



Legal Protection Mechanism for Pension Fund Beneficiaries Against Maladministration of Pension Payments

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Abstract: This research discusses the legal protection mechanisms available to pension beneficiaries against maladministration in pension fund payments by partner banks of PT Taspen (Persero), specifically Bank SulutGo in the Gorontalo region. The background of this study stems from the fact that pension funds are a constitutional right of citizens, as stated in Article 28H paragraph (3) of the 1945 Constitution of the Republic of Indonesia, and are also a form of social security guaranteed by Law No. 40 of 2004 concerning the National Social Security System. However, in practice, maladministration cases such as unilateral account blocking, transfer delays, and lack of transparency in information have been found, which cause retirees difficulties in accessing their entitlements. This study uses normative legal research methods with a statute approach and case approach, based on a study of banking regulations, consumer protection, and the social security system. The results of this research indicate that maladministration in pension fund payments can be categorized as a violation of consumer rights as regulated in Law No. 8 of 1999 on Consumer Protection and is contrary to the principles of prudence, transparency, and accountability in banking. The available legal protection mechanisms are divided into preventive measures, such as strengthening regulations and supervision, and repressive measures through internal complaints in banks, dispute resolution through the OJK and LAPS-SJK, up to civil lawsuits in court. However, challenges such as weak supervision, limited legal literacy, and the position of pensioners as vulnerable groups remain the main obstacles. Therefore, comprehensive legal protection needs to be strengthened, involving the government, PT Taspen, partner banks, and law enforcement agencies, to guarantee legal certainty, justice, and benefits for pension beneficiaries.

Keywords : Legal Protection; Maladministration; Pension Funds

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1. Introduction

Human beings have always been involved in economic activities. From ancient times to the modern era, the economy has been seen as the driving force of life, continually moving alongside humanity's journey toward prosperity. Through economic activities, humans strive to meet their basic needs such as food, clothing, and shelter, as well as secondary needs aimed at improving their quality of life. In Islam, economic activities are inseparable from ethics and the principles of Islamic law, which emphasize honesty, justice, and the prohibition of earning profits at the expense of others. Therefore, every economic activity should not only aim for profit but also consider moral aspects and compliance with human values.¹

Over time, economic activities have evolved from traditional systems to increasingly complex modern systems. One manifestation of this complexity is the emergence of banking institutions. Banks, as financial institutions, play a central role in collecting funds from the public and redistributing them in the form of loans or other services according to public needs. The role of banks is not limited to providing savings and loan services but also as stabilizers of the financial system, responsible for managing the flow of money to ensure smooth economic activities. The trust built between the public and banks makes these institutions akin to the "heart" that pumps the circulation of money in the national economy. In other words, any error or negligence by a bank in performing its functions can have significant consequences for its customers, especially those who rely on banking services for their financial well-being in retirement.²

The fact that humans cannot remain in their productive years forever emphasizes the importance of social security. The fierce competition in the workforce driven by globalization demands highly skilled human resources. However, as people age, their physical and mental capabilities decline, and productivity can no longer be maintained. At this point, people face the reality of retirement: a time when income from work is no longer earned, yet living expenses must still be met. From this condition arose the concept of pension funds, an instrument designed to protect individuals who no longer have a fixed income. Pension funds provide a form of periodic income during old age, ensuring that individuals continue to have financial security in their lives.

Since the 19th century, pension systems have been recognized in developed countries. For example, in 1887, Canada introduced the Pension Fund Societies Act, which provided a legal basis for pension programs for employees and their families. This system provided assurance to workers who could no longer work due to old age or

¹ Adhyaksa Nugraha Zain et al., "Peran Ombudsman Republik Indonesia Dalam Menjamin Perlindungan Hukum Terhadap Masyarakat Atas Praktik Maladministrasi Dalam Pemerintahan," *CONSTITUO: Journal of State and Political Law Research* 4, no. 1 (2025): 80–98, <https://doi.org/10.47498/constituo.v4i1.4989>.

