

Systems in any manner whatsoever with the intent to obtain Electronic Information and/or Electronic Records.

- (3) Any Person who knowingly and without authority or unlawfully accesses Computers and/or Electronic Systems in any manner whatsoever by breaching, hacking into, trespassing into, or breaking through security systems.

2) Article 31:

- (1) Any Person who knowingly and without authority or unlawfully carries out interception or wiretapping of Electronic Information and/or Electronic Records in certain Computers and/or Electronic Systems of other Persons.
- (2) Any Person who knowingly and without authority or unlawfully carries out interception of the transmission of nonpublic Electronic Information and/or Electronic Records from, to, and in certain Computers and/or Electronic Systems of other Persons, whether or not causing alteration, deletion, and/or termination of Electronic Information and/or Electronic Records in transmission.
- (3) Interception except from one as intended by section (1) and section (2) shall be interception carried out in the scope of law enforcement at the request of the police, prosecutor's office, and/or other law enforcement institutions as stated by laws.
- (4) Further provisions on procedures for interception as intended by section (3) shall be regulated by Government Regulation.

3) Article 46:

(1) Any Person who satisfies the elements as intended by Article 30 section (1) shall be sentenced to imprisonment not exceeding 6 (six) years and/or a fine not exceeding Rp600,000,000 (six hundred million rupiah).

(2) Any Person who satisfies the elements as intended by Article 30 section (2) shall be sentenced to imprisonment not exceeding 7 (seven) years and/or a fine not exceeding Rp700,000,000 (seven hundred million rupiah).

(3) Any Person who satisfies the elements as intended by Article 30 section (3) shall be sentenced to imprisonment not exceeding 8 (eight) years and/or a fine not exceeding Rp800,000,000 (eight hundred million rupiah).

4) Article 47:

Any Person who satisfies the elements as intended by Article 31 section (1) or section (2) shall be sentenced to imprisonment not exceeding 10 (ten) years and/or a fine not exceeding Rp800,000,000 (eight hundred million rupiah).

d. Regulation of the Government of the Republic

Indonesia Number 82 of 2012 concerning Electronic System and Transaction Operation⁶⁰

1) Article 24:

- (1) The Electronic System Operator shall conduct training to Electronic Systems to Users.
- (2) Training as intended in paragraph (1) at least on the rights, obligations and responsibilities of all parties involved, and the procedures for filing a complaint.

2) Article 25:

Electronic System Operator shall submit information to the Electronic System User for at least:

- a. Electronic System Operator identity;
- b. objects in the transaction;
- c. capability or safety of Electronic Systems;
- d. procedures to use of the device;
- e. terms of the contract;
- f. procedures to reach an agreement; and
- g. guarantee of the privacy and/or protection of Personal Data.

3) Article 27:

Electronic System Operator is obligated to protect its users and the public from harm caused by its operation of Electronic Systems.

⁶⁰ Regulation of the Government of the Republic Indonesia Number 82 of 2012 concerning Electronic System and Transaction Operation, Article 24, 25, 27, 28, http://www.flevin.com/id/lgsso/translations/JICA%20Mirror/english/4902_PP_82_2012_e.html, accessed on 16th December 2016.

4) Article 28:

- (1) Each person who works in the Electronic Systems Operation must secure and protect structure and infrastructures of Electronic Systems or information transmitted through the Electronic System.
- (2) Electronic System Operator shall provide, teach, and train personnel in charge and responsible on the security and protection of structure and infrastructure of Electronic Systems.\

e. Regulation of Financial Services Authority Number 1/POJK.07/2013 concerning Consumer Protection Financial Service Sector⁶¹

1) Article 25:

Financial Services Business shall ensure the security of Consumer deposits, funds or assets placed under the responsibility of the Financial Services Business.

