

CRIMINAL SANCTIONS FOR BETTERING CUSTOMER FUNDS THROUGH AUTOMATED CASH TELLERS FROM AN ISLAMIC LEGAL PERSPECTIVE

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Abstrak: Teknologi informasi kini telah berkembang dengan pesat, termasuk pada akses Internet. Penggunaan teknologi berbasis Internet juga telah berkembang dengan baik sebagai kebutuhan dasar manusia. Perkembangan teknologi informasi tentu juga memunculkan berbagai problematika sebagai dampak teknologi modern. Salah satu permasalahan yang marak terjadi di Indonesia yaitu pembobolan Anjungan Tunai Mandiri (ATM). Penulis ingin menggali lebih dalam pandangan Islam tentang pembobolan Anjungan Tunai Mandiri (ATM) yang telah dilindungi oleh peraturan perundangan-undangan bagi pelaku. Penelitian ini termasuk dalam jenis studi pustaka (library research) metode penelitian ini berupa metode induktif dengan dilengkapi data yang bersifat empiris dan dilengkapi data sesuai dengan pembahasan tindakan kejahatan perbankan (cyber crime). Penelitian ini juga menggunakan pendekatan normatif yuridis. Teknik pengelolaan data menggunakan studi pustaka, serta analisis menggunakan tinjauan hukum Islam sesuai al-Quran dan hadis disertai dengan model verifikasi sesuai dengan ketentuan yang berlaku. Hasil penelitian ini menjelaskan bahwa permasalahan pembobolan Anjungan Tunai Mandiri (ATM) merupakan kejahatan yang terjadi atas perkembangan teknologi informasi. Penyalahgunaan teknologi informasi untuk kejahatan tentu harusnya perlu dilakukan antisipasi. Islam telah mengunjung tinggi ilmu pengetahuan, termasuk teknologi yang ada saat ini. Namun disisi lain, Islam juga mengutamakan kemaslahatan umat. Mengatasi kasus tersebut maka dapat dilakukan beberapa dua cara yaitu proteksi untuk menciptakan keamanan, dan pemberian tanggung jawab bagi perbankan dan pemerintah dalam mengatur sistem keamanan.

Kata kunci: Tindak Pidana Perbankan, Pembobolan Dana Nasabah, Anjungan Tunai Mandiri, Hukum Islam

Abstract: Information technology has developed rapidly, including Internet access. Internet-based technology has also developed well as a basic human need. The development of information technology certainly also raises various problems as a result of modern technology. One of the problems in Indonesia is Anjungan Tunai Mandiri (ATM) burglaries. The author wants to know of the Islamic view of Anjungan Tunai Mandiri (ATM) burglary which has been protected by laws and regulations for perpetrators. This research is included in the type of library research (library research). This research method is in the form of an inductive

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method equipped with empirical data and equipped with data in accordance with the discussion of banking crimes (cyber crime). This study also uses a juridical normative approach. Data management techniques use literature study, and analysis uses a review of Islamic law in accordance with the Koran and hadith accompanied by a verification model in accordance with applicable regulations. The result this research explained that the problem of Anjungan Tunai Mandiri (ATM) burglary is a crime that occurs due to the development of information technology. Misuse of information technology for crime certainly needs to be anticipated. Islam has visited a high level of science, including the technology that exists today. But on the other hand, Islam also prioritizes the benefit of the people. Overcoming this case can be done in two ways, namely protection to create security, and giving responsibility to banks and the government in managing security systems.

