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Analysis of The Bank's Civil Liability For Employees' Tortious Acts Committed Outside The Bank's Operational System

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Abstract: This study examines the civil liability of Bank BNI regarding an unlawful act committed by the former Head of Cashier of the Aek Nabara Branch through an off-book transaction. The issues focus on the regulation of bank liability based on Article 1367 of the Indonesian Civil Code and POJK Number 6/POJK.07/2022, as well as the implementation of the principle of vicarious liability to employee actions that exceed the bank's official operational systems. Employing a normative juridical method, this research concludes that the bank's liability stems from two complementary normative layers: Article 1367 paragraph (3) of the Civil Code as a general rule and Article 8 paragraph (1) of POJK Number 6/POJK.07/2022 as a sectoral regulation. Collectively, these regulations establish the bank as the party responsible for customer losses resulting from its employees' actions. The application of the doctrine of vicarious liability in this case is justified by the fulfillment of the employment relationship element and the doctrine of apparent authority, wherein the perpetrator objectively appeared as a bank representative to customers acting in good faith. Thus, Bank BNI's action to compensate for the customer's loss of IDR 28 billion is not merely a voluntary initiative, but rather a fulfillment of legal mandates rooted in the doctrine of vicarious liability and the fundamental principles of consumer protection within the financial services industry.

Keyword: Liability, Banking, Consumer Protection.

INTRODUCTION

Banking is one of the main pillars of a country's economic system, as banks function as financial intermediaries by collecting funds from the public and channeling them back into the economy to support national development (Ginting, 2023). Given this essential role, Article 29 of Law Number 10 of 1998 concerning Banking requires banks to implement the prudential principle in conducting their business activities. This principle obliges banks to exercise due care and diligence in managing public funds in order to minimize the risk of losses that could threaten both the bank's financial stability and the security of customers' funds. As a legal entity (rechtspersoon), a bank acts through its corporate organs and employees who carry out its day-to-day operational activities. Accordingly, any operational act performed by employees within the scope of their duties and authority is, as a matter of law, regarded as an act representing the bank itself.

The existence of an employment relationship between a bank and its employees has significant legal implications when an employee commits a wrongful act that causes loss to a customer. Pursuant to Article 1365 of the Indonesian Civil Code (KUHPerdata), any person who causes damage through an unlawful act is legally obliged to compensate the injured party for the losses incurred (Putri & Agustina, 2024). In the banking context, wrongful acts committed by bank employees that result in customer losses constitute a manifestation of operational risk. Article 1 point 7 of Financial Services Authority Regulation (POJK) Number 18/POJK.03/2016 defines operational risk as the potential loss arising from inadequate or failed internal processes, human errors, system malfunctions, and/or external events that negatively impact a bank's operational activities. Accordingly, banks are required to implement effective risk management to mitigate potential losses arising from their operational activities (Putri & Agustina, 2024).

In banking practice, unlawful acts (hereinafter referred to as torts) committed by employees constitute one of the primary sources of operational risk, particularly where internal oversight and control mechanisms fail to function effectively. Article 1367 of the Indonesian Civil Code recognizes the concept of vicarious liability as a form of civil liability, whereby a person may be held legally responsible for losses caused by another person with whom a specific legal relationship exists (Widiyastuti, 2020).The provision further states that an employer, or any party who authorizes another to act on their behalf, is responsible for losses caused by their subordinates, as long as the unlawful acts occur while the subordinates are carrying out their assigned duties. In this context, a bank's liability extends beyond responsibility for its own wrongful acts to include liability for the acts of employees acting on its behalf. Furthermore, where an employer fails to exercise due care in selecting or supervising its employees, such negligence does not relieve the employer of liability. Since the employer has entrusted the employee with carrying out its affairs, liability remains attached under the principle of risk-based liability (Putri & Agustina, 2024).

