

ABSTRAK

Perkembangan *Artificial Intelligence* (AI) telah mendorong transformasi layanan perbankan digital, namun juga memunculkan risiko penyalahgunaan teknologi *deepfake* yang dapat mengakibatkan kerugian bagi nasabah. Indonesia belum memiliki pengaturan khusus mengenai penggunaan AI di sektor perbankan sehingga diperlukan kajian terhadap tanggung jawab hukum bank atas kerugian yang ditimbulkan akibat penggunaan teknologi *deepfake* oleh pihak ketiga. Penelitian ini bertujuan untuk menganalisis apakah bank dapat dimintai tanggung jawab atas kerugian tersebut dan prinsip tanggung jawab yang menjadi dasar pertanggungjawaban bank.

Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan (*statute approach*). Bahan hukum diperoleh melalui studi kepustakaan yang terdiri atas bahan hukum primer, sekunder, dan tersier, kemudian dianalisis secara deskriptif-analitis berdasarkan Undang-Undang Nomor 4 Tahun 2023, POJK Nomor 22 Tahun 2023, POJK Nomor 11/POJK.03/2022, dan Peraturan Anggota Dewan Komisiner OJK Nomor 1 Tahun 2026.

Hasil penelitian menunjukkan bahwa bank dapat dimintai tanggung jawab apabila terbukti tidak memenuhi kewajiban dalam menerapkan tata kelola teknologi informasi, manajemen risiko, keamanan sistem, dan perlindungan konsumen sesuai ketentuan peraturan perundang-undangan. Prinsip tanggung jawab yang digunakan adalah *liability based on fault*, sedangkan *strict liability* dapat diterapkan dalam kondisi tertentu untuk memberikan perlindungan yang lebih efektif kepada nasabah.

Kata kunci: *Artificial Intelligence*, *Deepfake*, Bank Digital, Tanggung Jawab Hukum, Pelindungan Konsumen.

ABSTRACT

The development of Artificial Intelligence (AI) has accelerated the transformation of digital banking services while also creating new risks through the misuse of deepfake technology, which may cause financial losses to customers. Indonesia has not yet established specific regulations governing the use of AI in the banking sector. Therefore, it is necessary to examine the legal liability of banks for losses suffered by customers due to the misuse of deepfake technology by third parties. This study aims to analyze whether banks can be held legally liable for such losses and to identify the liability principle that serves as the basis for the bank's responsibility.

This research is a normative legal study employing a statutory approach. Legal materials consist of primary, secondary, and tertiary legal sources collected through library research and analyzed using a descriptive-analytical method based on Law Number 4 of 2023, Financial Services Authority Regulation Number 22 of 2023, Financial Services Authority Regulation Number 11/POJK.03/2022, and Financial Services Authority Board of Commissioners Regulation Number 1 of 2026.

The results indicate that banks may be held liable if they fail to fulfill their obligations in implementing information technology governance, risk management, system security, and consumer protection as required by applicable laws and regulations. The primary liability principle applied is liability based on fault, while strict liability may be applied under certain circumstances to provide more effective protection for customers.

Keywords: Artificial Intelligence, Deepfake, Digital Banking, Bank Liability, Consumer Protection.