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The Crime Behind the Ledger: False Recording and White-Collar Criminal Liability in Islamic Banking

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Abstract

The rapid expansion of Islamic banking is frequently compromised by sophisticated financial misconduct, notably false recording in bank ledgers that conceals fictitious financing and threatens institutional stability. This study analyzes the legal construction of false recording as a white-collar offense in Islamic banking and clarifies the scope of individual criminal liability under Indonesian positive law and Islamic jurisprudence (*fiqh jinayah*). Adopting a doctrinal legal research design, this study integrates statutory, conceptual, case, and comparative doctrinal approaches, utilizing primary legal materials such as Law No. 21 of 2008 on Islamic Banking as amended by Law No. 4 of 2023 (P2SK Law), alongside recent judicial proceedings like the BPRS Gayo case. The findings reveal that ledger falsification is legally constructed not as a mere administrative irregularity, but as a deliberate white-collar crime violating both statutory provisions and core Sharia imperatives like *tadlis* and *khianah*. This crime typically perpetrated by directors, officers, and external accomplices, and affirm the normative convergence between positive penal law and Islamic criminal accountability. The study recommends personal liability across hierarchical levels and strengthened internal controls to safeguard the integrity of Islamic banking.

Keywords: Criminal liability, false recording, Islamic banking, *fiqh jinayah*, white-collar crime.

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INTRODUCTION

The rapid expansion of Islamic banking has been accompanied by a parallel rise in sophisticated financial misconduct that exploits the structural mechanisms designed to uphold Sharia ethics and transparency (Heykal et al., 2026; Muhtarom et al., 2025); in Indonesia, Islamic rural banks (Bank Pembiayaan Rakyat Syariah or BPRS), despite significant growth and increasing popularity (Masrizal et al., 2023), have emerged as critical sites of systemic financial crime involving fictitious financing schemes, nominee customers, and deliberate falsification of accounting records, as illustrated by the seizure of 41 assets linked to alleged false recording at BPRS GP in Medan (OJK, 2029), and the ongoing prosecution of four defendants at BPRS Gayo for fictitious financing causing losses of approximately IDR 34.8 billion (Iman, 2026) cases that demonstrate how white-collar actors within Islamic financial institutions manipulate ledgers and supporting documents to conceal the diversion of funds while maintaining the outward appearance of Sharia-compliant operations. At the center of these institutional failures lies deliberate false recording in bank ledgers, which directly violates statutory prohibitions under Law No. 21 of 2008 on Islamic Banking, as amended by Law No. 4 of 2023 on the Development and Strengthening of the Financial Sector (P2SK Law), and fundamentally breaches core Sharia imperatives, notably *amanah* (fiduciary trust), *sidq* (truthfulness), and the strict prohibitions against *ghisysy* (deception) and *tadlīs* (fraudulent concealment); when corporate officers systematically manipulate accounting books to mask non-performing financing or extract private gains, the resulting harm transcends financial losses and systematically corrodes public confidence in the ethical claims of the Islamic financial system, so that false recording in Islamic banking must be conceptualized not merely as an administrative irregularity but as a deliberate white-collar crime that weaponizes Islamic financial instruments against their own normative foundations.

Building on this conceptualization, the urgency of investigating this phenomenon stems from the dual mandate of Islamic banking institutions: mobilizing economic resources in strict accordance with Islamic law while fostering national financial stability and financial inclusion. Ledger manipulation imperils both objectives, as it imposes severe asset-recovery burdens on the Financial Services Authority (OJK), threatens the stability of the Deposit Insurance Corporation (LPS) (Ramelan, 2020), and risks systemic reputational contagion that could impede the growth of the broader Islamic financial sector. These cascading consequences underscore that false recording is not a localized administrative failure but a structural threat to the integrity of the national Islamic financial architecture. Beyond its economic ramifications, false recording demands urgent scholarly attention due to the specialized nature of white-collar crimes, which are characterized by technical sophistication, executive concealment, and legal obfuscation. Addressing such crimes requires a comprehensive framework of criminal liability that bridges statutory banking penal provisions with Islamic criminal jurisprudence (fiqh jinayah). Without rigorous scholarly examination of how criminal intent and individual liability are constructed in ledger falsification, enforcement mechanisms will remain fragmented and reactive, leaving structural vulnerabilities unaddressed.

Prior literature has extensively highlighted the issue of false recording, which is categorized as fraud (Analisa, 2020), as well as white-collar crime within the banking sector. Studies on false recording have examined employee (Thalib et al., 2025) and criminal liability (case study)

(Nareswari et al., 2026; Silaban & Nasution, 2025) and customer protection (Anugrah et al., 2022; Waldo, 2023). More recently, Arifa (2026) investigated false recording at Bank Syariah Indonesia and identified its modus operandi, contributing factors, and preventive measures. Meanwhile, studies on white-collar crime have addressed challenges and preventive mechanisms banking fraud, credit fraud, and institutional responses to financial crime, yet without specifically linking false recording to the construction of criminal liability in Islamic banking (Awadh, 2025; Giddey, 2022; Nurhayati & Aminah, 2021). Nevertheless, a fundamental gap persists, in that this discourse has been dominated by conventional banking or conventional corporate fraud (Girau et al., 2024) and has likewise failed to adequately explain how false recording (specifically) may be conceptualized as an insider-based white-collar crime, nor how the interplay between the perpetrator's professional authority, access to banking systems, abuse of institutional trust, and manipulation of financial records operates in establishing individual criminal liability within the Islamic banking environment.