Keywords: *Banking Crime, Theft of Customer Funds, Automatic Teller Machines, Islamic Law*

Introduction

The entire country's economic system is influenced by the development of globalization and technological sophistication. With the rise in economic activity carried out by a nation, a situation will certainly occur that is commensurate with the active movement of capital circulation that occurs within it. With conditions like this, the fields of economics and finance will definitely move forward or be more successful over time with internet-based technology. The scientific method of news has become an important tool for the activities of various sectors of life which has made a maximum contribution to fundamental changes in the format of activities and institutional governance, knowledge, fitness and observation up to the field of financial institutions. The role of scientific methods in achieving practical goals in the banking sector is very large, because the success of a banking system cannot be avoided from the existence of sophisticated information.⁴

In today's sophisticated life, banking products that take advantage of technological developments include what we know as Automated Teller Machines. The existence of an ATM machine will save customers time compared to visiting branch offices. With the existence of ATM technology, there is no need to withdraw money via an ATM, but rather to make banking operations practical and less time consuming, especially withdrawing and depositing money quickly and comfortably. The use of ATM machines by customers will certainly reduce the number of queues at a bank branch office. However, the increasing circulation of money through ATMs is without us understand that it can lead to criminalization. There are points of

⁴ Andi Hamzah, *Asas-Asas Hukum Pidana* (Jakarta: Rineka Cipta, 1994).

ATM vulnerability that can trigger bad things with the axiom of PIN looting or embezzlement of ATM cards and even theft of customer funds via ATM machines.⁵ The research explains the criminal sanctions related to the potential for criminal acts of ATM burglary. Apart from that, this research reviews the views of Islamic law regarding criminal penalties.

This problem shows that there is a weakness in the Bank's safety or security methods, namely the breach of customer funds. Then Bank Indonesia's performance was less than optimal in carrying out its authority to supervise the banking industry.⁶ Several types of crime in ATM burglary must of course be resolved quickly and precisely, prosecuted, processed quickly and precisely by law enforcement in Indonesia, implemented and executed quickly accompanied by valid verification as strong legal evidence. Bank burglary, both conventional and sharia banks, is a criminal act known as white collar crime which is carried out by someone who is intellectual through the use of technology and looking for loopholes in banking regulations and applicable legal rules, especially Islamic law which regulates regarding legal rules in accordance with Islamic sharia, especially regarding operational laws of sharia banks.⁷

Cases of breaking into banks are a matter that often occurs in bank financial institutions in Indonesia. Theft of bank customer funds via ATMs using skimming techniques is widespread, for example in Jakarta and Surabaya. Apart from that, on the island of Bali, ATM break-ins often occur at Bank Mandiri, BNI, BCA, BRI and Bank Permata. Based on evidence from the Central Bank (BI), customer funds were compromised through 13 of its main ATM machines located on the Island of the Gods at the same time, reaching 236 accounts. There have been many reports related to this crime, not only in conventional banks but also in sharia banking, including Mandiri Syariah Bank, BNI Syariah, NTB Syariah, BRI Syariah.⁸ Through the perspective of Islamic law used in this research, it can provide an overview for the Muslim community regarding criminal acts of burglary. Apart from that, the relevant sharia supervisory institution can be a means of indicating sanctions in accordance with sharia.

Bank burglary is a banking criminal act, based on the provisions contained in the banking law. Overall, this does not mean that all forms of criminal crimes in the banking sector have been regulated in the banking law, but it will pay attention to the type of criminal act.⁹ Apart

⁵ Ronny Prasetya, *Pembobolan ATM, Tinjauan Hukum Perlindungan Nasabah Korban Kejahatan Perbankan* (Jakarta: PT. Prestasi Pustaka, 2010).

⁶ Sutan Remy Sjahdeini, *Perbankan Syariah di Indonesia* (Jakarta: Erlangga, 2006).

⁷ Ibid

⁸ Totok R. Sugiharto, *Tips ATM Anti Bobol, Mengenali Modus-modus Kejahatan Lewat ATM dan Tips Cerdik Menghindarinya* (Yogyakarta: MedPress, 2010).

