

Legal Accountability in the Bank Jatim Fake Credit Case: Juridicial Review and Liability in Civil and Criminal Law

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Abstract

The case of alleged fictitious loans at Bank Jatim Jakarta Branch, which reached Rp569.4 billion, highlights serious problems in banking management, especially in the provision of credit facilities. This study aims to identify the modus operandi used in the case and analyze the legal liability that can be imposed on the perpetrators. The research method used is normative juridical with a legal and regulatory approach, as well as case analysis based on data obtained from primary and secondary sources. The results of the study show that the modus operandi in this case involves abuse of authority in the credit-granting process, falsification of documents, and negligence in the application of the principle of banking prudence. From a legal aspect, liability in this case can include criminal sanctions based on the Corruption Crime Law as well as civil and administrative liability to the parties involved for the losses suffered. These findings underscore the urgency of strengthening internal banking supervision and the implementation of strict sanctions to prevent the recurrence of similar cases.

Keywords: Bank Jatim, Fictitious Credit, Modus Operandi, Legal Liability

INTRODUCTION

The fictitious credit case at Bank Jatim's Jakarta branch has become one of the biggest financial scandals, highlighting weaknesses in the regional banking system. With total losses reaching IDR 569.4 billion, this case uncovered collusion between bank officials and business actors in disbursing loans without real collateral. The credit, which was supposed to finance productive projects, was instead funneled to nominee companies with no actual business activities. This indicates that banking supervision systems still have loopholes that can be exploited for corrupt practices.

As a Regional Government-Owned Enterprise (BUMD), Bank Jatim plays a crucial role in supporting East Java's economy. However, this scandal has shaken public trust in regional banking institutions. This incident is not an isolated case, as Bank Jatim has previously experienced similar cases at several of its branches. Therefore, this study is crucial to uncover the modus operandi, the actors involved, and the impacts caused by the scandal.

The case was first exposed when the Jakarta High Prosecutor's Office (Kejati Jakarta) discovered indications of fictitious credit involving four main suspects: Benny (Head of Bank Jatim Jakarta Branch), Bun Sentoso (owner of PT Indi Daya Group), Agus Dianto Mulia (Director of PT Indi Daya Rekapratama), and Fitri Kristiani (an employee of Bun Sentoso). They were suspected of falsifying collateral documents, including Work Order Letters (SPK) and invoices from State-Owned Enterprises (BUMN), to obtain credit from Bank Jatim.

Between 2023 and 2024, a total of 65 debt credits and 4 contractor credits were disbursed, amounting to IDR 569.4 billion. However, these funds were not used for the proposed projects but were instead transferred to specific accounts to obscure the money trail. After identifying the suspects, Kejati Jakarta detained the three main perpetrators and conducted searches at several locations to gather additional evidence. The East Java Regional House of Representatives (DPRD) also pushed for the formation of a Special Committee (Pansus) to investigate the possible involvement of other parties (CNN Indonesia 2025).

This study holds significant urgency in understanding how the fictitious credit scheme occurred and how weaknesses in the banking system allowed such practices to take place. First, the study aims to analyze the modus operandi used, from document manipulation to fund flows that disappear from the banking system. Understanding these mechanisms is essential for improving banking supervision. Second, the study can assist law enforcement authorities in tracking misappropriated assets to recover state losses (Tempo 2025). Additionally, this research is relevant for evaluating the effectiveness of banking regulations in preventing corruption in the financial sector.

Third, from a public policy perspective, this study can serve as a foundation for the regional government and DPRD to enhance the governance of Bank Jatim as a BUMD. This case demonstrates that internal control systems remain weak and require reforms to prevent similar scandals in the future. Lastly, this study holds academic value in the fields of banking law and corruption crimes. It can serve as a reference for academics, legal practitioners, and policymakers in developing more effective prevention systems.

METHOD

This study employs a qualitative approach with a case study design. Data and information sources are collected through library research. The data collection technique used in this study involves document analysis and other credible sources in depth. Additionally, this research integrates a literature review as a research method. A literature review is a systematic approach that examines various relevant scientific sources essential to the study. The purpose of using this method is to establish a foundational step in research planning by utilizing existing literature to gain insights into the field without direct involvement in the research environment.