To address this gap, the present study offers a novel contribution by reconstructing the crime of false recording in Sharia banks not merely as an administrative malpractice, but as a corporate white-collar crime that violates fiduciary duty and Sharia principles. This reconstruction is grounded in an integrated analytical framework that synthesizes classical fiqh jinayah doctrines—such as *ta'zir* (Pane et al., 2023), *khiyanah al-amanah* (Safuan et al., 2021), *fasaad mali* (economic corruption) (Goel & Saunoris, 2017), or the doctrine of *mas'uliyyah jina'iyyah* (criminal liability) (Ikhwana & Basiah, 2023)—with modern Indonesian penal and banking legislation. Comparative literature on white-collar liability in dual-banking systems has rarely undertaken such synthesis; consequently, the specific interplay between false recording as a technical offense and the contours of white-collar criminal liability within the normative framework of Islamic banking remains underdeveloped. By bridging this divide, the study advances both theoretical understanding and normative guidance for enforcement in the Islamic banking sector.

This study addresses this gap by presenting an integrated doctrinal and case-based analysis of false recording as a white-collar crime in Indonesian Islamic banking. The novelty of this research lies in its simultaneous synthesis of statutory penal provisions under the revised financial regulatory framework (Law No. 4 of 2023), the empirical mechanics of ledger falsification drawn from recent judicial proceedings, and classical doctrines of fiqh jinayah. In undertaking this synthesis, the study confronts distinct research challenges: navigating the opacity of internal banking documentation, disentangling complex nominee structures to establish individual mens rea, and reconciling the formalistic requirements of positive criminal law with the substantive moral-ethic requirements of Islamic criminal accountability. By overcoming these analytical hurdles, the research advances the theoretical integration of Islamic jurisprudence and modern white-collar criminology.

The primary objective of this research is to analyze the legal construction of false recording as a white-collar offense in Islamic banking and to clarify the scope of individual criminal liability under Indonesian positive law and Islamic jurisprudence. Secondary objectives include identifying the modalities through which ledger manipulation is effected, evaluating the adequacy of existing penal sanctions, and formulating recommendations for more effective prevention and enforcement. Theoretically, the study contributes to the literature on Islamic

financial crime and white-collar liability by bridging statutory analysis with *fiqh jinayah*. Practically, its findings are expected to assist regulators, prosecutors, judges, and Islamic bank governance organs in strengthening detection mechanisms, refining criminal charging strategies, and reinforcing the ethical integrity that remains the distinctive claim of Islamic banking.

METHOD

This study adopts a doctrinal legal research design (normative legal research) to analyze the legal construction of white-collar criminal liability regarding false recording practices within the Islamic banking system. To achieve a rigorous synthesis between statutory provisions, empirical realities, and Islamic jurisprudence, the research design integrates four complementary analytical approaches: the statutory approach, the conceptual approach, the case approach, and the comparative doctrinal approach. The statutory approach critically evaluates relevant legislative instruments, specifically Law No. 21 of 2008 on Islamic Banking as updated by Law No. 4 of 2023 on the Development and Strengthening of the Financial Sector (P2SK Law), alongside regulatory standards issued by the Financial Services Authority (OJK). The conceptual approach explores theoretical frameworks surrounding white-collar crime, corporate criminal liability, and Sharia compliance risk. The comparative doctrinal approach bridges modern positive penal norms with classical Islamic criminal jurisprudence (fiqh jinayah).

The legal materials utilized in this study consist of primary and secondary data sources. Primary legal materials comprise binding statutory laws, regulatory frameworks (OJK), court decision and Islamic legal texts (scholarly journal). Secondary legal materials include peer-reviewed journal articles indexed in major international databases (Scopus/Web of Science), specialized legal treatises, and authoritative commentaries on banking and economic criminal law. Data processing and analysis were conducted using qualitative legal content analysis combined with doctrinal hermeneutics and Islamic legal qualification (takyif fiqhi). Rather than relying on simple descriptive summaries, the primary materials were subjected to systematic legal categorization to dissect the actus reus (criminal act) and mens rea (criminal intent) of white-collar actors across the selected cases.Through a prescriptive analysis technique, this study not only describes the phenomenon of false recording crime but also evaluates the coherence of existing rules in order to formulate a comprehensive legal argument concerning the ideal design of criminal liability for internal actors of Islamic banking.

RESULTS AND DISCUSSION

A Juridical Review of False Recording in Sharia Banking

Data integrity is the lifeblood of the sustainability of the financial system (MacFeely et al., 2025; Zamil & Faruq, 2022), wherein every digit in a bank's books is not merely a mathematical figure but a legal representation of ownership rights and public trust (fiduciary duty). Philosophically and constitutionally, the mandate of Article 33 of the 1945 Constitution of the Republic of Indonesia requires that the national economy be organized based on the principle of economic democracy (Asmara et al., 2023) with the principles of togetherness, equitable efficiency, and self-reliance (Barata et al., 2024; Endarto et al., 2025). Within the Islamic banking ecosystem, this constitutional principle necessitates the establishment of absolute transparency aligned with

sharia compliance. The act of false recording frontally disrupts this foundation (Hidajat, 2020), transforming institutions entrusted with safeguarding amanah into entities that exploit information asymmetry. In addition to causing financial losses and public trust (Tryatmadja et al., 2026), the act of falsifying bookkeeping records is not merely a civil default but a substantive crime that attacks the heart of the legal governance of the nation's economy. In Islamic banking, the impact of false recording is twice as severe. Beyond causing financial losses and legal risks, such acts also violate Shariah principles—namely trust (*amanah*), honesty, transparency, and justice—which ought to serve as the ethical foundation of bank operations. Violations of these principles not only damage the institution's reputation but also undermine public trust in the Islamic financial industry as a whole (Nugraha et al., 2026).

