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BANK POTENTIAL AS A CRIME MEANS THROUGH FINANCIAL TRANSACTION

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Abstract

The ease of transactions through bank financial institutions increasingly perceived by the entire nation with the development of sophisticated technology that allows it to be completed in a short time. Technological sophistication in the variety of bank services is utilized by various parties as a means to commit various crimes. Crimes involving banks as a means of criminal banking and criminal offenses in the banking sector. This paper reveals various cases in the field of banking with legal juridical normative review by describing several cases that have been processed by law. The specific objective is to examine the bank's potentials to become a vehicle for crime from the point of view and rule of law of Indonesia. To achieve this goal, in the design of the study, conceptual and statute approaches to legislation are used by collecting and reviewing banking laws. The main data were obtained from the field, namely in the form of criminal cases that have been processed through law. The results of data analysis show that banking crime and criminal offense in banking involves banks as a means of crime. This has a tremendous negative impact for the country that is making a loss in the field of Indonesian economy. For that, steps to revise or amend the regulation on banking is urgently required because ternyata he has a significant deficiency. Banks as trust agencies should have strict security in preventing any opportunity to commit crimes.

Keywords: Bank; Criminal Act of on Banking; Financial Transaction

I. INTRODUCTION

The increase in securities trading over the past few decades has been spectacular (Cappelle-Blancard, 2017). The role of conventional banks is to serve as mere financial intermediaries that channel funds from depositors to borrowers (Chen, Liang, & Yu, 2018). The contemporary use of electronic machines by banks is so widespread, that it is difficult to imagine that the banking system would continue to work at all if such machines were withdrawn (Mason & Bohm, 2017). Banking union emerges as another step forward towards financial integration and towards the perfection of the euro construction (Abascal, Alonso-Gispert, Fernández de Lis, & Golecki, 2015).

The rise of current criminal acts occurred in banking are due to the process of inclusion of money into bank institutions that performed in an express mobility, especially through advanced technology tools that results in unawareness of it potential to have often become a means of committing crimes on the financial by disguising so as to make it complicated to be explored. Although law enforcers were finally able to uncover the crimes in the banking sector, bank institutions are still a means of crime. Bank institutions are inseparable from the financial working system, which is, according to Frederic S. Mishkin, divided into 2 types, namely systems of financial markets and system of financial intermediaries¹. The system of finance can be defined as a collection of institutions, markets, legal provision, regulation, and techniques in

1. Frederic S. Mishkin, *The Economic of Money, Banking, and Financial Markets*, Edisi Kesepuluh, Upper Saddle River: Prentice Hall, 2012, p. 23.

which securities are traded, interest rates are set, and financial services are produced and offered to all parts of the world². The banking system expanded by launching several large state-owned banks that took over lending functions from the central bank (Hasan, Kobeissi, Wang, & Zhou, 2017). One of the important lessons that emerged from the global financial crisis (GFC) was that banks should be subject to more stringent capital regulations (Anginer, Demirgüç-Kunt, & Mare, 2018).

Legislation applied by States is aimed at preventing legal gap utilized by criminals in bank institutions on financial transactions. Indonesian Law Number 7 of 1992 as amended by Act Number 10 of 1998 concerning Banking constitutes a legal umbrella in the banking sector which includes provisions relating to criminal acts in banking, but it has not been able to reach the criminal actions committed by the perpetrators so various other regulations were issued, either in the form of law, Indonesia Bank agencies Regulation, Financial Service Authority Regulation to resolve criminal acts in banking through financial transaction mechanism.

Understanding how households choose to meet their financial transaction services needs is an important issue for public policy. Consumers who obtain financial products from banks or credit unions enjoy certain protections and benefits that may not apply when obtaining products from nonbank providers (Goodstein & Rhine, 2017). Transaction authentication concerns the certainty that financial transactions (the destination account number, the amount of money, etc.) are deliberately authorized by the user (Kiljan, Vranken, & van Eekelen, 2018). Transaction costs suppress traders' trading activities, hence reduce the amount of individual private information that is incorporated into prices (Chong, 2012).

Literature on financial transaction taxes is ample. Interestingly, the majority of papers were published in the subsequent years to their adoption. LAC like Argentina, Bolivia, Brazil, Ecuador, Peru, and Venezuela introduced financial transaction taxes at the beginning of this century, though some have already repealed them (Brazil, Ecuador and Venezuela) (Lozano-Espitia, Vargas-Herrera, & Rodríguez-Niño, 2017)

This paper discusses some legal issues, namely the impact of financial regulation on banking regulations; bank as an intermediary institution in positive law in Indonesia; and banking transactions that have the potential as a means of crime.

II. METHOD

This study belongs to legal juridical normative review by describing several cases that have been processed by law. It was designed by conceptual and statute approaches to legislation. Data were obtained by collecting and reviewing banking laws. The main data were obtained from the field, namely in the form of criminal cases that have been processed through law. Collected data were then analyzed by making inferences and by comparing with the existing determined regulations according to applicable laws. The results of data analysis were presented through informal method, that is, by explaining in the form of words.

III. DISCUSSION

Impact Of Deregulation In Financial Sector On Banking Regulation

In the course of the history of the development of Indonesia's financial system, the system of financial institutions experienced a very fundamental change, especially after entering the era of deregulation, the policy package October 27, 1988 which then continued with the enactment of several laws in the field of finance and banking since 1992, namely:

Law of the Republic of Indonesia Number 7 of 1992 concerning Banking juncto Law Number 10 Year 1998 concerning Amendment to Act Number 7 of 1992 concerning Banking;

Law of the Republic of Indonesia No. 2 of 1992 on Insurance;

Law of the Republic of Indonesia Number 11 Year 1992 concerning Pension Fund;

Law of the Republic of Indonesia Number 8 of 1995 concerning the Capital Market;

Law of the Republic of Indonesia Number 23 of 1999 concerning Bank Indonesia.