The existence of banks as financial intermediary institutions fundamentally depends on public trust, as without such trust, members of the public would be unwilling to deposit their funds with banks (Usanti & Shomad, 2017). This study is particularly significant because that trust is increasingly threatened by the high incidence of banking fraud in Indonesia. The Indonesia Fraud Survey 2025 reported that the banking and financial services sector ranked as the third most affected industry by occupational fraud, accounting for 12% of all reported cases. In corruption cases, the majority of perpetrators were middle management (42%) and senior management (39%). Similarly, in cases involving asset misappropriation, most offenders were from middle management (44%), followed by non-managerial employees (30%) and senior management (25%). These findings indicate persistent weaknesses in banks' internal supervisory mechanisms (culpa in vigilando).

A number of banking cases that have emerged in recent years demonstrate persistent weaknesses in internal control and supervisory mechanisms. In 2024, a banking crime occurred at Bank Kaltimtara, involving an internal employee who abused his authority. In 2025, another case involved the embezzlement of IDR 17.2 billion by a former employee of Bank Rakyat Indonesia (BRI), with the funds allegedly used for online gambling activities. Furthermore, in 2026, an internal employee of Bank Mandiri in North Sumatra was implicated in the embezzlement of customer funds amounting to IDR 12.3 billion through unauthorized transfers from customers' accounts. These incidents demonstrate that banking crimes committed by insiders, coupled with weaknesses in internal oversight, are not isolated events but rather recurring issues that require more effective regulatory and institutional responses. Against this background, one case warrants closer examination because it illustrates the complexity of these legal issues, namely the case involving Bank Negara Indonesia (BNI) Aek Nabara Branch.

The case involving Bank Negara Indonesia (BNI) Aek Nabara Branch originated in 2019 when Andi Hakim Febriansyah, then serving as the Head of the Cash Office, offered an unauthorized investment product known as “BNI Deposito Investment” to members of the Aek Nabara Catholic Parish. The product promised an annual return of 8%, significantly higher than the prevailing banking deposit interest rate of approximately 3.7%. Exploiting the authority and credibility attached to his position, the perpetrator persuaded customers to invest by issuing fraudulent deposit certificates and conducting transactions outside the bank's official operational system (off-book transactions). The customers' funds were neither recorded in the bank's accounting records nor entered into its core banking system, resulting in the absence of any official contractual or transactional relationship between the customers and BNI. Although the customers accepted unusually high returns and bypassed ordinary banking procedures, such circumstances do not automatically eliminate the bank's liability. The perpetrator acted by exploiting his position as Head of Cash Office and the authority attached to Bank BNI, thereby creating apparent authority and legitimate trust on the part of customers. Consequently, any contributory negligence on the part of customers does not sever the causal relationship necessary for the application of vicarious liability.As a result of these unlawful acts, the total financial loss amounted to approximately IDR 28.6 billion, representing funds collected from parish members and misappropriated for the perpetrator's personal benefit. Subsequently, PT Bank Negara Indonesia (Persero) Tbk announced its decision to reimburse the customers in full for the losses incurred, amounting to IDR 28.6 billion. This case is particularly significant because BNI's decision to provide full compensation implicitly departs from the application of the ultra vires doctrine and instead reinforces the application of the vicarious liability doctrine within Indonesia's banking law framework.

The abuse of authority committed by the former Head of the BNI Aek Nabara Cash Office through off-book transactions highlights a significant legal issue concerning the scope of a bank's civil liability for the wrongful acts of its employees, particularly in ensuring legal protection for customers. Existing studies, however, remain largely confined to the employment relationship under Article 1367 of the Indonesian Civil Code (KUHPerdata) and have yet to comprehensively examine the conflict between a bank's internal administrative regulations and the rights of customers who suffer losses as a result of employees' unlawful conduct. As noted by Rizkianti (2025), Indonesia still requires more comprehensive legal research to identify existing challenges and formulate appropriate solutions. Against this background, this study focuses on analyzing the application of the vicarious liability doctrine and developing a legal argument to strengthen banks' civil liability for customer losses arising from inadequate internal supervision, thereby promoting greater legal certainty within Indonesia's banking sector.