² Subaida Paus Paus et al., "Perlindungan Hukum Terhadap Hak Pegawai Negeri Sipil Dalam Sistem Kepegawaian Indonesia," *Media of Law and Sharia* 6, no. 2 (2025), <https://doi.org/10.18196/mls.v6i2.354>.

emergencies such as accidents or death. The concept of pension funds from that era has evolved into modern social security systems that emphasize worker protection. Indonesia has adopted a pension system with a specific legal approach depending on the worker category. Civil Servants are regulated through a pension system managed by PT Taspen (Persero), while members of the Indonesian National Army and Police are covered by ASABRI, and private sector workers are covered by JAMSOSTEK and subsequently BPJS Ketenagakerjaan. Various regulations, such as Law No. 3 of 1992 on Employment Social Security and Law No. 40 of 2004 on the National Social Security System, demonstrate the government's commitment to making social security a form of protection and a realization of constitutional mandates.³

Civil Servants (PNS) receive special attention from the government given their vital role in public service and national development. According to Article 1 point 1 of Law No. 8 of 1974 concerning Civil Service Principles, PNS are individuals who meet certain requirements to serve the country through government tasks. For this contribution, the state is obligated to provide welfare guarantees, including pension funds after their service ends. This guarantee also motivates PNS to continue working with full dedication, knowing that their old age will be secured by the state.

PT Taspen (Persero) is a state-owned enterprise entrusted with managing pension funds for PNS, replacing the role of the Treasury and State Cash Office (KPKN) in the past. The presence of Taspen is not limited to being a payment agent but also responsible for ensuring the security of its participants' funds. In its operational practice, Taspen collaborates with several commercial banks appointed as partner banks, one of which is Bank Sulawesi Utara Gorontalo (Bank SulutGo). This collaboration was formalized through a Cooperation Agreement (PKS) in 2020. Through this partnership, Bank SulutGo functions to distribute the Old Age Savings and pension funds to PNS pension beneficiaries. Bank SulutGo, legally established under Notarial Deed No. 7 of 1999 and regulated by Gorontalo City Regional Regulation No. 5 of 2015, plays a crucial role in managing the pension payment transactions in the Gorontalo region.⁴

Although the pension payment mechanism through Bank SulutGo is formally arranged in two forms cash payments at counters and transfers to beneficiary accounts several issues have been found in practice. These problems can stem from administrative errors, participants' limited ability to use digital authentication systems, and the complexity of manual processes still being implemented. However, the more serious issue arises when maladministration occurs, namely deviations from procedures that cause pension beneficiaries harm due to the bank's actions. Maladministration is not merely a technical error but an abuse of authority,

³ Paulus Jimmytheja Ng et al., "Eksistensi Otoritas Jasa Keuangan Dalam Memberikan Perlindungan Hukum Kepada Pemegang Polis Asuransi," *Jurnal Ius Constituendum* 5, no. 2 (2020): 196-219, <https://doi.org/10.26623/jic.v5i2.2308>.

⁴ Tiur Mauli et al., "Perlindungan Hukum Terhadap Pemilik Sertipikat Terkait Penyalahgunaan Akta Kuasa Persetujuan Kredit Yang Dibuat Dihadapan Notaris Tanpa Persetujuan Pemilik Sertipikat," *Jurnal Multidisiplin Indonesia* 2, no. 8 (2023): 2213-34, <https://doi.org/10.58344/jmi.v2i8.438>.

negligence, or even unilateral actions that do not comply with the applicable procedural standards.

A significant case of maladministration in Gorontalo involved a retired civil servant named Hamzah Lihawa. During the pension fund disbursement process via ATM, his account balance was stated as insufficient even though the pension funds had been deposited into the account. Upon further investigation, it was found that his account had been unilaterally blocked by the bank without prior notification or coordination with PT Taspen, the managing entity. This situation prevented him from withdrawing his pension funds on time, directly affecting his daily living expenses. Hamzah Lihawa's case highlights that the pension payment administration system through the bank still has serious vulnerabilities that can cause real harm to participants.