⁹ Zulkarnain Sitompul, *Kejahatan Krimimal Pada Bank* (Bandung: Alprin, 2005).

from that, as a country with the largest Muslim population, it is necessary to review it from the perspective of Islamic law. Losses to bank customers due to criminal acts committed by internal parties are the bank's responsibility to replace them, however, if the bank is breached, it collapses or even goes into liquidation, so the bank is powerless and responsible for returning the savings funds of customers as banking customers.¹⁰

The potential losses that may arise can be overcome by knowing the criminal sanctions for criminal acts of ATM burglary. During this time, the progress of fulfilling obligations and legal sanctions applied by criminal law has expanded, in the legal formula for criminal cases, the obligation to fulfill obligations is not only directed at individuals, but can also be held accountable as a corporation.¹¹ As for the problem of formulating obligations for cooperation sanctions in the application of law in Indonesia, it has not been implemented to date, because the draft for fulfilling obligations or applying corporate penalties is still not understood comprehensively, this draft is also in a gray area.¹²

This research also shows the liability of several parties for the criminal act of ATM burglary. Especially from banking and government. The final impact of the understanding between the bank customer or their representative and the bank is stated in the Deed of Agreement ratified by both parties, in the end the bank must work on the results of resolving the dispute as a form of accountability.¹³

Comprehensive interpretation in reviewing the formulation of corporate responsibility of banks towards perpetrators of cyber crimes in order to protect bank customers in submitting legal responsibility for corporate crimes in Indonesia still requires understanding and study of the applicable laws. Apart from that, looking from the perspective of Islamic law to show that the act of hacking an ATM is false behavior. Thus, researchers are interested in studying criminal banking sanctions for theft of customer funds through automated teller machines from an Islamic legal perspective.

Literature Review

ATM is one of the services in the banking sector on an electronic channel basis which is expected to provide efficiency for customers to carry out transactions at various branch offices

¹⁰ Ronny Prasetya, *Pembobolan ATM, Tinjauan Hukum Perlindungan Nasabah Korban Kejahatan Perbankan* (Jakarta: PT. Prestasi Pustaka, 2010).

¹¹ Aditya Pontoh, *Sistem Keamanan ATM Bank* (Jakarta: Kencana, 2018).

¹² Ferry Satya Nugraha, *Sistem Obligasi di Indonesia* (Padang: Global Media Aksara, 2016).

¹³ Nawawi, *Perbankan Syariah* (Jakarta: Edutama, 2017).

using machines. The process of breaking into a bank is often carried out by involving internal parties from affiliated banks who definitely understand comprehensively the procedures and security schemes of the bank in question. The participation of these internal affiliated parties, some of which are original ideas and synergies from internal parties in the bank, but there is also collaboration from internal parties and parties outside the Bank, usually someone who damages the Bank's system or is a hacker via the internet.¹⁴

The negative impact of this crime is that the injured party is not only the bank, it will also have an impact on damage to the national banking system.¹⁵ The negative impacts felt by national banking include a crisis of public confidence in banks. Other parties affected are bank customers, especially savers, who are the victims who suffer the most.¹⁶

Handling conflicts between banks and customers who use ATMs if they experience a loss of savings funds can be resolved through banking mediation.¹⁷ Through an initial process, namely a submission by the bank customer or representative to Bank Indonesia (BI), the mediation procedure is carried out after the bank customer or representative and the bank ratify the mediation testament, carried out within 30 x 24 hours and can be appendix until the next 30 working days.

Method

Using normative juridical legal research methods, we will carry out the process of reviewing, testing and carrying out research related to the discussion of banking criminal sanctions regarding theft of customer funds through Automated Teller Machines. Obtaining data to answer research problems was carried out through a statutory approach and Islamic law to analyze comparisons (comparative approach).¹⁸ This research also uses literature study to

¹⁴ Rinda Hesti Kusumaningtyas dan Elsy Rahajeng, 'Persepsi Nasabah Akan Layanan ATM dan E-Banking dengan Metode TAM', *Studia Informatika: Jurnal Sistem Informasi*, 10.2 (2017) <<https://doi.org/10.44562/studia.v10i2.250>>.