This research seeks to investigate the legal basis underlying a bank's civil accountability for unlawful conduct carried out by its employees, with reference to Article 1367 of the Indonesian Civil Code (KUHPerdata) and OJK Regulation Number 6/POJK.07/2022. In addition, it aims to assess how the doctrine of vicarious liability is applied in establishing a bank's civil liability for the unlawful act committed by the former Head Cashier of BNI's Aek Nabara Branch, carried out through transactions conducted outside the bank's official operational system.

METHOD

This study employs a normative juridical research method by examining legal issues based on secondary data, including legislation, legal doctrines, scholarly journals, and other relevant legal sources (Kristiawanto, 2022). This study examines the legal framework governing a bank's civil liability for unlawful conduct carried out by its employees, with particular attention to Article 1367 of the Indonesian Civil Code (KUHPerdata), the Indonesian Banking Law, and pertinent regulations issued by the Financial Services Authority (OJK). A combination of statutory, conceptual, and case-based approaches is employed in conducting this research. The materials relied upon consist of secondary legal data, drawn from three categories of sources. Primary legal materials take the form of statutes and regulations concerning bank accountability and consumer protection within the financial services industry. Secondary legal materials encompass academic texts, journal articles, research findings, expert commentary, and other legal scholarship. Tertiary legal materials are obtained from internet-based sources and news coverage published by credible media outlets that have been certified by the Indonesian Press Council and are recognized for delivering accurate and trustworthy reporting. Legal materials were collected through library research, organized and classified according to the analytical requirements of each research question. News sources were selected based on their credibility and the reliability of the information they provided. The collected legal materials were subsequently analyzed using a descriptive-qualitative method.

RESULT AND DISCUSSION

Bank Liability for Tortious Acts Committed by Its Employees under the Indonesian Civil Code and Financial Services Authority Regulation (POJK) No. 6/POJK.07/2022

Liability in civil law is defined as the legal obligation to bear and compensate for losses arising from either breach of contract or an unlawful act (Utomo et al., 2020). Article 1365 of the Indonesian Civil Code serves as the principal normative basis for the regulation of unlawful acts in Indonesia, providing that "Every unlawful act that causes harm to another person obliges the person who, through his fault, caused that harm to compensate for it." Under Article 1365 of the Indonesian Civil Code (KUHPerdata), an act can only be classified as a tort if all required elements are cumulatively fulfilled. These elements include the existence of an act, the unlawfulness of the act, fault attributable to the wrongdoer, the occurrence of loss suffered by another party, and a causal relationship between the act and the resulting damage. If any of these elements is not present, the act cannot be regarded as a tort (Utomo et al., 2020). In banking practice, acts made by employees such as abuse of authority, transaction manipulation, or the execution of transactions outside the bank's operational system may be qualified as unlawful acts insofar as they satisfy the elements set out in Article 1365 KUHPerdata.

The regulation of liability is not confined to Article 1365 KUHPerdata, but is also governed by Article 1367 KUHPerdata. Whereas Article 1365 imposes liability on the party who directly commits the unlawful act, Article 1367 governs liability for harm caused by the acts of another person who has a particular legal relationship with the party held liable. Direct liability requires fault on the part of the defendant itself; in this context, a bank may only be sued if the bank itself committed the unlawful act (Alfianto et al., 2024). By contrast, indirect liability under Article 1367 does not require the defendant to have committed the fault directly this is known as vicarious liability, or substitute liability.

Under Article 1367 KUHPerdata, civil liability is not limited to the perpetrator's own acts but also extends to harm caused by persons under that party's supervision. Furthermore, Article 1367(3) KUHPerdata states that an employer, or a party who appoints another person to represent its interests, may be held liable for harm caused by its subordinate or representative, provided that the act in question was committed in connection with the performance of duties assigned to that person. This provision forms the basis for regulating an employer's liability for unlawful acts made by its employees within an employment relationship. The article establishes that an employer may be held liable for the acts of its subordinate so long as a connection exists between the harm caused and the duties assigned to that subordinate.