In banking law, the relationship between banks and customers is not merely technical but a legal relationship based on trust. Law No. 10 of 1998 on Banking emphasizes that the main function of banks is to collect funds from the public and redistribute them to improve the welfare of the people. Therefore, banks have a full obligation to maintain the trust that the public has placed in them. However, in practices such as unilateral account blocking, it is evident that the aspect of trust is weakened, as the bank acts outside the legal and contractual obligations that should be upheld.⁵

Legally, consumer protection for bank customers is also guaranteed under Law No. 8 of 1999 on Consumer Protection (UUPK). Article 4 of UUPK states that consumers have the right to comfort, security, and safety in consuming goods and/or services, as well as the right to obtain clear, honest, and non-deceptive information about the services they receive. Meanwhile, Article 7 of UUPK stipulates that business actors must provide information that is correct, honest, and clear to consumers and treat consumers fairly and without discrimination. Relating this to the Bank SulutGo case, the unilateral account blocking clearly violates the principles of transparency and the obligation to provide information. In other words, this action can be categorized as a violation of consumer rights, which has legal consequences.

This issue extends beyond the contractual relationship between the bank and its customers, also touching upon the essence of a state governed by law, which places legal certainty as the basis for protecting citizens. The Indonesian Constitution, through Article 28H paragraph (3) of the 1945 Constitution, states that every person has the right to social security that enables the full development of themselves as dignified human beings. Pensions, as part of the social security system, must be implemented in accordance with this constitutional mandate. If, in reality, pension participants face difficulties due to banking maladministration, this is not just an

⁵ Petramanti Petramanti et al., "Implementasi Pelayanan Pensiun Pada Kantor Badan Kepegawaian Dan Pengembangan Sumber Daya Manusia Daerah Kota Makassar," *Paradigma Journal of Administration* 2, no. 2 (2024): 123–29, <https://doi.org/10.35965/pja.v2i2.5153>.

administrative violation, but also a denial of the constitutional rights of citizens that must be protected.⁶

Moreover, from a sociological perspective, pension beneficiaries are considered a vulnerable group. These are individuals who are elderly, most of whom depend on their monthly pension income. Any delay or failure in disbursement directly impacts their basic needs, such as food, health, and daily expenses. Therefore, legal protection for them must be treated as a vital issue. Maladministration should not be seen as a minor mistake; for pensioners, losing access to monthly funds is equivalent to a threat to their survival.

From an administrative law perspective, maladministration by the bank as a payment partner can also be viewed as malfeasance or nonfeasance, i.e., arbitrary actions or negligence in carrying out duties that should be used for the benefit of public service. This opens the way for legal resolution mechanisms, both through litigation with civil lawsuits for breach of contract or unlawful acts, and through non-litigation avenues such as mediation and complaints to supervisory agencies such as the Financial Services Authority (OJK) and the Alternative Dispute Resolution Institution for Financial Services Sector (LAPS SJK). These mechanisms need to be strengthened so that each form of maladministration can be minimized, and consumers' rights are effectively protected.

2. Method

This research uses normative legal research methods with a statute approach and case approach.⁷ The normative legal research method is chosen because the main focus of this study is to analyze the legal protection mechanisms for pension fund beneficiaries against maladministration in payments by banks, with Bank SulutGo as the partner bank of PT Taspen (Persero). The statute approach is used to examine relevant positive legal provisions, such as Law No. 10 of 1998 on Banking, Law No. 8 of 1999 on Consumer Protection, Law No. 40 of 2004 on the National Social Security System, as well as constitutional provisions in Article 28H of the 1945 Constitution and other related regulations. Meanwhile, the case approach is used to analyze concrete instances of maladministration in pension payments, such as the case of a retiree's account being unilaterally blocked by the bank, in order to identify weaknesses in the implementation of applicable regulations.

The type of data used in this study is secondary data, consisting of primary legal materials in the form of legislation, secondary legal materials such as doctrines, legal literature, and previous research findings, and tertiary legal materials such as legal

⁶ Solechan Solechan, "Badan Penyelenggara Jaminan Sosial (BPJS) Kesehatan Sebagai Pelayanan Publik," *Administrative Law and Governance Journal* 2, no. 4 (2019): 686-96, <https://doi.org/10.14710/alj.v2i4.686-696>.