False recording can be categorized as a general modes of fraud (Analisa, 2020), , as a violation of information disclosure (Wang et al., 2024), and as accounting misconduct (Xing et al., 2026). In banking law, especially Islamic banking, the act of falsifying banking (transaction) records by an employee constitutes a criminal deviation (Tryatmadja et al., 2026) committed by an individual within a banking institution, carried out through the creation of false entries in bookkeeping, financial reporting processes, business activity documents, transaction records, or bank accounts (Arifa, 2026). From a normative perspective, the embryonic regulation of the crime of false recording in Indonesia's Islamic banking sector is rigidly governed by Law Number 21 of 2008 on Islamic Banking (Arifa, 2026; Nugraha et al., 2026). Article 66 explicitly formulates false recording through three elements of material conduct (actus reus), namely: creating false records; omitting or failing to enter records; and altering, obscuring, or concealing the truth of any bookkeeping, report, or transaction document. The construction of this article positions the truth of documents—whether physical or digital, including financing identity documents and collateral track records—as the protected legal interest (rechtsgut). Accordingly, false recording is juridically defined as any planned manipulative action by internal parties (such as the Board of Commissioners, Directors, or Employees) that distorts the validity of the bank's financial and operational reports, thereby rendering the actual empirical condition and health ratios of the bank undescribed.

The law enforcement paradigm concerning false recording has undergone significant evolution and strengthening following the enactment of Law Number 4 of 2023 on the Development and Strengthening of the Financial Sector (P2SK Law). As an omnibus law for the financial sector, the P2SK Law redefines the spectrum of data integrity protection by aggravating the qualification of criminal sanctions and fines, while adapting the scope of liability to information technology system instruments (core banking system) (Karo et al., 2022). Through normative adjustments in Article 63 and stringent provisions within the P2SK Law, the act of misappropriating funds or manipulating proof of settlement is no longer positioned merely as a narrow conventional banking offense but as a financial sector crime with destructive impact. The P2SK Law locks regulatory loopholes by requiring financial service entities to guarantee absolute accuracy of reports, rendering false recording a high-level public law violation that must not be reduced to mere internal dispute resolution.

The derivation of these statutory norms is operationalized through stringent sectoral regulations beneath them, particularly Financial Services Authority Regulations (POJK). Through

POJK Number 39/POJK.03/2019 on the Implementation of Anti-Fraud Strategies for Commercial Banks and a series of regulations concerning Good Corporate Governance (GCG) in Sharia Banks, the authority mandates the establishment of a layered internal control system. Within this regime of derivative regulations, instruments such as the Indonesian Sharia Banking Accounting Guidelines (PAPSI) and Sharia Financial Accounting Standards (PSAK Syariah) serve as legal barometers. Any deviation from these recording standards—for instance, recording fictitious financing facilities (nominee loans) or withholding customer repayment evidence from the central bank system—is automatically qualified as a material unlawful act. These regulations explicitly eliminate the biased boundary between administrative error and malicious intent (dolus), wherein the failure to maintain bookkeeping integrity accompanied by an element of intentionality is drawn fully into the realm of special criminal law.

From a theoretical standpoint, the construction of Indonesian legislation precisely positions false recording within the framework of fraudulent financial reporting in the discipline of legal forensic auditing, namely the deliberate distortion of financial statements to deceive authorities and stakeholders. When interpreting this positive law through the epistemology of Islamic law, such acts represent a severe violation of the principles of shiddiq (absolute honesty) and tabligh (transparency), and fall within the terminology of tadlis (fraud) and khianah (breach of trust). The integration between state positive law and Islamic jurisprudence affirms that false recording is not merely a deviation of figures in a ledger. It is a multidimensional crime that undermines the sharia validity of all financial contract engagements therein, nullifies the value of legal compliance, and positions its perpetrators as subjects who destroy the order of maqashid shariah, particularly in the pillar of protecting public wealth and security (hifz al-mal).

Legal Construction of False Recording as a White-Collar Offense in Islamic Banking

False recording, the act of recording transactions that are invalid or untrue or fictitious (Thalib et al., 2025), in Islamic banking constitutes a paradigmatic form of white-collar criminality, in which actors who occupy positions of trust and professional authority exploit their institutional roles to manipulate accounting records for illicit purposes (Shonhadji, 2020). Unlike conventional crime, this offense is carried out through technical expertise, privileged access to internal systems, and the deliberate distortion of documentary evidence. Within the normative framework of Indonesian Islamic banking law, false recording is constructed as a specific criminal offense that targets the integrity of the bank's books, reports, and transaction documents, thereby elevating an ostensibly administrative act into a punishable criminal wrong.

The legal construction of this offense is firmly established in Law No. 21 of 2008 on Islamic Banking, as amended and strengthened by Law No. 4 of 2023 on the Development and Strengthening of the Financial Sector. Article 63 paragraph (1) letter b of Law No. 21 of 2008 expressly criminalizes any person who intentionally makes or causes to be made a false entry in the books or in a report, document, or record of an Islamic bank. Article 64 paragraph (1) letters a and d further prohibit the intentional recording of false data or the omission of material information in the bank's documents and reports. Article 65 paragraph (1) letter a and Article 66 paragraph (1) letter a extend criminal liability to those who order, authorize, or participate in

such falsification. Through these provisions, the legislature has normatively classified the deliberate corruption of banking records as a serious criminal offense.

What renders false recording distinctively white-collar is the status of its typical perpetrators and the method of its commission. The offense is ordinarily committed by directors, commissioners, senior officers, or employees who possess legitimate access to the bank's accounting systems and decision-making processes (Shonhadji, 2020). Their professional position supplies both the opportunity to falsify records and the capacity to conceal the manipulation behind the appearance of routine banking activity. The crime is therefore committed "from above," utilizing the very instruments of financial intermediation that the law entrusts to these actors.

These positional and technical dimensions align with the broader character of white-collar crime. According to Dote-Pardo et al. (2026) , white-collar crime inflicts major economic and social harm and, rather than relying on physical coercion, operates through technical expertise, privileged access to internal systems, and the deliberate distortion of documentary evidence. This modus operandi further exploits systemic weaknesses—such as legal loopholes and regulatory deficiencies—to sustain financial misconduct (Komalasari & Mustafa, 2024). In the banking sector, such practices undermine public confidence in the financial system and pose systemic risks to the national economy, harming all bank stakeholders and not merely the banks themselves (Ratmono & Frendy, 2022).