The data sources referenced in this study consist of primary and secondary sources. Primary sources include research findings, research reports, and scientific journal articles, while secondary sources comprise regulations, books, and other relevant references. Once the necessary literature sources are gathered, the next step involves data analysis through content analysis. Content analysis is a systematic technique in which researchers objectively examine texts to extract meaningful insights while minimizing personal bias. This process entails an in-depth exploration of selected sources, enabling a structured and methodical approach to reading and analyzing data. By utilizing this analytical framework, this study aims to generate well-founded findings that address the research problem and contribute valuable knowledge to the field of education.

RESULTS AND DISCUSSION

A. What was the modus operandi of the fictitious credit scheme carried out by Bank Jatim Jakarta branch?

The modus operandi in the case of fraudulent loans at Bank Jatim Jakarta Branch was systematically designed and involved various administrative manipulations as well as collusion between bank officials and fictitious companies. This scheme began with the use of nominee companies, which served as mere fronts for loan applications. In this case, PT Indi Daya Group and PT Indi Daya Rekapratama were the two main companies used in submitting fraudulent loan applications.

Moreover, in the loan application process, the perpetrators ensured that all administrative documents appeared legitimate on paper. Fitri Kristiani played an active role in arranging the documents, including obtaining other individuals' identities to be used in the legal documents of the nominee companies. She also accompanied credit analysts during field verification visits to create the illusion that these companies were genuinely operational. However, in reality, the projects funded by these loans never existed, and the progress reports submitted to the bank were entirely fabricated (Tempo 2025).

Bun Sentoso and Agus Dianto Mulia were also suspected of engineering bank accounts and financial transactions of the nominee companies to make them appear creditworthy. They orchestrated financial flows that seemed to indicate business activity, whereas these transactions were merely fabricated to secure loan disbursements. Once the loans were granted, the funds were not used for the proposed projects but were instead diverted for personal use or withdrawn in cash to erase transaction traces.

Overall, this scheme demonstrated a criminal conspiracy between bank officials and business actors who exploited weaknesses in the banking supervision system. With internal cooperation from the bank, the perpetrators were able to obtain large sums of credit without any real collateral or actual projects. This resulted in state losses amounting to IDR 569.4 billion and exposed governance weaknesses at Bank Jatim, which had previously faced similar cases at other branches.

The discussion on this modus operandi highlights that fraudulent loan crimes do not merely involve document falsification but also active involvement from bank officials in facilitating illegal loan disbursements. This collaboration makes fraudulent loan schemes highly structured crimes, requiring stricter supervision systems to prevent similar cases in the future.

One form of internal manipulation within Bank Jatim was the distortion of credit analysis. Under normal banking procedures, every loan application must undergo a rigorous analysis to assess the debtor's eligibility. However, in this case, the analysis process was manipulated to ensure that the nominee companies' applications were approved. Employees associated with Bun Sentoso were suspected of influencing the credit analysts not only by preparing falsified documents but also by accompanying analysts during verification visits to the borrower's office and project sites (Bhirawa 2025). This allowed them to direct the analysts toward accepting fabricated reports as the basis for loan approval.

Furthermore, Bank Jatim's Jakarta Branch is also suspected of allowing various irregularities in the credit application process. One of the main indications of this internal manipulation is the use of fictitious collateral in the form of Work Orders (SPK) and invoices claimed to be from state-owned enterprises (BUMN). However, after an investigation was conducted, no actual cooperation between these companies and any BUMN was found. This fact should have been easily detected during the due diligence or credit verification stage. However, due to collusion between bank officials and credit applicants, the verification process was merely a formality without any in-depth examination.

In addition, the disbursement of funds in this fictitious credit scheme also indicates irregularities in the banking mechanism implemented at Bank Jatim's Jakarta Branch. The credit, which should have been allocated to finance real projects, was instead used as a means to withdraw large amounts of funds into accounts pre-arranged by the perpetrators (Tempo 2025). The bank, which should have closely monitored the use of credit funds, failed to exercise adequate control (Bhirawa 2025). Even project progress reports submitted to the bank were accepted despite being entirely fictitious.