⁷ Muhammad Chairul Huda and MH S HI, *Metode Penelitian Hukum (Pendekatan Yuridis Sosiologis)* (The Mahfud Ridwan Institute, 2021), <https://books.google.com/books?hl=id&lr=&id=xySyEAAAQBAJ&oi=fnd&pg=PP1&dq=metode+penelitian+hukum&ots=3dz5ydySG8&sig=JthSyFzvTUJjNRfY-0FUdoJqNk4>.

dictionaries and encyclopedias. All of these legal materials were collected through library research and then analyzed qualitatively using a prescriptive-analytical method. This means that the study not only aims to explain the applicable legal norms but also provides prescriptions or recommendations on the legal protection mechanisms that should be granted to pension beneficiaries in dealing with maladministration in pension payments.

3. Maladministration in Pension Payments as a Violation of Consumer Rights

Pension payments, in essence, represent a concrete realization of social security rights guaranteed by the constitution. Article 28H paragraph (3) of the 1945 Constitution explicitly states that every person has the right to social security that allows for the development of their full potential as a dignified human being. In a more operational context, this right is detailed in Law No. 40 of 2004 on the National Social Security System, which places pensions as one of the social security programs that must be provided by the state. For Civil Servants (PNS), the implementation of this social security right is carried out through PT Taspen (Persero), which is the designated institution responsible for managing the pension fund. However, in practice, PT Taspen does not operate alone. The institution collaborates with several banks as payment partners, including Bank SulutGo in the Gorontalo region, to ensure that pension funds are disbursed on time and to the right beneficiaries.⁸

The cooperation between PT Taspen and partner banks is essentially intended to provide easier access for pension participants. Through the banking system, participants do not need to go directly to PT Taspen's office to claim their entitlements but can use ATM services, internet banking, or visit the nearest bank branch. This system is supposed to provide efficiency and convenience, especially for pensioners who are typically elderly and have mobility limitations. However, in practice, the system that is supposed to offer ease often creates new problems. Various forms of maladministration emerge, ranging from technical errors, delayed transfers, to the most serious case of unilateral account blocking without prior notice to the participants. This situation not only causes discomfort but also has the potential to violate the basic rights of participants as consumers of banking services.⁹

The case experienced by Hamzah Lihawa, a retired civil servant in Gorontalo, is a clear example of how maladministration can harm pension beneficiaries. When he tried to withdraw his pension funds via ATM, the machine indicated that his balance was insufficient, even though the pension funds had been deposited into his account. After further investigation, it was found that his account had been blocked unilaterally by the bank without prior notice to him or to PT Taspen as the manager. As a result,

⁸ Salsabila Nisa Aprilia et al., "Peran Regulasi Otoritas Jasa Keuangan Dalam Mencegah Praktik Perbankan Abusive Lending," *Media Hukum Indonesia (MHI)* 3, no. 2 (2025), <https://doi.org/10.5281/zenodo.15548191>.

⁹ Lismanto Lismanto and Yos Johan Utama, "Membumikan Instrumen Hukum Administrasi Negara Sebagai Alat Mewujudkan Kesejahteraan Sosial dalam Perspektif Negara Demokrasi," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020): 416–33, <https://doi.org/10.14710/jphi.v2i3.416-433>.

Hamzah Lihawa could not access his pension funds for a certain period, which directly impacted his daily living needs. This incident illustrates the vulnerability of pension beneficiaries in the face of administrative power held by the bank, while also highlighting the weak oversight and protection systems that should safeguard their rights.

From the perspective of consumer protection law, the unilateral blocking of accounts by Bank SulutGo against Hamzah Lihawa is clearly a violation of the provisions set forth in Law No. 8 of 1999 on Consumer Protection (UUPK). Article 4 of the UUPK explicitly states that consumers have the right to obtain true, clear, and honest information regarding the conditions and guarantees of the goods and/or services they consume. In the context of banking, this means that customers have the right to know about any issues related to their accounts, including when there are problems that require an account to be blocked. Furthermore, Article 4 also guarantees consumers' right to comfort, security, and safety in consuming goods and/or services. The unilateral blocking clearly violates the right to comfort and security, as the customer loses access to their own funds without adequate explanation.¹⁰