¹⁵ Abdul Hafith, Muhammad Saleh dan Rudi Masniadi, 'Kualitas Layanan ATM Bank NTB Syariah dalam Rangka Meningkatkan Kepuasan Nasabah', *Indonesian Journal of Social Sciences and Humanities*, 1.4 (2020) <<https://doi.org/10.23560/ijs.v1i4.50>>.

¹⁶ Nur Fadhilah, 'Pengaruh Layanan ATM dan Mobile Banking Terhadap Loyalitas Nasabah Bank Sulselbar Cabang Sinjai', *Banco: Jurnal Manajemen dan Perbankan Syariah*, 2.2 (2020) <<https://doi.org/10.35905/banco.v2i2.1808>>.

¹⁷ Wisnu Rinaldi, 'Analisis Tingkat Kepuasan Pelanggan Terhadap Kelolaan Mesin ATM', *Maneggio: Jurnal Ilmiah Magister Manajemen*, 2.2 (2019) <<https://doi.org/10.30596/maneggio.v2i2.3778>>.

¹⁸ Palis Mala Marzuki, *Penelitian Hukum* (Jakarta: Media Group, 2005).

obtain primary and secondary data from various literature such as books, journals, results of previous research, articles and laws and regulations related to the research object.¹⁹

Discussions related to legal issues in this research certainly require several legal sources, including primary legal sources in the form of statutory regulations such as the Criminal Code, Law Number 11 of 2008 concerning Information and Electronic Transactions, Law Number 10 of 1998 concerning Amendments to Laws. -Law Number 7 of 1992 concerning Banking, Law Number 3 of 2011 concerning Fund Transfers. Then we collected secondary legal materials in the form of studies from books about law, legal journals, and the Internet related to the problems in the research.

The method for collecting data as legal material uses documentation techniques by investing and classifying existing legal materials related to sanctions for criminal acts of ATM burglary. Then a recording process will be carried out with quotes, summaries and reviews related to the topic. After several legal materials have been collected, they will then be analyzed based on Islamic Sharia law through deductive and inductive argumentation. Systematic study of data and descriptive discussion.

Results and Discussion

Sanctions for ATM Hacking According to Legislation

The crime of breaking into an ATM account is a criminal act of theft, this is due to taking another person's rights. Regulations regarding banking criminal behavior have been contained in Law Number 10 of 1998 concerning Banking, especially in Article 51 paragraph (1) with the redaction of atrocious behavior as intended in Article 46, Article 47, Article 47 A, Article 48 paragraph (1), Article 49, Article 50, and Article 50 A are crimes. The punishment has been explained in article 46 paragraphs 1,2 and 3 which explains if someone commits the crime of skimming as regulated in paragraph. (1) A person who commits a criminal offense will be imprisoned for a maximum of 6 years or fined IDR 600,000,000.00 (Six Hundred Million Rupiah). (2) Anyone who meets the elements as intended in article 30 paragraph (2) will be punished with a maximum imprisonment of 7 years or a maximum fine of Rp. 700,000.00 (Seven Hundred Million Rupiah). (3) And if someone commits a crime, he will be imprisoned for 8 years or a maximum fine of IDR 800,000.00 (Eight Hundred Million Rupiah).

¹⁹ Sastro Soekanto dan Siswoyo Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Umum* (Jakarta: Raja Grafindo, 2017).

The banking crime referred to in Article 49 paragraph (1) which states that the constituents of the board of commissioners, directors or employees of the bank with the intention of first manifesting or giving rise to writing that is not in accordance with the truth in the inventory or in the final reporting procedures, or in archives or business implementation news, transaction information or bank accounts. Secondly, obliterating or not recording or causing non-performance of writing in codification or in news reports, or in files or business implementation reports, negotiation reports or bank accounts. Third, changing, disguising, covering up, eliminating writing in final records or business reports or bank accounts, or with premeditated intentions, is subject to the provision of a criminal sentence of imprisonment behind bars for a minimum of 5 (five) years and a maximum of 15 (fifteen) years. by paying compensation of at least Rp. 10,000,000,000.00 (ten billion rupiah) and a maximum of Rp. 200,000,000,000.00 (two hundred billion rupiah).²⁰