The involvement of the branch head in facilitating the disbursement of fictitious credit also highlights the risk of corruption in the banking sector, particularly in regional banks that should be supporting the local economy. The presence of bank officials colluding with business actors in fictitious credit applications not only caused financial losses for the bank itself but also eroded public trust in the banking system as a whole. With total losses reaching Rp569.4 billion, this scandal is one of the largest fictitious credit cases to affect Bank Jatim.

With the exposure of this case by the Jakarta High Prosecutor's Office, firm legal measures must be taken to prosecute the perpetrators and improve the bank's internal supervision system. Additionally, a comprehensive evaluation of Bank Jatim's credit granting mechanism is necessary, including enhancing early detection systems for problematic credit indications. Without significant reforms, similar cases will continue to recur, further weakening the integrity of the regional financial system.

A crucial aspect of this case is the massive flow of funds. The funds in this scheme were allegedly systematically arranged by the suspects to evade early detection. Once the credit was disbursed, the funds were never allocated for real projects, as required under the working capital credit scheme. Instead, they were immediately transferred to various accounts previously set up by Bun Sentoso and his accomplices. Most likely, these funds were then laundered through manipulated transactions to obscure their source and evade tracking by the banking system and financial authorities.

Beyond inter-account transfers, it is possible that the funds obtained from this fictitious credit were also diverted into other sectors, such as investments in real estate or legitimate businesses as a form of money laundering. In many financial crime cases, funds obtained through corruption are often used to purchase valuable assets such as land, luxury homes, or vehicles, which are then resold to obscure the origin of the funds. The Jakarta High Prosecutor's Office has conducted searches at several locations related to the suspects, including the office of PT Indi Daya Group and Bun Sentoso's private residence, in an effort to further uncover how the funds were utilized and their distribution channels.

Additionally, the manipulation in fund disbursement reveals negligence in Bank Jatim's oversight system. Ideally, large credit disbursements should be strictly monitored, including tracking how debtors use the funds. However, in this case, there was no effective monitoring mechanism, allowing the disbursed funds to never be used for the proposed projects. Even the work progress reports submitted to Bank Jatim which should have been a control instrument to ensure proper fund usage were found to be entirely fictitious, fabricated by Fitri Kristiani.

The losses from this fictitious credit case not only affected Bank Jatim's financial standing but also public trust in regional banking institutions. With such a large sum involved, this case illustrates how weaknesses in the banking system can be exploited by certain parties for personal gain. Therefore, beyond the legal proceedings against the suspects, a comprehensive audit of the fund flows is necessary to ensure that illegally obtained assets can be seized and returned to the state. Further investigation into the accounts receiving these funds is a crucial step in uncovering the entire crime scheme and ensuring that no other parties benefit from this fictitious credit.

From a financial perspective, Bank Jatim suffered significant losses due to credit disbursement to nominee companies with no real projects. Funds that should have been channeled to support the productive sector were instead misused for the personal benefit of a select few. This poses a risk to the bank's liquidity and hampers its ability to provide legitimate credit to business actors who genuinely need it. If not addressed promptly with firm legal actions and effective asset recovery, these losses could impact Bank Jatim's overall financial stability.

Another consequence is the erosion of public trust in Bank Jatim as a regional bank with a strategic role in East Java's economy. This incident further tarnishes the bank's reputation, especially since it is not an isolated case. Previously, Bank Jatim was also implicated in fictitious credit scandals at several branches, including in Sidoarjo and Malang. This series of cases indicates systemic governance issues within Bank Jatim's banking operations, necessitating structural reforms to restore public confidence.

From a regional economic perspective, this scandal also negatively impacts the business and investment sectors. As a regional bank, Bank Jatim plays a role in distributing credit to support small and medium enterprises (SMEs) and infrastructure projects in East Java. However, with substantial losses from fictitious credit, the bank's ability to provide credit to legitimate business actors is compromised (Jatim 2025). This could slow economic growth in the region and hinder the development of the real sector, which heavily depends on financial institution support.

Overall, the impact of this fictitious credit case is extensive, encompassing financial, economic, legal, and public trust aspects. If not properly addressed, this case could damage the integrity of the regional banking system and weaken the role of banks in supporting economic development. Therefore, beyond firm legal action against the perpetrators, concrete steps are needed to reform Bank Jatim's governance to prevent similar scandals from occurring again in the future.

