LAW REVIEW ABOUT THE BANK CUSTOMER ROBBERY THROUGH THE MODE OF MULTIPLYING ATM CARDS (SKIMMER) RELATED TO ARTICLE 363 PARAGRAPH (5) CRIMINAL CODE (KUHP) *JUNCTO* LAW NO.11 YEAR 2008 ABOUT THE INFORMATION AND ELECTRONIC TRANSACTION

Abstract

Ricky Rezeki Mansoer

Technology keeps on developing along with the development of humanity. This rapid development of technology brings about the enormous inventions that make human activities easier, so that the problems of time, space and distance limitation can be overcome. Along with the development, the bank customers' savings robbery through the skimmer mode emerges by misapplying the technology development and utilizing the loophole of the security system of ATM machine. The robbery through skimmer technology is not something new, but has been happening for a long time. However, it reemerges when the news about the robbery of 200 BCA customers' savings came to public, and the loss of the affair reached five billion Rupiahs. The issue brings about law problem. Some of the emerging problems include the law enforcement process of the Article 363 paragraph (5) Criminal Code (KUHP) and Law no. 11 Year 2008 about the information and electronic transaction regulating the bank customers' saving robbery through multiplying the ATM cards (skimmer), and which legal action can be taken against the bank robbers who have committed such crime.

In order to achieve the aforementioned objectives, the writer employs a descriptive analytic research by applying the approach in normative jurisdiction. The data obtained is analyzed qualitatively juridical, in which one law must not contradict another, and by taking into account the hierarchy of the legislative regulation and achieve legal security.

According to the research that has been conducted, it can be concluded that the action undertaken by the robbers through multiplying the ATM cards has met the subjective and objective elements of Article 363 paragraph (5) Criminal Code (KUHP) and of Article 32 paragraph (1) Law no. 11 Year 2008 about the information and electronic transaction. In the other hand, the legal action that can be taken is through several ways both preventively and repressively, by three approaches, such as technological approach, socio-cultural approach and legal approach.