



Legal Protection for Consumers Against Losses Due to The Provision of Counterfeit Money by Non-Bank Money Changers

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Abstract - The growth of tourism has encouraged the development of non-bank money changers. However, there are non-bank money changer practices without a business license, which allows the circulation of counterfeit currency to consumers. Due to the absence of rules regarding the legal certainty of consumers related to the liability of businesses for the loss of consumers who obtain counterfeit money. The formulation of this research problem, namely: 1) How is the regulation of legal protection for consumers in non-bank money changer activities? 2) How is the liability of business actors money changer non-bank for the loss of consumers who get counterfeit money from the exchange of foreign currency?. The research method used is normative legal research with a statutory approach and conceptual approach. The results showed that the regulation of non-bank money changer only based on Bank Indonesia Regulation No. 18/20/PBI/2016. If consumers suffer losses due to counterfeit money, then consumers can request compensation in accordance with Article 19 of the GCPL and if the business refuses to provide accountability, consumers can claim their losses by suing the business according to Article 1365 and 1366 of the Civil Code.

Keywords: Legal Protection, Consumer, Counterfeit Money, Money Changer

I. INTRODUCTION

The circulation of counterfeit money in non-bank money changers poses serious risks to consumers, who often lack the means to verify the authenticity of the currency they receive. This issue not only undermines consumer trust but also leads to significant financial losses for individuals unaware that the money they obtained is counterfeit. Non-bank financial institutions, including money changers, contribute to financial stability by diversifying financial services and reducing the burden on traditional banks. They provide liquidity, risk accumulation, and a wider range of financial instruments, which can improve investment efficiency and savings (Sufian, 2011). Non-bank financial entities, including money changers, are often less regulated than traditional banks, which can lead to increased risks such as credit, counterparty, and liquidity risks. These risks have the potential to trigger financial instability if not managed properly (Muller et al., 2012)

The state of Indonesia is a country based on law. This is expressly regulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. In terms of axiology, the law has the goal of maintaining public order, justice, and certainty of legal certainty (Atmaja, 2018). Where its citizens have the same position before the law, every citizen has the right to work and a decent livelihood for humanity, and has the right to receive teaching. The rapid advancement of information, communication, and transportation technology has facilitated greater cross-border movement of people and goods, intensifying globalization. This has led to increased demand in the money changer industry, but it also brings specific risks, especially

for non-bank services that may operate without proper licensing. These risks include potential legal and security issues, which can significantly impact consumer protection and regulatory oversight.

The development of a country's national population is very consistent with the picture of the life of its people. One of the manifestations of this development can be seen from the discovery of many large and small businesses that are legal or unincorporated entities. One of the most popular businesses is the foreign exchange service or known as Molnely Changer. Molnely Changer is an alternative place that can be used to exchange foreign currency or foreign money in addition to exchanging through banks. All foreign exchange business activities owned by individuals are required to have a license from Bank Indonesia, this is in accordance with Bank Indonesia regulation Number 18/20/PBI/2016 concerning Non-Bank Foreign Exchange Business Activities in Article 11 paragraph (1). However, it was still found that there was a KUPVA BB that did not have a business license. With the emergence of this unlicensed money exchange service, it is possible for the spread of counterfeit currency in the community, especially foreign citizens who are tourists in Indonesia. The lack of information and education provided to tourists regarding the circulation of counterfeit currency with real currency by money exchange service providers, which is felt to have no guarantee of legal certainty.

The role of non-bank money changers in the foreign exchange market, highlights their function in buying and selling currencies. These entities often operate in local markets, providing services that facilitate currency exchange for individuals and businesses. They play an important role in currency market liquidity, especially in areas where traditional banking services may be limited. Their activities contribute to the overall dynamics of currency prices and availability in the global financial system, (William, 2006). The counterfeiting and circulation of counterfeit money is carried out with certain purposes and purposes, where the purpose and purpose is to enrich oneself or to get something expected by making transactions using the counterfeit money. However, in the provisions of Article 8 paragraph (1) letter a and Article 8 paragraph (4), business actors including molnely changer services are prohibited from deliberately or unintentionally giving counterfeit money to consumers, because it is a violation law and contrary to the principle of consumer protection.