The doctrine of vicarious liability is a form of substitute liability that imposes civil liability on an employer for harm caused by the unlawful acts of its employees. This means that an aggrieved party (a customer) may claim compensation directly from a corporation (a bank) for the acts of its employee, provided that the act was committed within the capacity or scope of that employee's employment. In the English common law tradition, this doctrine developed through the principle of respondeat superior, meaning "let the master answer" (Muchtar, 2025). This principle arose from the practical need to protect third parties harmed by the acts of an employee performing his duties, given that employees generally lack sufficient financial capacity to bear the losses they cause (Muchtar, 2025).

Based on the doctrine of vicarious liability as reflected in Article 1367(3) KUHPerdata, an employer may be held liable for unlawful acts committed by its employee so long as the act retains a connection to the performance of duties, or is committed within the scope of tasks assigned by the employer (Surahman, 2021). Article 1367(3) applies once two elements are satisfied. First, there must be an employment relationship between the employer and the perpetrator. Second, the unlawful act committed by the perpetrator must be connected to the duties or tasks assigned by the employer (Surahman, 2021). Accordingly, Article 1367(3) KUHPerdata constitutes the general legal basis for an employer's liability for unlawful acts committed by its employees. In the banking sector, however, a bank's liability is also regulated more specifically under OJK Regulation (Peraturan Otoritas Jasa Keuangan, hereinafter POJK) Number 6/POJK.07/2022 on Consumer and Public Protection.

Before examining the provisions of POJK Number 6/POJK.07/2022 on Consumer and Public Protection as a basis for bank liability, it is first necessary to understand the standing of POJK within Indonesia's hierarchy of laws and regulations. Recognition of regulations issued by state institutions, including the Financial Services Authority (Otoritas Jasa Keuangan, OJK), is found in Article 8(1) of Law Number 12 of 2011 on the Formation of Laws and Regulations. This provision states that, in addition to the types of regulations listed in the hierarchy of laws and regulations, there also exist regulations formed by state institutions established under statute. Such regulations retain binding legal force so long as their formation is grounded in authority granted by statute or mandated by higher-ranking laws and regulations. The OJK, pursuant to Law Number 21 of 2011, is authorized to issue POJK as a regulatory instrument in the financial services sector. Because POJK is formed on the basis of delegated statutory authority, it carries binding legal force and must be complied with by financial services business actors, and therefore cannot be overridden by a bank's internal rules.

A consequence of this hierarchical standing is that POJK may not conflict with the statutes ranked above it, including the Banking Law and the KUHPerdata (Zainuddin, 2021). In this respect, POJK functions as an implementing instrument for the laws above it. In the context of this research, POJK Number 6/POJK.07/2022 stands as a sectoral regulation that provides specific rules and clarifies the application of the doctrine of vicarious liability within the banking sector, as an implementation of Article 1367 KUHPerdata. It can therefore be understood that Article 1367 KUHPerdata and POJK Number 6/POJK.07/2022 are complementary in regulating a bank's liability for unlawful acts committed by its employees. Accordingly, all regulations issued by the OJK carry the same legal force as statutes and are likewise published in the State Gazette of the Republic of Indonesia (Lembaran Negara Republik Indonesia) (Nugroho, 2021).

Article 8(1) of POJK Number 6/POJK.07/2022 explicitly regulates the liability of Financial Services Business Actors (Pelaku Usaha Jasa Keuangan, hereinafter PUJK) in this study, banks for consumer losses arising from the acts or negligence of internal bank personnel. This provision broadens the scope of a PUJK's liability by requiring the payment of compensation for consumer losses arising from fault, negligence, or acts contrary to statutory provisions in the financial services sector, whether committed by internal bank personnel or by other parties working for or representing the bank's interests. This article is also consistent with Article 4 of Law Number 8 of 1999 on Consumer Protection, which grants consumers a specific right to compensation where goods or services received do not conform to what was promised. These provisions establish that a bank may be held liable for compensation for losses caused by the acts of its employees acting in the course of, and on behalf of, the bank's interests.