This pattern is clearly illustrated in the BPRS Gayo case. Four defendants connected to the bank's management and operations were charged with falsifying financing documents involving 531 debtors, resulting in estimated losses of IDR 34.8 billion. The indictment expressly invoked Article 66 paragraph (1) letter a, Article 65 paragraph (1) letter a, and Article 64 paragraph (1) letters a and d of Law No. 21 of 2008. The prolonged and systematic nature of the falsification, carried out by persons who held positions enabling them to influence or execute the bank's bookkeeping, demonstrates how positional authority and technical knowledge were instrumentalized to sustain ledger manipulation over several years.

These findings invite a more systematic theoretical reading. From the theoretical perspective of White-Collar Crime Theory, originally formulated by Edwin Sutherland (Geis, 2010) and subsequently refined by later scholars, false recording in Islamic banking satisfies the core definitional elements of the concept. Sutherland defined white-collar crime as crime committed by a person of respectability and high social status in the course of his occupation (Eleanora, 2013; Newman, 1957). Subsequent theoretical developments emphasize the abuse of organizational trust, the deployment of specialized knowledge, and the concealment of misconduct within legitimate institutional processes (Gottschalk, 2014; Payne, 2018; Taştan, 2019; Zukowski, 2015). False recording aligns precisely with these criteria: it is occupationally embedded, facilitated by professional expertise in accounting and documentation, and designed to remain hidden within the formal appearance of Sharia-compliant banking operations.

The statutory language of Articles 63, 64, 65, and 66 of Law No. 21 of 2008, read in light of the factual patterns revealed in the examined cases, constructs false recording as a white-collar criminal offense specific to the Islamic banking environment. The law does not treat the

falsification of ledgers as a mere technical error or civil breach; it elevates the conduct to the level of criminal wrongdoing precisely because it is typically perpetrated by trusted insiders who weaponize their positional authority and technical competence. This normative construction affirms that when the books of an Islamic bank are deliberately corrupted by those entrusted with their maintenance, the act constitutes a distinct species of white-collar crime that strikes at both the legal and ethical foundations of Sharia-compliant financial intermediation.

Criminal Liability under Indonesian Positive Law and Islamic Jurisprudence

Individual criminal liability constitutes the juridical mechanism through which the law attributes personal responsibility to natural persons who commit or participate in the falsification of banking records. In the context of Islamic banking, this liability is not collective or merely institutional; it is personal, intentional, and grounded in the principle that every human agent who willfully violates the criminal prohibitions of the law must answer for his or her own conduct. The clarification of its scope therefore requires a careful examination of both the positive-law framework of Indonesia and the normative principles of Islamic criminal jurisprudence, including the concrete criminal consequences that follow from a finding of liability.

Under Indonesian positive law, criminal liability is fundamentally personal and closely related to mistakes and acts against the law (Syamsuddin et al., 2022). The general principles embodied in the Indonesian Criminal Code require the presence of a prohibited act (*actus reus*), a corresponding guilty mind (*mens rea*), and the capacity of the actor to bear responsibility (Fransisco et al., 2026). These principles are expressly carried into the specialized regime of Islamic banking through Law No. 21 of 2008 on Islamic Banking, as amended by Law No. 4 of 2023 on the Development and Strengthening of the Financial Sector. The statutes make clear that liability attaches to the individual who intentionally performs, orders, or participates in the false recording of transactions, rather than to the bank as an abstract entity.

The statutory provisions delineate the circle of persons who may be held criminally liable with considerable precision. Article 63 of Law No. 21 of 2008 reaches any person who intentionally makes or causes a false entry to be made in the books or records of an Islamic bank. Articles 64, 65, and 66 extend liability to those who order, authorize, assist, or otherwise participate in such falsification. Consequently, directors, commissioners, senior officers, and ordinary employees alike may incur personal criminal responsibility once their intentional involvement in the creation or maintenance of false records is established.

The essential elements of this liability are intentionality and personal participation. The law demands proof that the individual acted with knowledge of the falsity of the entry and with the will to bring it about or to allow it to stand. Mere negligence or administrative oversight does not suffice. At the same time, liability is not confined to the person who physically inputs the false data; it extends to those who, by virtue of hierarchical authority or collaborative action, direct, facilitate, or conceal the falsification.

Once individual criminal liability is established, the law attaches specific penal consequences. The criminal provisions of Law No. 21 of 2008 prescribe cumulative sanctions

consisting of imprisonment and substantial fines. Depending on the precise article invoked, the term of imprisonment may range from several years to a maximum of approximately fifteen years, while the accompanying fine may reach billions of rupiah. These sanctions are designed both to punish the personal wrongdoing of the offender and to deter other bank officers from exploiting their positions of trust.

This normative construction is illustrated in the BPRS Gayo case. Four defendants, occupying various roles connected to the bank's management and operations, were charged with sustained falsification involving hundreds of debtors. The indictments invoked the participation provisions of Articles 64, 65, and 66. Because the law treats joint and continuous participation as a basis for full personal liability, each defendant is exposed to the full range of custodial and financial sanctions prescribed by the statute, regardless of whether he or she was the primary decision-maker or an assisting participant. To provide a systematic overview of the judicial rulings, modus operandi, and the legal implications under both national legislation and Islamic jurisprudence, Table 1 below outlines the specific criminal liability and false recording schemes associated with each defendant in the BPRS Gayo case:

Table 1: Criminal Liability and *False Recording* Modus Operandi in the BPRS Gayo Case

Defendant & Case Number	**Position / Primary Role**	**Modus Operandi (False Recording & White-Collar Crime)**	**Impact & Positive Law Violations**	**Judicial Verdict & Relevance to Islamic Jurisprudence (Fiqh Muamalah/Jinayah)**
Andika Putra Bin Chairy *(Case No. 126/Pid.B/2025/PN Tkn)*	Account Officer / Marketing Staff, BPRS Gayo	Falsified primary eligibility documentation and manipulated financing application data (*murabahah*) across a network of 966 fictitious customer accounts (2018–2024).	Caused severe distortion in the bank's ledger (*false recording*) and triggered massive non-performing financing (NPF).	Imprisonment (10 years);
Deski Prata Bin Sobirun	Notary Staff / External Partner	Falsified supporting legal documents, including	Established counterfeit legal validation (*legal*	Imprisonment (7 years);