Furthermore, this violation is also related to the obligations of business actors as outlined in Article 7 of the UUPK. This provision states that business actors must provide correct, clear, and honest information about the conditions and guarantees of goods and/or services and must provide explanations regarding usage, repairs, and maintenance. As a financial service provider, the bank has the obligation to provide transparent information to its customers. Another important obligation is to treat or serve consumers correctly, honestly, and without discrimination. In Hamzah Lihawa's case, Bank SulutGo failed to meet these obligations by not providing adequate information regarding the reasons for the account blocking, failing to give the customer an opportunity for clarification, and acting unilaterally without considering the impact it would have.

The specific characteristics of pension beneficiaries add weight to the violations committed by the bank. Pensioners are a vulnerable group both economically and socially. Economically, they no longer have a steady income from work, and thus, they heavily rely on pension funds as their primary source of income. Delays or failures in receiving pension funds can directly affect their ability to meet basic needs such as food, medicine, and daily expenses. Socially, pensioners generally have limited access to information and technology, which means their position when dealing with banking institutions is often unbalanced. This situation requires special protection and more sensitive services from the bank.

Theoretically, the relationship between the bank and pension customers can be categorized as a fiduciary relationship, which is a relationship of trust where one party (the bank) has the duty to act in the best interest of the other party (the customer). In the context of pension funds, the bank does not only serve as a typical provider of

¹⁰ Kharis Kevin Febrian Ratag et al., "Tinjauan Hukum Penyelenggaraan Tabungan Perumahan Rakyat (Tapera) Dalam Peraturan Pemerintah Nomor 21 Tahun 2024," *LEX PRIVATUM* 15, no. 3 (2025), <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/61110>.

deposit services but also as the trustee of the fund that serves as the source of livelihood for the pensioner in their old age. A bank's failure to uphold this trust, as seen in the case of unilateral account blocking, can be seen as a breach of fiduciary duty that has serious legal implications.¹¹

The psychological impact of maladministration by banks on pensioners cannot be overlooked. The uncertainty in accessing pension funds can cause excessive stress and anxiety, particularly for those already in poor health. In the case of Hamzah Lihawa, the inability to access pension funds certainly caused distress, not only for him but also for his family. This situation reinforces the argument that maladministration in pension payments is not merely an administrative issue but concerns a broader humanitarian aspect.

From a civil law perspective, the bank's maladministration can be classified as an unlawful act (*onrechtmatige daad*) as stipulated in Article 1365 of the Civil Code. To be considered an unlawful act, an action must fulfill four elements: the act itself, fault, harm, and a causal link between the act and the harm. In the case of unilateral account blocking, all four elements are met. The act of blocking without notice is present, the fault is the violation of the transparency obligation, harm is the inability to access the funds, and the causal link between the blocking and the harm is clear.¹²

Moreover, maladministration can also be classified as a default (*wanprestasi*) when viewed from the contractual relationship between the bank and the customer. When a customer opens an account at the bank, a contract is formed, which creates reciprocal rights and obligations. The bank has an obligation to provide proper banking services, including smooth access to customer funds. The bank's failure to meet this obligation can be categorized as default, giving the customer the right to claim compensation.

The legal implications of violating consumer rights in the case of maladministration of pension payments are quite complex. The harmed customers can pursue various resolution paths, ranging from internal mediation at the bank, complaints to the Financial Services Authority (OJK), to civil lawsuits in court. However, in practice, access to these mechanisms is not always easy for pensioners. Limited legal knowledge, financial capability to file lawsuits, and complex procedures often become obstacles for them to obtain justice.¹³

Legal protection for pension customers should not only be repressive (after a violation occurs) but also preventive (to prevent violations). Preventive efforts can be made by strengthening regulations, improving oversight by the relevant authorities, and educating banks about the importance of protecting the rights of vulnerable

¹¹ Zaskiya Amalina et al., "Tanggungjawab Negara Terhadap Pemenuhan Program Tabungan Perumahan Rakyat Dalam Kajian Welfare State," *Lex Et Lustitia* 2, no. 1 (2025): 48–60.