2) Article 38:

After receiving a Consumer complaint, the Financial Services Business must:

- a. conduct a competent, truthful and objective internal examination of the complaint;
- b. conduct an analysis to ascertain the legitimacy of the complaint; and

⁶¹ Regulation of Financial Services Authority Number 1/POJK.07/2013 concerning Consumer Protection Financial Service Sector, Article 25, 38, http://www.ojk.go.id/en/kanal/edukasi-dan-perlindungan-konsumen/regulasi/peraturan-ojk/Documents/Pages/OJK-Regulation-Concerning-Consumer-Protection-in-Financial-Services-Sector/POJK%20PK%202013%20%281%29_EN%283%29.pdf, downloaded on 16th December 2016.

c. convey an apology and offer redress/remedy or a rectification of the product and/or service, if the Consumer complaint is legitimate.

f. Regulation of Bank Indonesia Number 8/5/PBI of 2006 concerning Banking Mediation⁶²

Article 2:

“Sengketa antara Nasabah dengan Bank yang disebabkan tidak dipenuhinya tuntutan finansial Nasabah oleh Bank dalam penyelesaian pengaduan Nasabah dapat diupayakan penyelesaiannya melalui Mediasi perbankan.”

It means that the legal dispute between customer and bank which due to the unfulfilled customers' financial demands from the bank could solve by banking mediation.

There are some law principles that also could be imposed to handle token synchronization cases as following:

a. Territoriality principle

Article 2 Indonesian Criminal Law which stated that: “The Indonesian statutory penal provisions are applicable to any person who is guilty of a punishable act within Indonesia.”⁶³

⁶² Regulation of Bank Indonesia Number 8/5/PBI of 2006 concerning Banking Mediation, Article 2, http://www.commbank.co.id/lib_ui/repository/doc/pbi8506.pdf, downloaded on 16th December 2016.

⁶³ Indonesia Criminal Code, Article 2, http://defensewiki.ibj.org/images/b/b0/Indonesia_Penal_Code.pdf, downloaded on 23rd November 2016.

b. Reversal burden of proof principle

Reversal burden of proof principle or known as *Omkering van het Bewijslast*. This principle means that the burden of proof was not on the customers who consuming or using the goods and/or services, but to the businessmen instead.⁶⁴ Reversal Burden of Proof was stated in Article 28 Indonesian Law Number 8 of 1999 concerning Consumer Protection.

c. *Caveat emptor* principle

Caveat emptor principle means that without a warranty the buyer takes the risk or could be also the principle that a person who buys something is responsible for making sure that it is in good condition, works properly, etc.⁶⁵, as stated in Article 5 and Article 27 Indonesian Law Number 8 of 1999 concerning Consumer Protection.

d. *Caveat venditor* principle

Caveat venditor principle means that let the seller beware which is a counter to *caveat emptor* and suggests that sellers can also be deceived in a

⁶⁴ Letezia Tobing, 2013, “*Tentang Sistem Pembalikan Beban Pembuktian*”, <http://www.hukumonline.com/klinik/detail/lt513ff99d6eedf/tentang-sistem-pembalikan-beban-pembuktian>, accessed on 27th December 2016.

⁶⁵ Merriam-Webster, <https://www.merriam-webster.com/dictionary/caveat%20emptor>, accessed on 30th December 2016.

market transaction.⁶⁶ This forces the seller to take responsibility for the product and discourages sellers from selling products of unreasonable quality. Therefore the sellers have to beware towards the marketed goods and/or services. This principle is valid in Article 22 and Article 28 Indonesia Law Number 8 of 1999 concerning Consumer Protection.

e. *Lex specialis derogat legi generalis* principle

Lex specialis derogat legi generalis principle is a law principle which means that the more specific regulations or laws will rule out the more general regulations or laws.⁶⁷

⁶⁶ USLegal, <https://definitions.uslegal.com/c/caveat-vendor/>, accessed on 30th December 2016.

⁶⁷ Letezia Tobing, 2012, "Mengenai Asas *Lex Specialis Derogat Legi Generalis*" <http://www.hukumonline.com/klinik/detail/lt509fb7e13bd25/mengenai-asas-lex-specialis-derogat-legi-generalis>, accessed on 30th December 2016.