(Case No. 127/Pid.B/2025/PN Tkn)		Deeds of Sale and Purchase (AJB) and fictitious collateral, to legitimize flawed financing structures.	*laundering*) on collateral documents, bypassing the bank's internal verification systems.	
Syukuria Bin M. Dahlan *(Case No. 128/Pid.B/2025/PN Tkn)*	Internal Auditor, BPRS Gayo	Abused authority by endorsing survey reports for fictitious financing while deliberately neglecting supervisory duties and authenticity audits.	Resulted in severe internal control failures, allowing systematic and large-scale white-collar crime to proceed unchecked.	Imprisonment (8 years);
Aedy Yansyah Bin Irwansyah Ms *(Case No. 129/Pid.B/2025/PN Tkn)*	Acting President Director / Definitive President Director	Approved financing committee outcomes and executed contracts without verifying mandatory documentation or inspecting physical collateral.	Financial losses at BPRS Gayo totaled IDR 34,874,708,275 (approx. IDR 34.8 billion), ultimately leading to the revocation of its business license by the OJK (September 2025).	8 years imprisonment, plus an additional criminal penalty mandating financial restitution of IDR 200,000,000;

Source: putusan3.mahkamahagung.co.id

The Role of the Account Officer and Fictitious Financing (Murabahah)

The criminal liability of Andika Putra Bin Chairy (Case No. 126/Pid.B/2025/PN Tkn), as shown in Table 1 above, serving as an Account Officer and Marketing staff at PT BPRS Gayo, exemplifies systemic white-collar crime driven by the falsification of core eligibility requirements and the deliberate manipulation of *murabahah* financing data across a massive network of 966 fictitious customer accounts between 2018 and 2024. Under Indonesian positive law, such fraudulent

bookkeeping and false recording (*false ledger*) directly violate banking regulations, specifically provisions concerning criminal acts in Islamic banking under the Law on Sharia Banking and anti-money laundering frameworks, which penalize intentional entries of false data that distort a financial institution's true financial standing.

From the perspective of Islamic jurisprudence (*Fiqh Muamalah* and *Fiqh Jinayah*), Andika's actions constitute severe forms of *tadlis* (fraudulent concealment) and *khiyanah* (breach of fiduciary trust), violating the foundational Islamic commercial ethics that demand absolute transparency, truthfulness, and honesty in contract execution (*akad*). The distortion of financial ledgers to manufacture artificial portfolios not only invalidates the integrity of the profit-and-loss sharing or cost-plus financing structures but also falls under the purview of *jariimah* punishable by *ta'zir* due to the immense economic destabilization and systemic harm inflicted upon public trust and institutional solvency (Tryatmadja et al., 2026).

The Complicity of External Parties and Legal Laundering of Collateral

Based on Table 1 above, the involvement of Deski Prata Bin Sobirun (Case No. 127/Pid.B/2025/PN Tkn) as a Notary Staff and external partner highlights the critical vulnerability of auxiliary legal infrastructure in facilitating sophisticated white-collar crimes within Islamic financial institutions. Deski systematically fabricated legal supporting documents, including Deeds of Sale and Purchase (*Akta Jual Beli* - AJB) and counterfeit collaterals, to bestow a veneer of legitimate legal validity upon fundamentally flawed and non-existent financing structures—effectively engaging in a form of legal laundering. Within the framework of Indonesian positive law, this active participation in document falsification meets the elements of criminal forgery under the Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana* - KUHP) alongside violations of banking transparency laws, making accomplices equally liable for the resulting corporate devastation.

From the standpoint of Islamic jurisprudence, this conduct represents a grave violation of the integrity required in documenting commercial transactions (*kitabah*), directly contravening the Quranic injunctions on accurate witnessing and contract recording. By generating fraudulent legal objects for transactions, the collateral (*marhun*) and the object of the contract (*ma'qud 'alaih*) lack lawful substantive reality, rendering the underlying financial transactions legally *batil* (void ab initio) under Sharia law and subject to rigorous penal sanctions (*ta'zir*) for corrupting legal certainty (*hifz al-mal*).

Internal Audit Failures and Complicity through Neglect

Table 1 further elaborates the case of Syukuria Bin M. Dahlan (Case No. 128/Pid.B/2025/PN Tkn) an Internal Auditor at BPRS Gayo, underscores the catastrophic consequences of managerial and supervisory abdication when control mechanisms are co-opted or paralyzed by active negligence. Syukuria abused his institutional authority by endorsing survey reports for fictitious financing and systematically bypassing mandatory authenticity audits, thereby allowing a multi-year, large-scale financial fraud to proceed unchecked. Under Indonesian positive law, an internal auditor who intentionally enables or turns a blind eye to fraudulent schemes within a banking entity incurs severe criminal liability as a perpetrator or accessory under banking and corruption

eradication statutes, which penalize the failure of corporate governance oversight when it facilitates unlawful enrichment.

In Islamic jurisprudence, this dereliction of duty constitutes a profound breach of *hisbah*—the religious and moral obligation of institutional oversight, market regulation, and compliance enforcement. Furthermore, by knowingly permitting fraudulent validation reports to circulate within the corporate hierarchy, Syukuria became legally and morally culpable for structural complicity in wrongdoing (*ta'awun 'alal itsmi wal udwan*—cooperation in sin and transgression), warranting stringent judicial *ta'zir* measures to deter institutional corruption.