¹² Rifki Ilham, "Akibat Hukum Pembuatan Salinan Yang Berbeda Dengan Minuta Berdasarkan Analisis Putusan Pengadilan Negeri Jakarta Selatan Nomor 20 /PDT.G/2017/PN JKT-SEL," *Indonesian Notary* 4, no. 1 (2022), <https://scholarhub.ui.ac.id/notary/vol4/iss1/39>.

¹³ Sindi Fitria and Tundjung Herning Sitabuana, "Penerapan Konsep Welfare State Dalam Penyelenggaraan Pelayanan Publik Di Indonesia," *Jurnal Hukum Adigama* 4, no. 2 (2021): 51–72, <https://doi.org/10.24912/adigama.v4i2.13568>.

customers. Repressive efforts can be strengthened by simplifying complaint mechanisms, establishing a dedicated institution for handling banking consumer disputes, and applying strict sanctions to banks that violate consumer rights.

Based on the analysis above, it is clear that maladministration in pension payments, especially the case experienced by Hamzah Lihawa, constitutes a serious violation of consumer rights as regulated in the UUPK. This violation is not only legal in nature but also concerns a broader humanitarian aspect, considering that the victims are a vulnerable group that heavily relies on pension funds for their livelihood. Therefore, a comprehensive effort is needed to strengthen the legal protection mechanisms for pension beneficiaries, through regulatory improvements, enhanced oversight, and increased awareness by banks of their social responsibility toward vulnerable communities.

4. Legal Protection Mechanisms for Pension Beneficiaries in the Context of Banking and Social Security Systems

Legal protection for pension beneficiaries is a complex issue involving two interconnected legal systems that have distinct characteristics: banking law and social security law. These two systems do not operate independently but complement each other in providing legal certainty for pensioners accessing their pension funds through the banking system. In the context of Indonesia, the interaction between these two legal systems has become increasingly important, given that the disbursement of pension funds for Civil Servants (PNS) through PT Taspen (Persero) involves partner banks as distribution channels. This means that when a pensioner faces issues in accessing their pension funds, the legal protection offered stems not only from banking regulations but also from the broader social security legal framework.

From the banking law perspective, the foundation for protecting pension beneficiaries can be found in Law No. 10 of 1998 on Banking. This law places the prudential principle as one of the main pillars of banking operations. The prudential principle requires banks to always consider the impact of every decision made on customers and the stability of the financial system as a whole. In the context of pension payments, this principle requires banks to ensure that every administrative action, including account blocking, is carried out thoughtfully and with the best interest of the customer in mind. Unilateral actions, such as blocking an account without clear notice, contradict the prudential principle, as it could cause unnecessary harm to the customer.

In addition to the prudential principle, the Banking Law also emphasizes the importance of transparency and accountability in every bank operation. Transparency requires banks to provide clear and easily accessible information to customers regarding their products, services, and policies. Accountability demands that banks justify every action they take, especially if it negatively affects their customers. In cases of maladministration in pension payments, both principles are highly relevant

because the bank not only has the obligation to provide good service but also must explain any arising issues and the steps taken to resolve them.¹⁴

The concept of fiduciary relationship between banks and customers is also an essential element in the legal protection of pension beneficiaries. A fiduciary relationship places the bank in a position of higher information and power compared to the customer, meaning the bank has a special obligation to act in the best interest of the customer. In the context of pension funds, this fiduciary duty is even more significant since the bank is not just managing ordinary deposits but funds that serve as the primary source of livelihood for retirees. A breach of fiduciary duty, such as the case of unilateral account blocking, can lead to serious legal liability for the bank, both civil and administrative.