Article 49 paragraph (1) is part of the provisions of the article which can punish individuals for banking crimes involving bank robbery carried out by affiliated parties such as supervisory boards, directors and bank employees with the axiom of sending incorrect telex information or destroying deposits without the permission of bank customers who are the owner. However, the regulation regarding the criminal act of bank burglary is not regulated specifically or has automatic articles or provisions in Law Number 10 of 1998 concerning Banking. When determining a criminal behavior in criminal law, it is known as criminalization, the explanation above has been explained regarding the interpretation of criminal acts according to Muladi, saying that it is a form of realizing behavior that was not initially criminal behavior or was not yet a crime because it was not regulated comprehensively in the criminal regulations. certain cases can constitute a criminal offence.²¹

Criminalization is based on behavior that is considered to be a crime. However, the criminalization formula in banking crimes is not the same as the criminalization formula in the economic sector in general, for example money laundering and corruption which are specifically regulated in special regulations. Regulations regarding criminal acts in the banking sector are not contained in one specific law, but are spread across several regulations. Several regulations protect the public from criminal acts in the banking sector, such as Law Number 10 of 1998 concerning Banking, and other laws that regulate matters directly related to banking, such as Law Number 13 of 1999 concerning Bank Indonesia and Law Number 21 of 2011

²⁰ Rachmadi Usman, *Aspek-Aspek Hukum Perbankan di Indonesia* (Jakarta: Gramedia, 2001).

²¹ Abdul Qadir Muhammad, *Ensiklopedia Hukum Pidana Islam* (Bogor: Kharisma Ilmu, 2011).

concerning the Financial Services Authority. Elimination and preventive procedures for criminal bank burglary behavior carried out by unscrupulous bank employees such as the board of commissioners, cranes and bank employees, guided by Law Number 10 of 1998 concerning banking, have resulted in dissimilarity to the growth of cruelty found in the banking world. The atrocious behavior of bank burglaries carried out by affiliated parties is currently giving rise to fundamental legal problems in the banking world by responding to the increasing number of criminal cases of bank burglaries that are currently occurring.²² (Titon S Kurnia, 2013).

Banking Crimes from Islamic Law Perspective

In general, there is a similarity in stance between Islamic law and positive law, namely in terms of objectives. These two sources of law aim to maintain the interests of society and maintain peace in life. The crime of theft is a hudud or punishment that has been confirmed in the Al-Quran and Hadith. Some of the general elements of jarimah include:

1. Formal elements, namely there are legal provisions that prohibit and condemn the actions of jarimah
2. Material element, namely there is an unlawful act, either a real act or an act of inaction.
3. The moral element, namely the perpetrator is a Mukullaf, this element is related to criminal responsibility for someone who has reached puberty, is rational and free from the element of coercion and is in full consciousness.

The crime of theft in Islamic law is cutting off the hand, while the conditions for cutting off the hand for the crime of theft are:

1. Puberty
2. Be sensible
3. Not because I have to
4. Thieves actually take other people's property that does not exist
5. doubts belong to that person.
6. The stolen property meets the nisab. The nisab of stolen property is one quarter
7. Dinar (approximately the price of 1.62 grams of gold)
8. Theft does not occur because of coercive force, such as a famine that forces people to steal to save their lives.²³

²² Hermansyah, *Hukum Perbankan Nasional* (Jakarta: Kencana, 2020).

²³ Ahmad Azhar Basyir, *Ikhtisar Fiqih Jinayah Hukum Pidana Islam* (Yogyakarta: UII Press, 2001).