This regulatory framework indicates that a bank's liability in the financial services sector is no longer purely personal to the perpetrator, but may shift toward liability of the PUJK itself. As an entity that benefits from its operational activities, a bank bears full exposure to the risks arising from failures in internal supervision. Accordingly, where consumer losses arise from an employee's act that exploits the position, authority, or trust attached to that employee's role within the bank, liability cannot simply be imposed on the perpetrator alone. In such cases, the connection between the employee's act and his position within the banking institution, together with the bank's obligations of supervision and consumer protection, becomes the relevant basis for imposing liability on the bank for the losses suffered by the customer.

A bank's liability for unlawful acts committed by its employees cannot be analyzed on the basis of a single legal provision alone, but must be understood through the interrelationship between general civil law provisions and specific banking regulations. In this regard, Article 1367 KUHPerdata and Article 8 of POJK Number 6/POJK.07/2022 have a complementary relationship that reinforces the legal basis for a bank's liability for the unlawful acts of its employees. Article 1367 KUHPerdata functions as the general rule governing an employer's liability for the acts of its subordinates, while Article 8 of POJK Number 6/POJK.07/2022 functions as a sectoral rule specifically governing the liability of financial services business actors in this case, banks where losses arise. In other words, Article 8 of POJK Number 6/POJK.07/2022 reinforces Article 1367 KUHPerdata within the banking sector, such that a bank's risk management and internal supervision systems become the primary benchmark in determining liability.

The Application of the Vicarious Liability Doctrine in a Bank's Civil Liability for Unlawful Acts Committed by a Former Head of Cash at BNI's Aek Nabara Branch Outside the Bank's Operational System

A bank is an institution that falls within the category of a highly regulated institution. The level of regulation applicable to the banking sector is higher than that applicable to non-bank institutions. This follows from the bank's position as a financial intermediary that pools deposits from the public and redirects these funds to borrowers in the form of credit. (Usanti & Shomad, 2017). Fundamentally, the system of banking regulation and supervision is established to obtain and maintain public trust in banks as fund-collecting institutions. Through strict regulation and supervision, the public is expected to have confidence that banks are managed in a sound and professional manner and do not pose a threat to the funds entrusted to them by the public (Hermansyah, 2020). Such trust is a critically important element for the continuity of banking activities, given that the most important source of funds for a bank is the funds originating from the public itself (Hermansyah, 2020). Accordingly, strict regulation and supervision of banks is intended not only to maintain banking stability, but also to foster public confidence that bank employees perform their duties in accordance with applicable provisions.

In this case, the victim's trust in placing funds cannot be separated from the perpetrator's status as a bank officer. The employment relationship between the perpetrator and the bank is evidenced by the perpetrator's status as Head of Cash at BNI's Aek Nabara Branch. The existence of this employment relationship is relevant in the context of Article 1367(3) KUHPerdata and the doctrine of vicarious liability, which in principle links the employer's liability to acts committed by its employee. In addition, the perpetrator's position as Head of Cash conferred a degree of legitimacy and credibility in the eyes of the victim, such that the victim believed the transaction being offered was related to legitimate banking activity. The connection between the perpetrator's position as a bank employee and the loss suffered by the victim is relevant to assessing the bank's civil liability. This is because the employment relationship between the perpetrator and the bank not only granted the perpetrator authority to perform certain functions, but also generated public trust in the actions he carried out. In this context, the loss suffered by the victim was not caused solely by the perpetrator's personal conduct, but was also connected to his exploitation of the trust attached to his position as Head of Cash at BNI.