From a legal perspective, the suspects have been charged under Law No. 31 of 1999 on the Eradication of Corruption. They face charges under Article 2, Paragraph (1) and Article 3, which regulate abuse of authority and actions that harm state finances. Additionally, they are charged under Article 18, Paragraph (1), which allows for asset confiscation to recover state losses. With severe penalties, this legal process aims not only to deter offenders but also to recover the misused funds.

On the other hand, this scandal has also caught the attention of the East Java Regional Legislative Council (DPRD), which believes that the investigation should not stop at just the four named suspects. Members of DPRD's Commission C suspect that a case involving such significant losses is unlikely to involve only a few individuals. Therefore, DPRD East Java is pushing for the formation of a Special Committee (Pansus) (CNN Indonesia 2025) to conduct further investigations and ensure that all parties involved in this case, including potential involvement of other bank officials or external parties, are uncovered and prosecuted.

B. How is Legal Liability Established in the Case of the Fictitious Credit Scandal at Bank Jatim Jakarta Branch?

Liability, in simple terms, refers to a condition in which an individual or a group is required to bear certain responsibilities. In a legal context, liability pertains to the fulfillment of rights and obligations by a legal subject. Hans Kelsen, as cited by Effendi (2014:110), argues that the concept of liability in legal science is closely related to the notion of obligations under the law. Essentially, a legal subject must be held legally accountable for specific actions that result in legal consequences (legal acts) and may be sanctioned if such actions contradict the prevailing positive law (Effendi, 2014).

Discussing legal liability can be approached from both criminal and civil perspectives. Therefore, both viewpoints need to be examined to determine the appropriate form of liability for the case presented earlier. From a criminal liability perspective, many scholars, including Roeslan Saleh, agree that criminal liability is the continuation of an objective reproach inherent in a criminal act, which, from a subjective standpoint, meets the requirements for punishment (Saleh, 1982). In line with this argument, Article 36, Paragraph (1) of Law Number 1 of 2023 concerning the Indonesian Penal Code defines criminal liability as follows: "Every person can only be held accountable for a criminal act committed intentionally or due to negligence." Meanwhile, Article 36, Paragraph (2) limits criminal liability to acts committed intentionally, although negligence-based offenses can also be punished if explicitly stipulated in laws and regulations. Accordingly, criminal liability in the fictitious credit case involving the Bank Jatim Jakarta branch may be imposed if intent or negligence, as defined by legal provisions, is established.

Criminal liability is often determined based on the nature of the offense. The fictitious credit fraud at the Bank Jatim Jakarta branch was executed systematically, with each suspect operating within their respective roles:

- 1) The Bank Jatim branch manager acted as a facilitator for disbursing fictitious loans;
- 2) The owner of PT Indi Daya Group fabricated documents and used nominee companies to apply for fictitious loans;
- 3) The director of PT Indi Daya Group prepared the documents and oversaw the loan disbursement process; 4) FK FK was responsible for obtaining identities for loan documentation, guiding credit analysis, and creating fraudulent reports.

Each suspect may be subject to different penalties. For example, the Bank Jatim branch manager may be charged under Article 3 of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption, which states: "Any person who, with the intent to unlawfully benefit themselves, another person, or a corporation, abuses their authority, opportunity, or means available due to their position, resulting in financial or economic losses to the state, shall be sentenced to life imprisonment or imprisonment for a minimum of one (1) year and a maximum of twenty (20) years, and/or fined at least IDR 50,000,000 (fifty million rupiahs) and at most IDR 1,000,000,000 (one billion rupiahs)." The application of corruption charges against the suspects is based on the status of Bank Jatim as a corporation within the banking industry that receives financial assistance from the state or regional budget, as stipulated in Article 1, Paragraph (2), Letter C of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001. Furthermore, the branch manager received compensation from the company.

Meanwhile, the owner and director of PT Indi Daya Group, who primarily engaged in forgery to facilitate the fictitious credit application, may be prosecuted under Article 26 of the Indonesian Penal Code (KUHP), which states: "Anyone who forges or falsifies a document that grants rights, obligations, or debt relief, or is intended as evidence of a matter, with the intent to use or have others use the document as if it were genuine, and if such use causes harm, shall be punished with a maximum imprisonment of six years". The same penalty applies to anyone who intentionally uses a forged or falsified document as if it were genuine, provided its use results in harm.