In fact, the provision of a prison sentence of 5 years is not a sanction for a thief in Sharia law. In Islamic law, a thief must be sentenced to have his hand cut off. In the Indonesian Criminal Code, the crime of theft can be classified under the ta'zir law relating to criminal acts that do not reach the minimum limit of theft in the form of a sentence of cutting off one's hand. In each hudud radius, if there is a law that does not meet the requirements for imposing had, then ta'zir can be imposed.²⁴ as the law that applies in Indonesia.

The crime of ATM burglary is an act of cybercrime or cybercrime which is included in the category of theft. In general, the target of ATM crimes is machine robbery, but this ATM burglary crime can carry out its action without destroying the ATM machine.²⁵ Islam regulates the crime of theft as a hudud, namely punishment that has been confirmed in the Al-Qur'an and the Sunnah of the Prophet, with formal, material and moral elements being fulfilled for ATM burglars. The crime of theft in Islamic law is cutting off the hand, although there are still different views on this matter. One explanation regarding the punishment for a thief is in the following verse

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءُ بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

As for men and women who steal, cut off their hands (as) retribution for what they have done and as a punishment from Allah. And Allah is all-powerful, all-wise. (QS. al-Ma'idah ayat 38)

According to Islamic law, theft is an activity of taking property with a minimum of 10 dirhams carried out in secret. Meanwhile, other terms such as sariqah are the taking of other people's assets from the place where they are kept secretly. Then stealing information and thoughts falls into the category of stealing activities.²⁶ Theft activities in Islam are divided into two types, namely sariqah which is threatened by had and takzir.²⁷ The sariqah which is sentenced to had is divided into light theft and heavy theft.

قَانَا الصَّغْرَى فِيهِ أَخَذَ مَالَ الْغَيْرِ خَفِيَةً أَوْ عَلَى سَبِيلِ الْاِسْتِحْقَاقِ

Petty theft is taking someone else's property secretly, that is, by stealth.²⁸

²⁴ Muslich Ahmad Wardi, *Hukum Pidana Islam* (Jakarta: Sinar Grafika, 2005).

²⁵ Barda Nawawi Arief, *Tindak Pidana Mayantara Perkembangan Kajian Cyber Crime di Indonesia* (Jakarta: PT Raja Grafindo Persada, 2007).

²⁶ Wahbah Zuhaili, *al-Fiqh al-Islami wa Adillatuh* (Beirut: Dar al-Fikr, 1997).

²⁷ Mustofa Hasan dan Beni Ahmad Saebani, *Hukum Pidana Islam (Fiqh Jinayah)* (Bandung: CV Pustaka Setia, 2013).

²⁸ Ahmad Wardi Muslich, *Pengantar dan Asas Hukum Pidana Islam Fiqih Jinayah* (Jakarta: Sinar Grafika, 2004).

Petty theft must fulfill two elements simultaneously, namely the victim does not know and does not allow it. If one of these elements is not met then it cannot be considered light theft.²⁹ The form of crime in ATM burglary is a deceptive activity carried out on someone who is trying to convince the truth of the information conveyed. Fraud is a behavior that originates from lies. Things like this happen a lot on the internet as a communications network. Many fraudsters use e-banking to trick customers into entering their PIN numbers. This abuse has an impact on parties who feel disadvantaged, for example in material terms. Apart from that, these fraudulent acts which are carried out via the internet do not make any effort to heed the principles of sharia, namely the importance of safeguarding property.

Sanctions according to the Information and Electronic Transactions (ITE) law for the crime of skimming can be charged under Article 30 paragraphs (1) and 3. It is against the law to access other people's computers or electronic systems through any means. In paragraph 3 it is stated that every person who intentionally or without rights violates the provisions in accessing other people's electronic systems by breaking through the security system. Then in the Criminal Code it is also explained in Article 362 that anyone who takes other people's things in violation of the law will be punished as theft, with a maximum prison sentence of five years and a maximum fine of nine hundred million rupiah. According to Islamic law, the crime of skimming is the activity of stealing or taking someone else's rights using a credit card as a tool to commit a crime. The sanctions that will be imposed on the perpetrator of the theft, including in Islamic law, are having their hands cut off (qishas).³⁰

