an employment relationship based on a work agreement causes one to become an employer and one to become a subordinate.

There are several conditions to see the employer's responsibility for unlawful acts committed by subordinates, namely the existence of a subordinate relationship between the Bank, the existence of mistakes made by the subordinates, the possibility of unlawful acts occurring increased with the duties of the employer, and the employer's lack of caution in appointing his subordinates to represent the work carried out according to the line of work of his subordinates.¹⁰

Referring to the Decision of the Pasuruan District Court Number 04/Pdt.G/2013/PN.Psr, the Judge stated that Defendant I (Ladju Bus Oto Company) and Defendant II were responsible for material losses as a result of negligence in running a public transportation company driven by the Co-Defendant which was the responsibility of the Defendants, resulting in a traffic accident. The judge argued that there was a legal relationship between the Ladju Bus Oto Company and Mohamad Deky as the Driver because of Mohamad Deky's income as the Bus Driver on the basis of the Ladju Bus order. Mohamad Deky's mistake in hitting Wahyu is considered inseparable from the mistake of the Ladju Bus Automobile Company. This is because the collision occurred when Mohamad was carrying out the orders of the Ladju Bus Company.

Therefore, the Company's responsibility for the actions of its employees is after looking at the legal relationship. The form of responsibility of the company boils down to the civil aspect which provides compensation either in full or not. The company is liable if it can be proven by the aggrieved party by linking the theory of *fault on liability* where the burden of proof lies with the third party who files the lawsuit so that the holding company is personally responsible on the basis of *piercing the corporate veil* which must be able to prove its fault.¹¹ It can be concluded that everything related to civil liability in a company that assigns its employees to perform the duties and functions of the Bank can cause losses according to the Limited Liability Company Law which leads to the liability for compensation after the application of *the corporate veil* against the Bank.

Article 97 paragraph (1) of the Limited Liability Company Law regulates and determines that "The Board of Directors is responsible for the management of the Company as per

⁹ Kusuma Singosari, "Tanggung Jawab Direksi Akibat Perbuatan Melawan Hukum Atas Penerbitan Deposito Palsu Yang Dilakukan Karyawan PT Bank Perkreditan Rakyat Anugrah", *Penelitian Hukum* (2018), p. 174.

¹⁰ Lana Aulia Afiftania, "Dian Purnama Anugerah, Penerapan Prinsip Vicarious Liability dalam Pertanggungjawaban Perseroan Terbatas", *Jurnal Notaire* 5 no. 3 (2022): p. 426.

¹¹ Dwiyantri Adelin Hetharie, Teng Berlianty, and Muchtar Anshary Hamid Labetubun, "Tanggung Jawab Pelaku Usaha Terhadap Penetapan Harga Yang Berbeda Atas Produk Sejenis" *PATTIMURA Law Study* 1, no. 1 (2023): 363-382

Article 92 paragraph (1)" it emphasizes that the Board of Directors as the Organ that carries out the management of the Company acts to be responsible for all actions taken by the Company. Thus, the compensation charged to the Bank as a Company after the application of *piercing the corporate veil* to the legal actions of its employees, is determined in terms of the principle of legal responsibility based on fault. Compensation which is the Bank's compensation for the legal actions of its employees, if it has been fulfilled by one of the above principles of responsibility, then it can be concluded that compensation is compensation contained in Article 1246 of the Civil Code, namely costs, losses and interest that the debtor may claim for reimbursement, in general for the losses that he has suffered and the debts that he should have enjoyed.

Specifically, compensation due to unlawful acts committed by the Bank as an employer must meet the requirements that have been determined by the rules listed above so that the Bank provides compensation for the actions of its employees in accordance with the laws of its company. If you have seen these requirements, compensation can be paid after meeting the existing conditions. This is in accordance with the obligation for banks that have been injured by their employees, namely to create comfort for their debtors and create healthy relationships between producers and consumers, as well as create a business climate that is conducive to business development and the economy in general. Therefore, the consumer protection law provides a number of rights and imposes a number of obligations and prohibitions on banking business actors.

Avoiding acts that have a detrimental impact on Customers, Article 7 paragraph (1) of the Consumer Protection Financial Services Authority Regulation regulates and determines that Financial Services Business Actors are obliged to prevent the Board of Directors, Board of Commissioners, Employees, and/or Third Parties who work for or represent the interests of Financial Services Business Actors from behaving: a) enriching or benefiting themselves or other parties: and/or b) abuse the authority, opportunity, or means available to him because of his position or position that results in harm to consumers. Furthermore, in the event that there has been a loss and/or action that is detrimental to the customer, Article 8 paragraph (1) of the Consumer Protection Financial Services Authority Regulation regulates the Bank's obligation to be responsible for it that the Financial Services Business Actor is obliged to be responsible for consumer losses arising from mistakes, errors, and/or acts that are contrary to the provisions of laws and regulations in the financial services sector, carried out by the Board of Directors, Board of Commissioners, Employees and/or third parties who work for or represent the interests of Financial Services Business Actors. which form of responsibility for consumer losses can be agreed upon by Consumers and Financial Services Business Actors.