On the other hand, the social security law perspective provides a different but complementary dimension to the legal protection of pension beneficiaries. Article 28H paragraph (3) of the 1945 Constitution explicitly states that every person has the right to social security that enables them to develop themselves fully as a dignified human being. This constitutional provision not only provides a right but also imposes a duty on the state to provide an effective and reliable social security system. In the context of pension funds for PNS, this constitutional obligation is implemented through the establishment of PT Taspen as the managing body and the regulatory framework that involves partner banks in the distribution process.¹⁵

Law No. 40 of 2004 on the National Social Security System strengthens this constitutional foundation by detailing the rights and obligations of social security participants. This law emphasizes that the provision of social security must be based on the principles of benefit, accessibility, and legal certainty. The principle of benefit requires that the social security system provides real benefits to participants rather than creating difficulties or harm. The principle of accessibility demands that participants can easily access their rights without excessive administrative barriers. Meanwhile, the principle of legal certainty ensures that participants' rights are legally protected and enforceable through available mechanisms.

When a partner bank fails to carry out its function properly in disbursing pension funds, it can be seen not only as a failure of the banking institution but also as a failure of the entire social security system. From this perspective, the state has a responsibility to ensure that its partnership with the banking sector genuinely benefits participants rather than creating new problems. A failure in monitoring and controlling partner banks can be interpreted as negligence on the part of the state in fulfilling its constitutional obligation to provide quality social security.¹⁶

¹⁴ Ahmad Wildan et al., "Implikasi Hukum Terhadap Hak Pekerja Harian Lepas Di Era Digital: Perspektif Hukum Ketenagakerjaan," *Media Hukum Indonesia (MHI)* 2, no. 2 (2024), <https://doi.org/10.5281/zenodo.12599595>.

¹⁵ Rahmadi Indra Tektona, "Perlindungan Hukum Bagi Nasabah Yang Mengalami Pemblokiran Sepihak Oleh Bank," *Jurnal Risalah Hukum* 15, no. 2 (2020): 15.

¹⁶ Arakian, "Prosedur Pelayanan Administrasi Pembayaran Gaji Pensiun Pegawai Negeri Sipil Pada PT.Taspen (Persero) Cabang Malang," *Jurnal Ilmu Sosial Dan Ilmu Politik* 1, no. 2 (2012): 36–37.

Legal protection mechanisms for pension beneficiaries who experience maladministration can be pursued through various routes, both preventive and repressive. The preventive route aims to prevent maladministration by strengthening regulations, improving supervision, and educating relevant parties. The repressive route aims to restore the rights of victims of maladministration through various available dispute resolution mechanisms.

Internal resolution is usually the first step taken when maladministration occurs. This mechanism involves direct complaints to the bank or to PT Taspen as the pension fund manager. The advantage of internal resolution is its relatively quick process and the fact that it does not incur additional costs for the customer. However, the effectiveness of this mechanism largely depends on the goodwill of the bank and PT Taspen to resolve the issue fairly. In practice, internal resolution often fails to provide satisfactory results because the bank tends to be defensive and does not acknowledge the errors that have occurred.¹⁷

If internal resolution is unsuccessful, the customer can file a complaint with the Financial Services Authority (OJK), the regulatory body for the financial services sector. OJK has the authority to investigate alleged violations committed by banks and can impose administrative sanctions if violations are found. The complaint mechanism through OJK has several advantages, including being free of charge, having a relatively simple procedure, and being backed by strong regulatory authority. However, the main weakness of this mechanism is that its sanctions are administrative, so it may not provide direct compensation to the harmed customer.¹⁸

The Alternative Dispute Resolution Institution for the Financial Services Sector (LAPS-SJK) offers mediation and adjudication options for financial services consumers who experience disputes with service providers. This mechanism is designed to provide quicker and cheaper resolutions compared to the courts, while still ensuring legal certainty for both parties. In the context of maladministration in pension payments, LAPS-SJK can serve as an effective forum to resolve disputes between pension beneficiaries and partner banks. LAPS-SJK's decisions are final and binding, offering stronger legal certainty than internal resolutions.¹⁹

If all non-litigation mechanisms fail to yield satisfactory results, pension beneficiaries can pursue legal action through a civil lawsuit. The lawsuit can be based on default (*wanprestasi*) from the contractual relationship between the bank and the customer or on unlawful actions (*perbuatan melawan hukum*) if the focus is on the harm caused by the bank's actions. The litigation route carries the highest legal authority, as a court decision can be enforced through execution. However, litigation also has drawbacks,

¹⁷ Rahnia Embisa, "Efektivitas Pelayanan Pembayaran Pensiun Pegawai Negeri Sipil Di Pt. Taspen Cabang Manado," *Jurnal Administrasi Publik* 3, no. 41 (2016): 2.