In jinayat fiqh, the punishment for cutting off one's hands (qishas) is given, as well as the punishment for returning stolen goods. According to clerics, giving punishment in the form of cutting off hands requires considering the legal value of the stolen item, and the item must be kept in a place and have reached the nisab. If you do not reach the nisab, you cannot be sentenced to cutting off your hand but instead it can be replaced by ta'zir or punishment.³¹

The punishment given for the crime of theft, according to the provisions of the Criminal Code or jinayat fiqh, still takes into account the human side.³² Based on the national legal system, it is based on Human Rights (HAM), whereas Islamic law prioritizes basic principles in the form of "habbluminannas" or the relationship between humans and humans themselves. As in the hadith of the Prophet Muhammad SAW

²⁹ Mardani, *Hukum Pidana Islam* (Jakarta: Prenada Media Grup, 2019).

³⁰ Muslich Ahmad Wardi, *Hukum Pidana Islam* (Jakarta: Sinar Grafika, 2005).

³¹ M. Nurul Irfan dan Masyrofah, *Fiqh Jinayah* (Jakarta: Amzah, 2016).

³² Samin Sabri, *Pidana Islam dan Politik Hukum Islam* (Tangerang: Kholam Publising, 2008).

لمسلم . ولفظ رضي عن عائشة الله صلى الله عليه وسلم : (لا تقطع إلا في ربع دينار فصاعدا) متفق عليه . واللفظ دينار ، ولا تقطعوا فيما هو أدنى من البخاري: تقطع اليد في ربع دينار فصاعدا وفي رواية لأحمد اقطعوا في ربع ذلك

*From 'Aisha that Rasulullah Sallallaahu 'alaihi wa Sallam said: "It is not permissible for a thief to cut off his hand, except for a quarter of a dinar or more." Muttafaq Alaihi and his lafadz according to Muslim history. According to Lafadz Bukhari: "A thief's hand is cut off (if he takes a quarter of a dinar or more." According to Ahmad's report: "Cut it off if he takes a quarter of a dinar and don't cut it if he takes more than that."*³³

The results section contains research data from the problem quantitatively and /or qualitatively accurately and completely which can use information in the form of images /graphs /tables /descriptions. Images/graphs /tables are placed at the bottom or top of the page to make visualization easier.

Discussion is an important part of an article, containing a clear description of the results of research data analysis, interpretation or interpreting of findings in the field, linking research results with concepts, theories or other relevant research results, compiling new theories or modifying existing ones and implications for scientific developments in their respective fields

Conclusion

Problems related to crime at ATM machines have occurred a lot in society, usually the perpetrators take advantage of the situation at the ATM machine. Crimes at ATM machines that are currently widespread include "Personal Identification Number (PIN) block". Society certainly needs legal protection against such crimes. Legal protection that can become a legal umbrella for society includes Law Number 17 of 1992 jo. Law Number 10 of 1998 concerning Banking by applying the precautionary principle, some of which are Article 29 (2), (3), (4) Article 37B (1), (2). Law Number 8 of 1999 concerning Consumer Protection, which is given to bank customers as consumers of banking services in chapter III, chapter IV and Law Number 11 of 2008 concerning Information and Electronic Transactions which contains legal protection given to customers in the use of ATMs, especially in the form of electronic transactions, some of which are as stated in article 3, article 15 (1).

³³ Hafiz Ibnu Hajar al-Asqalani, *Bulughul Maram* terj. M.Syarif Sukandy (Bandung: PT Al-Ma'arif, 1995).

As a step to anticipate the crime of ATM machine burglary, it is important for customers to change their PIN number regularly, then the bank can increase security. Technology-based information services can bring great benefits and risks. In Islamic law, ATM burglary is an act of theft, in which generally a thief is sentenced to have his hand chopped off. However, it will apply differently, if you do not reach the nisab, you will only be subject to ta'zir or punishment based on human values.

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