Executive Liability, Managerial Negligence, and Systemic Collapse

The ultimate corporate collapse and subsequent liquidation of BPRS Gayo are epitomized by the criminal culpability of Aedy Yansyah Bin Irwansyah Ms (Case No. 129/Pid.B/2025/PN Tkn) in his capacity as Acting President Director and definitive President Director, who routinely approved financing committee outcomes and executed contracts without verifying mandatory documentation or inspecting physical collaterals. This apex-level failure resulted in staggering financial losses totaling IDR 34,874,708,275, culminating in the revocation of the bank's business license by the Financial Services Authority (OJK) in September 2025, and leading to a judicial sentence of 8 years imprisonment alongside a financial restitution order of IDR 200,000,000. Under Indonesian positive law, executive directors bear ultimate fiduciary and statutory accountability for systemic internal control failures, and their reckless or purposeful authorization of unverified credit facilities constitutes severe financial crime prosecutable under criminal banking and anti-corruption frameworks.

Within Islamic jurisprudence, Aedy's conduct manifests extreme managerial negligence (*tafrith*) and the misappropriation or abuse of executive authority (*ghulul*), which severely damages public assets entrusted to the institution. Islamic criminal law (*Fiqh Jinayah*) views such top-level executive malfeasance as a major threat to public welfare (*maslahah*), mandating both punitive measures (*uqubah ta'ziriyah*) and strict civil or financial reparation (*dhaman*) to fully recover the misappropriated public funds and restore economic justice.

In synthesis, the judicial examination of the BPRS Gayo scandal underscores the profound convergence between Indonesian positive law and Islamic jurisprudence in addressing the multifaceted dimensions of white-collar crime and ledger falsification. Whether analyzed through the lens of statutory banking regulations and anti-corruption frameworks or through classical Islamic doctrines prohibiting tadlis, khiyanah, and ghulul, the legal consensus remains resolute: corporate complexity or institutional hierarchy can never serve as a shield for individual culpability. By harmonizing state penal sanctions with the higher ethical objectives of Islamic law (maqasid al-shari'ah), particularly the preservation of wealth (hifz al-mal) and public welfare (maslahah), the enforcement of criminal liability against all levels of perpetrators—from marketing officers to executive directors—reaffirms the inviolable integrity required of Islamic financial institutions and reinforces the ultimate deterrence against the betrayal of public trust.

CONCLUSION

This study concludes that false recording in Indonesian Islamic banking is juridically constructed not as a mere administrative irregularity but as a deliberate white-collar crime that simultaneously violates statutory banking law and the normative foundations of Sharia. Under Law No. 21 of 2008 on Islamic Banking, as strengthened by Law No. 4 of 2023 (P2SK Law), Articles 63–66 criminalize the intentional creation, omission, alteration, or concealment of false entries in bank books, reports, and transaction documents, thereby protecting the integrity of documentary truth as the legally protected interest. The BPRS Gayo case demonstrates that this offense is typically committed by directors, commissioners, auditors, account officers, and even external notarial partners who exploit positional authority, technical expertise, and privileged access to conceal fictitious financing and collateral falsification. Theoretically, the findings affirm the convergence of Indonesian positive law and Islamic jurisprudence: conduct amounting to *tadlis*, *khianah*, and *ghulul* falls within *ta'zir* and violates *hifz al-mal* and *maslahah*, while White-Collar Crime Theory explains how legitimate occupational roles are weaponized against institutional trust. Practically, the study implies that criminal liability must attach personally and intentionally to all levels of perpetrators—from marketing staff to executive directors and external accomplices—and that Sharia banks must strengthen layered internal controls, independent audit verification, external document authentication, and executive accountability so that corporate hierarchy cannot shield individual culpability.

This study is limited by its primary reliance on normative-juridical analysis and a single prominent case, the BPRS Gayo prosecution, so its findings are illustrative rather than statistically generalizable; it also does not empirically measure deterrence effects or compare enforcement outcomes across regions and bank types, and its access to judicial documents may not capture unreported or settled cases. Future research should examine a broader set of BPRS cases, including court decisions at different levels, and conduct comparative and empirical studies on the effectiveness of criminal sanctions, internal control reforms, and Sharia governance in preventing false recording. Regulators and Islamic banks are advised to strengthen whistleblowing systems, mandatory verification of external legal documents, periodic forensic audits, and training on *amanah*, *sidq*, and *tabligh* for all officers, while integrating *maqasid al-shari'ah* into compliance frameworks so that legal enforcement and ethical governance reinforce each other in protecting public trust and the integrity of the Islamic financial system.

REFERENCES

Analisa, A. (2020). Factors influencing unethical behaviour in banking industry. *Journal of Contemporary Accounting*, *2*(2), 97–107. https://doi.org/10.20885/jca.vol2.iss2.art4

Anugrah, I. K. D., Widyantara, I. M. M., & Arini, D. G. D. (2022). Perlindungan Hukum terhadap Nasabah Bank atas Tindak Pidana Pencatatan Palsu dalam Dokumen Perbankan. *Jurnal Preferensi Hukum*, *3*(2), 294–299. https://www.ejurnal.warmadewa.ac.id/index.php/juprehum/article/view/4933

Arifa, R. N. (2026). Pencatatan Palsu Dalam Pembukuan Rekening Dan Laporan Keuangan Oleh Customer Service Bank Syariah Indonesia (BSI) KCP Seutui. *Hei Ema : Jurnal Riset Hukum, Ekonomi Islam, Ekonomi, Manajemen Dan Akuntansi*, *5*(2), 483–495.

https://doi.org/10.61393/heiema.v5i2.669

Asmara, T. T. P., Murwadji, T., Kartikasari, & Afriana, A. (2023). Corporate Social Responsibility and Cooperatives Business Sustainability in Indonesia: Legal Perspective. *Sustainability*, *15*(7), 5957. https://doi.org/10.3390/su15075957

Awadh, R. (2025). Corporate Fraud and White-Collar Crimes: Legal Challenges and Preventive Mechanisms. *South Eastern European Journal of Public Health*, 4906–4911. https://doi.org/10.70135/seejph.vi.5045

