LEGAL VIEW CONCERNING ELECTRONIC BILL PRESENTMENT AND PAYMENT WHICH INAPROPRIATE WITH TRUE INVOICE CONNECTED TO BUKU III BW JUNCTO UNDANG-UNDANG NUMBER 11/ 2008 ABOUT INFORMATION AND ELECTRONIC TRANSACTION

Abstract

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The exploiting of information and technology at present has much being used by people individualy and also by institution. The bigest influence of the output progress and technological information and communication development are on the financial institution. Existence of the internet exploiting by financial institution what is recognized as internet banking were facilitating the customer on the transaction which placing forward the easy factor, efficiency, flexibility and simplicity where one of the service on internet banking itself are Electronic Bill Presentment and Payment which were online invoice and payment. Electronic Bill Presentment and Payment what is attended by the bank on reality are inapropriate with the true invoice which is the existence of double invoice on one same transaction with the same value and time of the transaction, it's showing that the banking institution have neglected in doing its obligation which is wrong or inapropriate on noting entire trnsaction that conducted by the costumers correctly so that causing loss to the costumers. That problems causing some question which one other things is how were the law protection concerning the lossy costumers and what law action could conducted to solving the problems above.

To reach the porpose above, then the writer do some analitycal description research with normative juridical approach. The data has been qualitative juridical analyzed considering the hierarchy of the regulations it self and to achieve law certainness.

Based on the research, the conclusion are that the law protection concerning lossy consumer caused by wanprestasi effect what is done by banking institution were relate to article 1234 BW about wanprestasi and article 1365 as legal fundament to claiming indemnation for negligence which have been done by the banking institution and also article 38 subsection (1) Undang-Undang Number 11/ 2008 about Information and Electronic Transaction as legal fundament for the information and technological exploiting whom causing loss. Meanwhile the action law which could be done are through several ways either through litigation and also non-litigation. Litigation way can be done by doing civil accusation as the law fundament on the article 38 subsection (1) Undang-Undang Number 11/2008 About Information and Electronic Transaction under color of suing on wanprestasi which is article 1234 BW and also article 1365 BW as legal fundament of compensatory, while legal fundament on non-litigation way contained on article 39 subsection (2) Undang-Undang Number 11/ 2008 about Information and Electronic Transaction which can be done through consultation, negoisation, mediation, consiliation and also arbitration based on Undang-Undang 30/ 1999 about arbitrase.