Furthermore, the regulation with KUPVA BB carried out by business actors is further regulated in Bank Indonesia Circular Letter Number 18/42/DKSP concerning Non-Bank Foreign Exchange Business Activities, which in this circular regulates the protection of consumers in the event of carry out money exchange activities. In Number I letter G of this Circular, it is still unclear about what form of accountability is carried out by business actors to consumers, because the circular only attaches that business actors will be held accountable if the consumer exchanges money of USD25,000.00. Starting from the background mentioned above, the main issues raised are: 1) how to arrange legal protection for consumers in molly chandler nolan-bank activities? and 2) how is the responsibility of non-bank money changer business actors for consumer losses who gets counterfeit money from the proceeds of foreign currency exchange?to this institution.

II. METHOD

Based on the formulation of the above problem, in this study the researcher uses a normative legal research type. The normative legal research approach is the most widely used method in legal research, focusing on the analysis of legal issues from a positive legal perspective. It emphasizes the examination of laws, regulations, and legal principles to understand their application and implications, (Hamzani et al., 2024)

The selection of the type of normative legal research is because there are still no rules that provide legal certainty to consumers related to the liability of business actors for losses that are counterfeit money with an exchange nominal below the value that has been determined in the Circular Letter Bank Indonesia Number 18/42/DKSP Regarding Non-Bank Foreign Exchange Business Activities. The types of problem approaches used are: statutory approach (statutel appolarch) and conceptual approach (conceptual research). The

conceptual approach involves using cognitive science research to develop a framework for the interpretation of laws. This improves the computational model of legal reasoning and increases awareness of interpretation options (Araszkiwicz, 2023).

III. RESULT AND DISCUSSION

1. Legal protection arrangements for consumers in non-bank money changer activities

Non-Bank Foreign Exchange Trading Business Activities are hereinafter referred to as non-bank money changers which are a number of companies with a limited legal entity (PT) that are not banks that have the purpose and purpose of carrying out activities to buy and sell foreign banknotes and purchase check aircraft that meet the requirements in Article 2 paragraph (1) of Bank Indonesia Regulation Number 18/20/PBI/2016 concerning Non-Bank Foreign Exchange Business Activities. In view of the growing number of people and the needs of the public regarding the exchange of foreign exchange in cash, and the need to exchange rupiah into various types of foreign currency, the government through Bank Indonesia has made and established regulations to hold the KUPVA BB institution (Jaya & Nurifanti, 2021). Bank Indonesia issues KUPVA BB permits to foreign exchange traders with the aim of protecting the rupiah and providing protection to consumers. What is meant by foreign exchange is a foreign currency that functions as a means of payment to finance intellectual currency transactions and has official exchange rate records at the central bank. (Hady, 2007).

The regulation of the implementation of the KUPVA BB is contained in Bank Indonesia Regulation Number 18/20/PBI/2016 concerning Non-Bank Foreign Exchange Business Activities hereinafter referred to as (PBI KUPVA BB). Non-bank business entities that will carry out business activities as KUPVA BB must first obtain a permit from Bank Indonesia. Regarding the establishment of a money changer in Article 11 paragraph (3) of PBI KUPVA BB which explains how to obtain a KUPVA BB permit must be a legal entity Limited Liability Company (PT). In addition, KUPVA BB already has a business field in the form of a Limited Liability Company (PT) and has succeeded in obtaining a business license issued by Bank Indonesia. The obligation of business actors to install foreign exchange lockers is carried out to provide information to consumers that the KUPVA BB has a permit to carry out foreign exchange activities, and can help consumers in recognizing the KUPVA BB that have a permit and to avoid harassment or illegal activities that will harm consumers.