The existence of an employment relationship between the perpetrator and the Bank can be validated against the criteria established in Article 1(15) of Law Number 13 of 2003 on Manpower. Under that article, an employment relationship is formed where three essential elements are satisfied: the existence of work, wages, and an order/instruction. It is known that the perpetrator had submitted a request for early retirement; however, at the time the act was committed, his status was still that of Head of Cash, which automatically satisfied all three elements. As to the element of work, it can be seen that the perpetrator was responsible for supervising and managing cash operations and carrying out the office's operational activities. As to the element of instruction, when BNI appointed the perpetrator as Head of Cash, BNI thereby gave an "instruction" to manage cash and serve customers in accordance with the bank's policies, and he naturally received wages for all the responsibilities entrusted to him by BNI. The satisfaction of this employment-relationship element indicates that a relationship of subordination existed between the perpetrator and Bank BNI, placing the perpetrator as a party working under the bank's supervision and responsibility. Accordingly, one of the elements under Article 1367(3) namely, an employment relationship between Bank BNI and the perpetrator has also been satisfied.

Although the element of an employment relationship has been satisfied, analysis of the second element requires more in-depth legal examination. Article 1367(3) KUHPerdata requires that the unlawful act committed by the employee must still be connected to the duties assigned by the employer, or must have been carried out in a capacity representing the employer's interests. Committing fraud is not a duty assigned by the employer, but rather a personal act undertaken by the perpetrator to enrich himself and others. However, a customer has no ability to inspect the bank's internal operational system; a customer can only rely on the credibility attached to the position of Head of Cash entrusted by the Bank. From a consumer-protection perspective, a customer bears no obligation to verify the bank's internal systems so long as a document is signed by an authorized officer using the attributes of that office, it legally gives rise to apparent authority binding upon the bank (Maharaja et al., 2026). In this case, the perpetrator acted on behalf of Bank BNI and exploited his position as Head of Cash to gain the customer's trust and to create and sign fraudulent investment products. Accordingly, the perpetrator's conduct remained within the scope of employment, thereby imposing civil liability on the bank.

Furthermore, as a highly regulated institution, a bank is bound not only by general civil-law provisions but is also subject to sectoral regulation. In this context, the application of the doctrine of vicarious liability under Article 1367(3) KUHPerdata is reinforced by the sectoral regulation contained in Article 8(1) of POJK Number 6/POJK.07/2022. As discussed in the preceding section, POJK Number 6/POJK.07/2022 functions as a sectoral rule that reinforces and gives more specific effect to the application of the vicarious liability doctrine within the financial services sector. With reference to Article 8(1) of POJK Number 6/POJK.07/2022, Bank BNI, in its position as a Financial Services Business Actor (PUJK), bears an obligation to compensate customers for losses arising from acts of its employees that are contrary to statutory and regulatory provisions in the financial services sector.

Two matters warrant attention under this article. First, the scope of subjects capable of triggering a PUJK's liability is not limited to permanent employees, but also extends to third parties representing the PUJK's interests. This indicates that Article 8(1) of POJK Number 6/POJK.07/2022 adopts a consumer protection oriented approach. This first element is satisfied, as the perpetrator was an employee of Bank BNI, as previously explained. Second, as to the element of "representing the interests" of the PUJK, when assessed against the facts of the case, the perpetrator, in carrying out his actions, consistently presented himself to the customer as an authorized BNI officer. As previously explained, the doctrine of apparent authority likewise applies here, insofar as the perpetrator exploited the Bank's good name and the attributes of his office to gain the customer's trust. This approach reflects the purpose of POJK Number 6/POJK.07/2022, which expressly places consumer protection as its foremost priority, on the basis that a customer acting in good faith ought not to bear the risk arising from a bank's failure to supervise its own employees.

Pursuant to Article 29(4) of Law Number 10 of 1998 on Banking, a bank is obliged to provide customers with information regarding the possible risk of loss associated with the transactions they undertake. This provision implicitly affirms that the burden of transparency and risk understanding rests entirely with the bank, not with the customer. A customer cannot be charged with an obligation to understand the bank's internal operational mechanisms, the limits of a bank employee's authority, or the supervisory systems implemented by the bank. Moreover,The legal relationship between a bank and its customer is fundamentally grounded in the principle of trust, which constitutes the primary foundation of banking activity. That trust arises from the belief that a bank, as an institution that collects public funds, is managed professionally, strictly supervised, and conducts its business in accordance with statutory provisions (i.e., that it is highly regulated). A customer is therefore entitled to act in good faith and to trust that every act performed by a bank employee is undertaken within the capacity of that employee's office and in accordance with applicable procedures and mechanisms.