Barata, F. A., Octora, T. Y., & Heliaantoro, ,. (2024). Implementation Of Article 33 Of The 1945 Constitution By Strengthening The State-Owned Enterprises (SOE) In The Perspective Of Foreign Investment And International Private Law. *Wijaya Putra Law Review*, *3*(2), 160–183. https://doi.org/10.38156/wplr.v3i2.192

Dote-Pardo, J., Severino-González, P., Quezada-Baier, C., León-Silva, N., & Espinosa-Jaramillo, M. T. (2026). Cognitive Biases and Moral-Regulatory Mechanisms in White-Collar Crime: A Systematic Review and Bibliometric Mapping of Psychological Pathways to Corporate and Financial Misconduct. *Behavioral Sciences*, *16*(10), 1915. https://doi.org/10.3390/bs16101915

Eleanora, F. N. (2013). White collar crime Hukum Dan Masyarakat. *Forum Ilmiah Indonusa*, *10*(02), 251. https://ejurnal.esaunggul.ac.id/index.php/Formil/article/view/844

Endarto, B., Indriastuty, D. E., & Mardiana, F. (2025). Legal transplantation of blue bond regulation in Indonesia. *Environmental Development*, *53*, 101118. https://doi.org/10.1016/j.envdev.2024.101118

Fransisco, W., Hafrida, H., Kusniati, R., & Akbar, M. (2026). Addressing the Gap in International Criminal Liability through Layered Accountability and Algoritmic Sanctions for Autonomous AI *Uti Possidetis: Journal of International Law*, *7*(3), 392–419. https://doi.org/10.22437/75fr5372

Geis, G. L. (2010). Sutherland, Edwin H.: White-Collar Crime. In F. T. Cullen & P. Wilcox (Eds.), *Encyclopedia of Criminological Theory*. SAGE Publications, Inc. https://doi.org/10.4135/9781412959193.n252

Giddey, T. (2022). The institutionalization of the fight against white-collar crime in Switzerland, 1970-1990. *Business History*, *64*(7), 1185–1210. https://doi.org/10.1080/00076791.2020.1856077

Girau, E. A., Ag Kee, D. H., Jomitin, B., Abidin, S. Z., & Bujang, I. (2024). Combating Corporate Fraud Through the Lens of Corporate Governance in Malaysia. *ASEAN Journal on Science and Technology for Development*, *41*(1). https://doi.org/10.61931/2224-9028.1572

Goel, R. K., & Saunoris, J. W. (2017). The nexus of white collar crimes: shadow economy, corruption and uninsured motorists. *Applied Economics*, *49*(31), 3032–3044. https://doi.org/10.1080/00036846.2016.1251570

Gottschalk, P. (2014). *Financial Crime and Knowledge Workers*. Palgrave Macmillan US. https://doi.org/10.1057/9781137387165

Heykal, M., Murwaningsari, E., & Mayangsari, S. (2026). Guarding Integrity in Islamic Banking:

The Role of Fiqh Muamalah, Religiosity, and Fraud Intention in Shaping Ethical Behavior. *Shirkah: Journal of Economics and Business*, *10*(3), 431–449. https://doi.org/10.22515/shirkah.v10i3.882

Hidajat, T. (2020). Rural banks fraud: a story from Indonesia. *Journal of Financial Crime*, *27*(3), 933–943. https://doi.org/10.1108/JFC-01-2020-0010

Ikhwana, A., & Basiah, B. (2023). Perspektif Islam Terhadap White Collar Crime. *Khidmat*, *1*(2), 146–151. https://doi.org/10.65311/J.KHIDMAT.V1I2.373

Iman, G. M. A. (2026, January 11). *PN Takengon Hukum Terdakwa Bayar Ganti Rugi di Kasus Pidana Perbankan Syariah*. Dandapala. https://dandapala.com/article/detail/pn-takengon-hukum-terdakwa-bayar-ganti-rugi-di-kasus-pidana-perbankan-syariah

Karo, R. K., Albar, R. A. H., & Nindyatami, P. (2022). Indonesia's P2SK Law And Consumer Protection In Digital Financial Services: An Asean Literacy Perspective. *Transnational Business Law Journal*, *3*(1), 66–76. https://doi.org/10.23920/transbuslj.v3i1.1217

Komalasari, R., & Mustafa, C. (2024). An In-Depth Analysis of White-Collar Crime in Dubai's Financial Sector, Legal Frameworks, and Collaborative Solutions. *ADLIYA: Jurnal Hukum Dan Kemanusiaan*, *18*(2), 193–210. https://doi.org/10.15575/adliya.v18i2.38729

MacFeely, S., Me, A., Beaven, R., Costanzo, J. M., Passarelli, D., Rossini, C., Schueuer, F., Veerappan, M., & Verhulst, S. (2025). Further Reflections on the Journey Towards an International Framework for Data Governance. *Statistical Journal of the IAOS*, *41*(2), 337–346. https://doi.org/10.1177/18747655251325830

Masrizal, Sukmana, R., Fianto, B. A., & Gultom, R. Z. (2023). Does economic freedom fosters Islamic rural banks efficiency? Evidence from Indonesia. *International Journal of Productivity and Performance Management*, *72*(9), 2538–2558. https://doi.org/10.1108/IJPPM-11-2021-0660

Muhtarom, Sudrajat, & Syaipudin, U. (2025). Fraud in Islamic Banks: Recent Research Developments. *International Journal of Economics, Business and Innovation Research*, *4*(04), 390–398. https://doi.org/10.63922/IJEBIR.V4I04.1944

Nareswari, N., Davita, S. A. M., Andika, A., & Tarina, D. D. Y. (2026). Pertanggungjawaban Pidana Pegawai Bank dalam Tindak Pidana Perbankan: Studi Kasus Putusan Pengadilan Medan Nomor 2644/Pid.B/2021/PN Mdn. *SYARIAH : Jurnal Ilmu Hukum*, *3*(2), 25–36. https://doi.org/10.62017/SYARIAH.V3I2.6363