In connection with the enactment of the PBI KUPVA BB, Bank Indonesia also issued Bank Indonesia Circular Letter No. 18/42/DKSP concerning Non-Bank Foreign Exchange Business Activities (SEI BI KUPVA BB). With the aim of providing comprehensive protection for foreign exchange transaction actors and to provide clear guidelines and rules regarding KUPVA BB activities so that they can carry out their activities in accordance with applicable flexibility. Although KUPVA BB is regulated in the PBI KUPVA BB and SEI BI KUPVA BB, the researcher is of the view that there is still no transparency that specifically regulates and prohibits the organizers of KUPVA BB who do not have permits, supervision and enforcement of the law in the face of KUPVA BB is not illegal. The existence of money changers who do not have a business license also makes it possible for business actors to commit fraud such as money changer business actors taking advantage of consumers' ignorance and lack of understanding of the characteristics of counterfeit money so that they are easily deceived and deceived by counterfeit money. The

Kolnsumeln, which is the culprit of fraud by this business perpetrator, will suffer financial losses because the money received cannot be used and must be exchanged again for the original money. Therefore, there needs to be legal certainty in terms of consumer protection. This legal protection is important to ensure that their rights as well as the kolnsumeln are protected and get compensation for the losses that are experienced. In this case, legal protection can provide justice, legal certainty, and as a preventive measure. In Article 4 letter c of the UUPK, it is explained that, kolnsumeln has the right to information that is truthful, just, and honest about the condition and guarantee of goods and/or services. With

information about the authenticity of money, consumers can be more careful when exchanging money at a money changer so as not to get fake money. This is in line with the flexibility in the SEI BI KUPVA BB on the letter G number 3. Legal protection for consumers can be divided into 2 (two) forms, namely preventive and repressive. Preventive legal protection aims to prevent the occurrence of a violation of rights or acts that can create unrelated rights that are usually provided by the government through the regulations issued. In the case of repressive legal protection that is carried out when there is a violation of the rights of others or in this case, consumers, so that this repressive protection is carried out as an effort by consumers whose rights have been violated to obtain compensation for the violation of consumer rights.

Regarding the legal protection against consumers due to the blocking of counterfeit money, the form of legal protection that can be given to aggrieved consumers is: preventive legal protection is carried out by the existence of regulations and letters Circular from Bank Indonesia as the authority authorized to supervise money changer activities which in the regulations and eludan letter contain the obligation of business actors to include information to recognize characteristics of money, Bank Indonesia together with the police carried out a ban on the face of unlicensed money changers to avoid illegal transactions. Meanwhile, repressive legal protection can be carried out by learning administrative sanctions regulated in SEI BI KUPVA BB to business actors who commit violations, in addition to the violation of consumer rights committed by business actors so that it causes losses and losses to consumers, dispute resolution can be pursued through the court or out of court. However, from these two forms of legal protection, there is still a need for rules that not only provide appropriate punishment to non-bank money changer business actors who violate, but also provide guarantees of recovery and protection which is adequate for disadvantaged consumers.

2. Liability of non-bank money changer business actors for consumer losses that get counterfeit money from foreign currency exchange results

The concept of accountability relates to legal accountability for actions committed by a cell of a person or group that is contrary to the law. Business actors who commit violations (unlawful acts) by giving counterfeit money to consumers are required to provide accountability as a result of losses experienced by consumers. In this regard, consumers have the right to demand compensation to compensate or replace if the goods they receive from business actors are not in accordance (Trisnamurti et al., 2023). In the event of losses to consumers, it is also inseparable from the responsibility of business actors.

Referring to Law Number 8 of 1999 concerning Consumer Protection, it has formulated the rights and obligations as well as responsibilities to both consumers and business actors. In article 7 letter a of the UUPK, business actors in carrying out their business activities are required to be in good faith with The goal is to maintain a healthy business climate and keep consumers from being harmed. Furthermore, Article 8 paragraph (1) letter a of the UUPK stipulates that money changer service business actors are prohibited from copying and/or trading counterfeit money that is clearly not in accordance with the required standards and is not in accordance with the flexibility of laws and regulations-invitation. If business actors deliberately or do not trade and circulate counterfeit money to consumers, then business actors are obliged to withdraw it from circulation, because it is not in accordance with the principle consumer protection and counterfeit money is an illegal means of payment, this is in accordance with the flexibility in Article 8 paragraph (4) of the UUPK.

Business actors have an obligation to be responsible for their actions if they carry out their business activities in bad faith and cause losses to their employees. Although in the flexibility of Bank Indonesia Circular Letter Number 18/42/DKSP concerning Non-Bank Foreign Exchange Business Activities, it does not clearly save the form of accountability given by business actors to consumers who conduct exchanges foreign exchange is below the nominal of the flexibility of the circular. Consumers who are victims of fraud in money changer services in Indonesia do not have to remain silent and ignore the losses experienced.