¹⁸ Mutiara Lubis, "Analisis Prosedur Sistem Pembayaran Dana Pensiun Pada PT TASPEN (Persero) KCU Medan," *Jurnal Mahasiswa Kreatif* 1, no. 6 (2023): 334.

¹⁹ Fiqi Fatichadiasty, "Reformasi Sistem Pensiun Pasca Undang-Undang Nomor 5 Tahun 2014 Tentang Aparatur Sipil Negara Guna Mewujudkan Kesejahteraan Bagi Pegawai Negeri Sipil," *Jurnal Terakreditasi Nasional* 26, no. 2 (2020): 163.

such as being time-consuming, costly, and having complex procedures that may be difficult for pensioners to understand.²⁰

In practice, the effectiveness of the available legal protection mechanisms still faces several obstacles. First, the limited legal knowledge among pensioners often means they are unaware of their rights and how to defend them. Second, the lack of access to legal assistance makes it difficult for pensioners to receive guidance during dispute resolution. Third, the weak coordination between the various institutions involved in the social security and banking systems results in inefficient handling of issues.

To overcome these challenges, comprehensive efforts from various parties are required. The government needs to strengthen regulations governing the responsibilities of partner banks in disbursing pension funds and improve oversight of the implementation of these regulations. PT Taspen, as the pension fund manager, needs to tighten the criteria for selecting partner banks and conduct more intensive monitoring of their performance. Meanwhile, partner banks need to increase their awareness of their social responsibility toward vulnerable groups like pensioners.²¹

Additionally, efforts to improve legal literacy among pensioners through educational programs and socialization about their rights as financial services consumers are essential. The establishment of a legal aid institution specializing in financial services consumer disputes can also help improve pensioners' access to justice. Finally, the development of an integrated complaint system connecting various relevant institutions could speed up the resolution process and reduce the administrative burden on pensioners.

5. Conclusion

Based on the explanations and analyses presented regarding the legal protection mechanisms for pension beneficiaries against maladministration in pension payments, it can be concluded that this issue is not just an administrative problem but also involves the implementation of citizens' constitutional rights to social security, as outlined in Article 28H paragraph (3) of the 1945 Constitution. The pension system managed by PT Taspen (Persero) in collaboration with partner banks, in this case, Bank SulutGo, plays a strategic role in ensuring the well-being of pensioners. However, the realities on the ground show that maladministration still occurs, such as unilateral account blocking, transfer delays, and lack of transparency, which fundamentally contradict the banking prudential principles and violate consumer rights as stipulated in Law No. 8 of 1999 on Consumer Protection.

Normatively, legal protection for pension beneficiaries is already available through two major systems: banking law and social security law. This protection can be

²⁰ Ni Wayan Mandarika, "Analisis Pengendalian Internal Atas Pembayaran Dana Pensiun Pegawai Negeri Sipil Pada Pt. Taspen (Persero) Kantor Cabang Denpasar" (Skripsi, 2023).

²¹ Rama Wijaya et al., "Peran PT. Taspen Dalam Penyelenggaraan Dana Pensiun Dan Tabungan Hari Tua Bagi Aparatur Sipil Negara Yang Mengajukan Pensiun Dini," *Jurnal Hukum Mahasiswa* 02, no. 02 (2022): 358.

pursued through preventive routes with strengthened regulations, supervision, and bank transparency, or through repressive mechanisms such as internal complaints, OJK supervision, mediation at LAPS-SJK, and civil lawsuits in court. However, in practice, the effectiveness of this protection still faces challenges such as weak oversight, limited legal literacy, and minimal legal assistance for pensioners as a vulnerable group. Therefore, comprehensive improvements involving the government, PT Taspen, partner banks, and law enforcement agencies are needed to ensure that legal protection for pension beneficiaries is genuinely guaranteed, so that legal certainty, justice, and benefits can be realized in accordance with the ideals of a law-abiding state that prioritizes the welfare of its people.

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