Newman, D. J. (1957). Public Attitudes toward a Form of White Collar Crime. *Social Problems*, *4*(3), 228–232. https://doi.org/10.2307/798774

Nugraha, D., Khofipratomo, I., Simaremare, E. L., Agustina, W., Simanjuntak, A. P. F., Dwiyanti, I., Daffa, A., & Yustika, L. (2026). Penegakan Hukum Atas Pemalsuan Dokumen Dan Kredit Macet Di Perbankan Syariah Dalam Studi Kasus Bank Muamalat Harkat Putusan Pengadilan Negeri Manna Nomor 117/Pid.B/2020/PN Mna. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, *4*(1), 7343–7359. https://doi.org/10.61104/alz.v4i1.4400

Nurhayati, I., & Aminah, I. (2021). Credit Fraud as One of the Dimensions in the Banking Crime. *Proceedings of the International Conference on Applied Science and Technology on Social Science*

(ICAST-SS 2020). https://doi.org/10.2991/assehr.k.210424.003

OJK. (2029). *Siaran Pers: OJK Sita 41 Aset Terkait Dugaan Tindak Pidana Perbankan Syariah di BPRS GP*. Otoritas Jasa Keuangan. https://ojk.go.id/id/berita-dan-kegiatan/siaran-pers/Pages/OJK-Sita-41-Aset-Terkait-Dugaan-Tindak-Pidana-Perbankan-Syariah-di-BPRS-GP.aspx

Pane, A. S., Harahap, H., & Sahlan, S. (2023). White Collar Crime Dalam Persepektif Islam. *Lencana: Jurnal Inovasi Ilmu Pendidikan*, *2*(1), 147–153. https://doi.org/10.55606/lencana.v2i1.3071

Payne, B. (2018). White-Collar Cybercrime: White-Collar Crime, Cybercrime, or Both? *Criminology, Criminal Justice, Law & Society*, *19*(3), 16–32. https://ccjls.scholasticahq.com/article/6329-white-collar-cybercrime-white-collar-crime-cybercrime-or-both

Ramelan, Y. (2020). Perlindungan Terhadap Simpanan Pernah Tercatat Pada Bank, Bukan Suatu Keniscayaan. *Jurnal Hukum & Pembangunan*, *50*(1). https://doi.org/10.21143/jhp.vol49.no4.1222

Ratmono, D., & Frendy. (2022). Examining the fraud diamond theory through ethical culture variables: A study of regional development banks in Indonesia. *Cogent Business & Management*, *9*(1), 2117161. https://doi.org/10.1080/23311975.2022.2117161

Safuan, S., Budiandru, B., & Ismartaya, I. (2021). Fraud dalam Perspektif Islam. *Owner*, *5*(1), 219–228. https://doi.org/10.33395/owner.v5i1.330

Shonhadji, N. (2020). Paradox of White Collar Crime and Fraud in Banking: Critical Analysis of Agency Theory and Gone Theory. *Assets: Jurnal Akuntansi Dan Pendidikan*, *9*(2), 142–155. https://doi.org/10.25273/jap.v9i2.6415

Silaban, Y. G., & Nasution, S. I. (2025). Criminal liability for banking crime perpetrators who make false records of customer deposits (decision study number: 2644/ Pid.B /2021/PN Mdn). *Priviet Social Sciences Journal*, *5*(9), 341–348. https://doi.org/10.55942/pssj.v5i9.666

Syamsuddin, S., Ridwan, R., Zuhrah, Z., Irawansah, D., & Wulandari, A. (2022). Criminal Liability Against Crime Defense Forced (Noodweer). *The Indonesian Journal of Legal Thought (IJLETH)*, *2*(1), 18–25. https://doi.org/10.23917/IJLETH.V2I1.18884

Taştan, S. (2019). White-Collar Criminals and Organizational Criminology. In A. Sandu, A. Frunza, & E. Unguru (Eds.), *Ethics in Research Practice and Innovation* (pp. 296–322). IGI Publisher. https://doi.org/10.4018/978-1-5225-6310-5.ch016

Thalib, P., Kurniawan, F., Maghfirah Salsabila, S., & Kholiq, M. N. (2025). Legal Framework and Employee Liability in Banking Compliance and Crime Prevention: The Case Analysis of Indonesia. *Yustisia Jurnal Hukum*, *13*(3), 298. https://doi.org/10.20961/yustisia.v13i3.93370

Tryatmadja, M., Amin, R., & Sulastri, L. (2026). Criminal Liability of Banks in the Crime of Falsifying Records. *Journal of Law and Regulation Governance*, *4*(2), 62–81. https://doi.org/10.57185/jlarg.v4i2.162

Waldo, R. (2023). Legal Protection for Customer Funds Against False Accounting by the President

Director of PT. BPR Kuda Mas Sentosa (Case Study Decision Number: 457/PID/2019/PT SBY). *Sinergi International Journal of Law*, *1*(2), 124–136. https://doi.org/10.61194/law.v1i2.76

Wang, X., Wang, N., Sun, W., Xu, A., & Zhang, Z. (2024). Digital transformation and enterprise violation risk: A 'motivation-opportunity-attitude' framework. *Heliyon*, *10*(20), e39125. https://doi.org/10.1016/j.heliyon.2024.e39125

Xing, K., Lei, Z., Xiao, Y., & Zhang, H. (2026). Academic independent directors and corporate misconduct: Evidence from China. *Research in International Business and Finance*, *86*, 103350. https://doi.org/10.1016/j.ribaf.2026.103350

Zamil, M. H., & Faruq, M. O. (2022). Cybersecurity And Data Integrity In Financial Systems: A Review Of Risk Mitigation And Compliance Models. *International Journal of Scientific Interdisciplinary Research*, *01*(01), 27–61. https://doi.org/10.63125/azwznv07

Zukowski, S. L. (2015). Biopsychosocial Factors That Discriminate Between White Collar Offenders and Business Professionals. *Walden Dissertations and Doctoral Studies*, *477*. https://scholarworks.waldenu.edu/dissertations/477