Because, kolnsumeln can file a civil lawsuit against molnely changer entrepreneurs who commit fraud. In accordance with Article 1365 of the Civil Code, every action that violates the law requires the party who is not responsible for the negligence of the defendant to compensate for the loss arising from the violation of the law. In this case, the money changer business actor who gave counterfeit money to his kolnsumeln has caused losses to the kolnsumeln and is responsible for compensating for the loss. Civil lawsuits regarding the responsibility of business actors are also emphasized in Article 1366 Civil Code.

The UUPK is regulated in Chapter VI regarding the responsibilities of business actors. Article 19 of the UUPK states that business actors are obliged to be responsible for providing compensation for losses suffered by consumers due to the theft of counterfeit money by molnely changers. Compensation that can be given is in the form of refunds or replacement of goods of equivalent value (Agustina, 2012). In addition, Article 23 of the UUPK states that if business actors do not compensate for losses within a predetermined period of time, this can open up opportunities for consumers to file a lawsuit in court or choose to settle the loss through Pelnyellelsaian body selngkelta kolnsumeln. The relationship between the two parties in the Law stipulates that peaceful investigation is a legal remedy that must first be pursued by the parties to the dispute, before the parties choose to resolve their disputes through the BPSK or the judiciary. In addition, in the UUPK in Chapter X of the Legislative Decree, the provisions in Article 45 paragraph (2) state that every consumer dispute can be resolved at least through 2 (two) ways of resolution, namely: settlement of consumer disputes in court (litigation) and out-of-court consumer dispute resolution (non-litigation).

Pelnyellelsaian selngkelta kolnsumeln through the court is the longest and most commonly used melnyellelsaian pelnyellelsaian selngkelta, both public and private disputes. In addition to relying on legal certainty, the investigation that can be chosen by the kolnsumeln is through litigation. However, if consumers and business actors emphasize more on fostering good relationships, the appropriate method of settlement is non-litigation in the form of conciliation or mediation through BPSK. Although the court is considered to be less elfisieln for the kolnsumeln, the court will also remain the last estuary if no agreement is found at the non-litigation level. The implementation of the collaboration between the kolnsumeln and business actors aims to provide solutions to the problems that arise, so that both parties can feel justice and business actors can resume carrying out their business and the kolsumeln can reflect what is needed.

IV. CONCLUSION

The arrangement of undergoing KUPVA BB or Money Changer in Indonesia has not been regulated in laws and regulations, only based on Bank Indonesia Regulation Number 18/20/PBI/2016 concerning Non-Bank Foreign Exchange Business Activities, then the technicalities are regulated in the Letter Bank Indonesia Circular 18/42/DKSP concerning Non-Bank Foreign Exchange Business Activities. From the provisions of the Bank Indonesia Regulation, there is still no norm that regulates and prohibits unlicensed KUPVA BB Operators. In the event that consumers get counterfeit money from the proceeds of foreign exchange at money changers, it is necessary to obtain legal protection to ensure that their rights as consumers remain protected and get compensation for the losses they suffer. There are two forms of legal protection that can be applied, namely prevelnative legal protection and relsprexclusive legal protection.

The form of liability given by business actors is actually not clearly contained in the flexibility of Bank Indonesia Circular Letter Number 18/42/DKSP, however, business actors have an obligation to be responsible for their actions as a result of causing losses for consumers. So that consumers can ask for compensation in accordance with what is stipulated in Article 19 of the Criminal Code and if the business actor refuses to take responsibility, then the consumer can claim the loss by suing the business actor in accordance with the flexibility of Articles 1365 and 1366 of the Criminal Code. With the demand for compensation from consumers, it is necessary to conduct a separate investigation process between the company and business actors. The settlement of disputes between

consumers and business actors themselves is expected to be pursued through the first effort, namely peace. If the peace effort is not successfully resolved, then the dispute resolution can be pursued through 2 ways, namely through litigation carried out in court and non-litigation outside the court by involving a consumer dispute resolution institution, namely BPSK, this is in accordance with the provisions in Article 45 paragraph (2) of the UUPK.

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