In the context of a bank customer relationship founded on the principle of trust, a customer cannot be faulted for trusting a person who acts using the status, position, and attributes of a bank officer. Such trust is, in essence, directed not at the individual perpetrator personally, but at the banking institution he represents. Therefore, when the perpetrator offered a fictitious investment product to the victim by exploiting his position as Head of Cash at BNI's Aek Nabara Branch, the trust placed in him by the customer was a consequence inherent in his position within the banking institution. Accordingly, the perpetrator's status as a bank officer bears a close relationship to the loss suffered by the victim, since that position served as the very means by which the perpetrator obtained the victim's trust and committed the harmful act.

Based on the entirety of the juridical analysis set out above, it is evident that Bank BNI bears responsibility for the acts of an employee that caused loss to a third party. In this case, Bank BNI's compensation may be interpreted as being consistent with the principles underlying vicarious liability and consumer protection, although there is no explicit judicial determination declaring such compensation as a mandatory legal consequence. BNI's decision to compensate the customer in the amount of IDR 28 billion was not merely a voluntary act undertaken to preserve public trust, but rather an application of the doctrine of vicarious liability and of consumer protection under Article 1367 KUHPerdata and Article 8(1) of POJK Number 6/POJK.07/2022. This step affirms that the bank acknowledged the failure of its internal supervisory system and chose to prioritize consumer protection. As an intermediary institution that collects and channels public funds, a bank bears a greater responsibility to ensure that the trust placed in it by the public is not abused. Had BNI chosen to disclaim all responsibility on the ground that the perpetrator's acts were carried out outside the bank's official system, such a position would not only have been contrary to the normative framework analyzed above, but would also have resulted in a loss of public trust in the Bank.

Accordingly, the doctrine of vicarious liability, as reflected in Article 1367(3) KUHPerdata and reinforced by Article 8(1) of POJK Number 6/POJK.07/2022, is proven to be relevant and applicable in this case. The application of this doctrine not only provides a sound legal basis for BNI's civil liability, but also reaffirms a fundamental principle of consumer protection law in the financial services sector: that a customer acting in good faith is entitled to effective legal protection, irrespective of the complexity of the internal relationship between the bank and its employee.

CONCLUSION

The regulation of a bank's liability for unlawful acts committed by its employees is built upon two complementary normative layers. First, Article 1367(3) KUHPerdata, which functions as the general rule, provides that a bank is liable for losses caused by its employees in carrying out the work assigned to them. Second, Article 8(1) of POJK Number 6/POJK.07/2022, which functions as a sectoral rule, specifically obliges a PUJK to bear responsibility for losses arising from the acts of an employee and/or a third party representing the bank's interests. The doctrine of vicarious liability is fully applicable to BNI's civil liability for the unlawful act committed by the former Head of Cash at BNI's Aek Nabara Branch, notwithstanding that the act was carried out outside the bank's operational system. Both elements of Article 1367(3) KUHPerdata are satisfied in this case. The element of an employment relationship is satisfied through the perpetrator's status as the active Head of Cash at BNI at the time the act was committed, while the element of an act falling within the scope of employment is satisfied through the doctrine of apparent authority, whereby the perpetrator exploited the credibility attached to the position of Head of Cash and the attributes of the bank to obtain the customer's trust. The application of this doctrine is further reinforced by Article 8(1) of POJK Number 6/POJK.07/2022, which affirms a bank's obligation to bear responsibility for the acts of an employee representing its interests. Accordingly, BNI's decision to compensate the customer in full for the loss of IDR 28 billion constitutes the fulfillment of a legal obligation grounded in the doctrine of vicarious liability and the principle of consumer protection in the financial services sector.

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