

**ABSTRAK**

Dasar gugatan di Indonesia didominasi oleh gugatan wanprestasi dan perbuatan melanggar hukum, namun dua gugatan tersebut belum mampu melingkupi keseluruhan perkara hukum yang secara nyata terjadi, termasuk kasus *error system* bank yang mengakibatkan saldo rekening nasabah penyimpan bertambah. Nasabah penerima dana tidak memiliki kesalahan dalam hal terjadi *error system* bank tersebut, namun dana tersebut bukanlah hak dari nasabah penerima dana. Doktrin *unjust enrichment* berakar dari prinsip adil adalah tidak seorang pun dapat diuntungkan atas kerugian orang lain, sehingga terjadi ketidakadilan apabila penerimaan dana akibat *error system* dibenarkan. Rumusan masalah yang diangkat adalah tanggung gugat nasabah terhadap saldo nasabah bank yang berlebih akibat *error system* bank dan upaya hukum yang dapat dilakukan bank terhadap nasabah yang menerima saldo berlebih akibat *error system* bank. Penelitian ini dilakukan dengan pendekatan peraturan perundang-undangan, pendekatan konseptual, pendekatan kasus, dan pendekatan komparatif. Penerima dana bertanggung gugat untuk merestitusi dana yang diterimanya atau apabila nasabah penerima dana beritikad buruk dapat dimintakan ganti rugi pula. Pengakuan dana akibat *error system* sebagai milik nasabah penerima dana oleh pemilik rekening itu sendiri menimbulkan tanggung jawab pidana. Upaya hukum yang dapat dilakukan adalah mengutamakan penyelesaian sengketa alternatif berupa negosiasi atau pembetulan secara sistem, kemudian gugatan pengadilan atas dasar pembayaran tak diwajibkan.

**Kata kunci:** *error system*, perbankan, *unjust enrichment*, pembayaran tak diwajibkan.

**ABSTRACT**

*The basis of lawsuits in Indonesia is dominated by breaches of contracts and unlawful acts, but the two lawsuits have not been able to cover the entire legal cases that actually occurred, including the case of a bank error system which resulted in the storage accounts of the depositor's customers increasing. Customers, who receive funds, have no wrong in the case of a bank system error, but the funds are not the right of the receiver. The doctrine of unjust enrichment is rooted in the principle of fairness that no one can benefit from the loss of others, so that there is injustice if the gain of funds due to an error system is justified. The formulation of the problem raised is the liability of bank customers who have received money due to bank system errors and legal remedies that the bank can take on unjust enrichment of customers who receive excess balances due to bank system errors. This research was conducted with the statute approach, conceptual approach, case approach, and comparative approach. The recipient of the funds is liable for the restitution of the funds received or if the customer receiving the funds in bad faith can also be requested compensation. Recognition of funds due to an error system as belonging to the customer receiving funds by the account owner itself raises criminal liability. Legal remedy that can be done is to prioritize alternative dispute resolution in the form of negotiations or rectification, then a court suit on the basis of undue payment.*

**Keywords:** *error system, banking, unjust enrichment, undue payment.*