The Company's responsibility represented by the Board of Directors as the Company's Management Organ as per the Limited Liability Company Law requires the Board of Directors to be fully responsible for the company's management or losses. In addition to the Limited Liability Company Law which provides specific liability rules for the Board of Directors, according to Article 1367 paragraph (1) of the Civil Code, a person is responsible not only for the actions of individuals under his power or for the goods supervised by him. This means that the scope of responsibility of a Board of Directors in a company or limited liability company is not only against himself, but every person who is responsible, in other words employees who commit unlawful acts in conducting transactions in their Company are the full responsibility of the Board of Directors.

CONCLUSION

The relationship between the Bank and the Customer is the act of consent in storing the Customer's funds based on a relationship of trust, which is commonly called a fiduciary relationship. In carrying out the Bank's business operations, the duties and functions of the Board of Directors as the Company's Management Organ mandate the structure of the internal organ of the Bank. The mandate includes the Branch Office unit which is a Bank Office that is directly responsible to the Head Office of the bank concerned with a clear address of the place of business where the branch office does its business. A legal entity is a body that, in addition to an individual human being, is also considered to be able to act within the law and also has rights, obligations and legal relations with other persons or entities. The difference between an individual partnership and a legal entity lies in the capital and the liability. In the company's business, the business capital becomes one with the Founder's capital, so that his responsibilities include the Founder's personal property. Thus, banks that are legal entities that carry out their role as financing institutions can be subject to legal liability as a corporation. Absolute responsibility is a legal responsibility that is imposed on the perpetrator of an unlawful act regardless of whether the person concerned in committing his act has an element of fault or not, in this case the perpetrator can be held legally responsible, even though in doing his act he did not do it intentionally and did not contain elements of negligence, lack of care, or impropriety. A person or legal entity is not only liable for losses caused by his own actions, but also for the actions of the person under his or her dependents or the goods under his supervision. This happens because of the existence of a work agreement or the absence of a work bond but the handover of work from the person who leads the work himself. Financial Services Business Actors are also obliged to be responsible for consumer losses arising from mistakes, negligence, and/or acts that are contrary to the provisions of laws and regulations in the financial services sector, carried out by the Board of Directors, Board of Commissioners, Employees and/or third parties who work for or represent the interests of Financial Services Business Actors.

REFERENCES

- Dwiyanti Adelin Hetharie, Teng Berlianty, and Muchtar Anshary Hamid Labetubun, "Tanggung Jawab Pelaku Usaha Terhadap Penetapan Harga Yang Berbeda Atas Produk Sejenis" *PATTIMURA Law Study* 1, no. 1 (2023): 363-382.
- Fatimah Chalim, "Hubungan Hukum Antara Bank Dan Nasabah Penyimpan Dana Menurut Undang-Undang Perbankan", *Jurnal Lex Et Societatis* 5, no. 9 (2017).
<https://nu.or.id/syariah/3-teori-dan-konsekuensi-badan-hukum-sebagai-subjek-hukum-OGYYF>.
- Indah Sari, "Perbuatan Melawan Hukum (PMH) Dalam Hukum Pidana Dan Hukum Perdata", *Jurnal Ilmiah Hukum Dirgantara* 11, no. 1 (2020).
- Kusuma Singosari, "Tanggung Jawab Direksi Akibat Perbuatan Melawan Hukum Atas Penerbitan Deposito Palsu Yang Dilakukan Karyawan PT Bank Perkreditan Rakyat Anugrah", *Penelitian Hukum* (2018).
- Lana Aulia Afiftania, "Dian Purnama Anugerah, Penerapan Prinsip Vicarious Liability dalam Pertanggungjawaban Perseroan Terbatas", *Jurnal Notaire* 5 no. 3 (2022).
- Sutan Remy Sjahdeini, *Rahasia BANK: Berbagai Masalah Disekitarnya*, <https://www.oocities.org/hukum97/rahasiabank.pdf>.

Sutrisno Fernando Ngiu, "Perlindungan Hukum Terhadap Nasabah Bank Sebagai Subjek Hukum Menurut Undang Tundang Nomor 10 Tahun 1998 Tentang Perbankan", *Jurnal Lex Privatum* 3, no. 1 (2015).

Tami Rusli, *Sistem Badan Hukum di Indonesia*, Lampung: Unila, 2017.

Tami Rusli, "Tanggung Jawab Produk Dalam Hukum Perlindungan Konsumen", *Jurnal Pranata Hukum* 7. no. 1 (2012).

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