Additionally, FK, who played a role in managing documents and creating fictitious reports, may also be held criminally liable under Article 49, Paragraph (2), Letter B of Law No. 10 of 1998, which amends Law No. 7 of 1992 on Banking. This provision addresses fraudulent accounting by bank executives, board members, and employees:

"A member of the board of commissioners, directors, or bank employees who knowingly:

- a. makes or causes false records in bookkeeping, reports, or business transaction documents of a bank;*
- b. omits or causes omissions in bookkeeping, reports, or business transaction documents;*
- c. alters, obscures, conceals, deletes, or removes bookkeeping records in reports, documents, or transaction records;*

shall be sentenced to imprisonment of at least five (5) years and at most fifteen (15) years, and fined at least IDR 10,000,000,000 (ten billion rupiahs) and at most IDR 200,000,000,000 (two hundred billion rupiahs)."

Regarding civil liability, it can be analyzed through the contractual obligations between the parties involved. Under the law of obligations (*verbintenissenrecht*), liability arises when a legal subject engages in a legal relationship through a contract (contractual liability) or when liability is imposed by law, particularly in cases of unlawful acts. This argument aligns with Article 1233 of the Indonesian Civil Code (KUHPperdata). Furthermore, Article 1365 of the Civil Code limits civil liability to unlawful acts that cause harm to others, requiring compensation for damages caused by the perpetrator. In essence, legal liability must meet the following elements:

- 1) The existence of an unlawful act.
- 2) The presence of fault on the part of the legal subject.
- 3) The occurrence of damages due to the legal act.
- 4) A causal link between the fault and the resulting damage.

From this argument, it is clear that civil liability in the fictitious credit case involving Bank Jatim Jakarta branch primarily pertains to claims for damages arising from an unlawful act (non-contractual liability), rather than contractual breaches (Widiyastuti, 2020). Thus, civil liability can be based on fault or risk, categorized into two main concepts: *liability without fault* and *liability based on fault*. Before determining fault and liability, it is essential to recognize that the fictitious credit fraud at Bank Jatim Jakarta branch involved bank employees impersonating credit applicants using false identities and abusing their authority to manipulate data. Consequently, a civil relationship existed within the banking industry, evidenced by interactions between the bank, customers, and third parties. This relationship can generally be considered contractual. However, Law No. 10 of 1998 explicitly obligates banks to protect customer data security and confidentiality. This obligation is further reinforced by Law No. 27 of 2022 on Personal Data Protection, which requires data controllers to ensure the security of the data they manage. Violations of these provisions ultimately make civil liability in the fictitious credit case at Bank Jatim Jakarta branch fall under the category of an unlawful act (*Onrechtmatige daad*).

CONCLUSION

The fictitious credit scandal at Bank Jatim Jakarta Branch underscores significant vulnerabilities in banking governance, internal supervision, and regulatory enforcement. The systematic fraud, involving collusion between bank officials and nominee companies, highlights weaknesses in due diligence and risk assessment processes. The falsification of documents, misuse of banking authority, and lack of adequate oversight facilitated the large-scale misappropriation of funds, resulting in substantial financial losses amounting to IDR 569.4 billion.

From a legal perspective, the suspects are being held accountable under corruption and financial crime laws, emphasizing the need for stricter enforcement and oversight mechanisms. The case also sheds light on potential money laundering practices, further complicating financial transparency and accountability. To prevent similar incidents in the future, structural reforms in regional banking governance are essential, including enhanced due diligence, strengthened internal controls, and increased regulatory scrutiny. Additionally, law enforcement must ensure that all involved parties, including possible accomplices beyond the named suspects, are thoroughly investigated and prosecuted.

The repercussions of this scandal extend beyond financial losses, affecting public trust in the banking system, investor confidence, and regional economic stability. Without significant regulatory reforms and improved internal governance, regional banks like Bank Jatim remain vulnerable to exploitation, risking further financial crises and undermining the banking sector's integrity. Therefore, a multi-faceted approach involving legal action, policy reforms, and enhanced supervision is necessary to restore confidence in the banking system and prevent similar fraudulent schemes in the future.

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