Law of the Republic of Indonesia Number 21 of 2011 on the Financial Services Authority.

2. Dahlan Siamat, *Manajemen Lembaga Keuangan, Kebijakan Moneter dan Perbankan*, Edisi Kelima. Jakarta: Fakultas Ekonomi Universitas Indonesia, 2005, p. citing the statement of Peter S. Rose. *Money and Capital Markets. Financial Institution and Instruments in a Global Marketplace*, 6 Edition. Texas A & M University, Irwin, 1997.

The consequence of the issuance of the aforementioned law is the change in the structure of the financial institutions system in Indonesia. In addition, from the aspects of regulation and coaching, financial institutions become more clear and strong because they have the power of law.

A financial institution is any company engaged in finance that raises funds, channel funds or both. Theoretically there are two kinds of applicable financial institutions, such as, bank financial institution and non-bank financial institution. The main role of both institutions is relatively equal to each other, namely as the financial intermediation between the surplus unit (ultimate lenders) and the deficit units (ultimate borrowers).

Kasmir explains that:

“Financial institution is any company engaged in the field of finance whose activity is centered on whether only to raise funds or just to channel funds or both³.”

Dahlan Siamat claims that:

“a financial institution is a business entity whose wealth, primarily in the form of a financial asset or a bill, is compared to a nonfinancial asset or a real asset. The financial institution provides financing/credit to customers and invest funds in securities. In addition, financial institutions also offer a range of financial services including offering various types of savings, protection, insurance, pension plans, provision of payment systems and fund transfer mechanisms⁴”.

The provisions of legislation provide an explanation of Financial Institutions as contained in Article 1 of Law no. 14 of 1967 concerning Principal Banking which was substituted by Law no. 7 of 1992 concerning banking in Indonesia, namely that financial institutions are agencies or institutions whose activities attract funds from the community and channeled to the community.

Meanwhile, in the Decree of the Minister of Finance of the Republic of Indonesia Number 792 of 1990 on Financial Institutions, it is stated that financial institutions are all business entities whose activities are located in the financial sector, namely to collect funds, channeling funds

to the community, especially in financing development investment.

Grounded the above-described opinion of experts and normative provisions, conclusion can be drawn, that is, a financial institution is a business entity or institution that has a major wealth in the form of both financial and non-financial assets whose activities include collecting funds from the community and channeling them back to the community, especially for the purpose financing the development investment.

Bank As An Intermediary Institution In Positive Law In Indonesia

In Indonesia, the banking provisions are contained in the Law of the Republic of Indonesia Number 7 of 1992 concerning Banking (hereinafter referred to as the Banking Act) as amended to Act of the Republic of Indonesia Number 10 of 1998 (hereinafter referred to as the Refurbished Banking Act).

In Article 1 of the Banking Act, it is stated that:

“Bank is a business entity that collects funds from the public in the form of savings and distributes it to the community in the form of credit and or other forms in order to improve the lives of many people”.

Based on the above definition, it can be concluded that the bank becomes an intermediary for the circulation of money from the surplus unit to the deficit unit. The Bank has a role as an intermediary institution, in which it mobilizes funds and redistribute in the form of credit for deficit units (people in need of funds).

In addition to the above functions, the bank also has a primary functions, that is to provide loans, to circulate currency, to supervise currency, to act as a store of valuable objects, and to finance the business of the company and others⁵.

In addition to the main functions mentioned above, as a financial institution, the bank can also function as:

Agent of trust, that is a basically type of banking activities which is based on good faith in

3. Kasmir. *Bank dan Lembaga Keuangan Lainnya*. Jakarta: Raja Grafindo Persada, 2000, p. 9.

4. Dahlan Siamat. *Op.Cit.* p. 4.

5. Thomas Suyatno (*et.al.*), *Kelembagaan Perbankan*, Jakarta: Gramedia Pustaka Utama, 1999, p. 1.

terms of raising funds or channeling funds. The public will entrust their funds to the bank based on the element of trust and the bank will place or distribute the funds to the debtor or the community if based on the element of trust.

Agent of development, namely the activities of banks to conduct collection and distribution of funds to the public. The bank's activities assist the community in conducting investment, distribution and consumption activities of goods and services.

Agent of service, that is, the bank's activity to offer other banking services to the public. This service is in the form of money transfer service, custody of valuables, giving bank guarantee, and settlement of bill."⁶

Since the enactment of Law Number 7 of 1992 concerning Banking and Law Number 10 of 1998 on Amendment to Law Number 7 of 1992 concerning Banking, the types of banks can be differentiated into Commercial Banks and Rural Banks.

Article 1 number 3 reads:

"Commercial Bank is a bank conducting business activities conventionally and or based on sharia principles which in its activities it provides services in payment traffic".

Commercial Banks are often also referred to as Commercial Banks. Commercial Bank Business is as stated in Chapter II concerning Principles, Functions and Purposes, Chapter III on Type and Business of Bank, Part Two of Commercial Bank Enterprises.

Activities undertaken by either Commercial Bank or Rural Bank constitute intermediation between parties requiring funds (deficit units) and those with surplus funds (surplus units). The limits as provided by law that the Rural Bank activities do not participate in the payment traffic.

Potential Banking Transactions As A Means Of Crime

Banking institutions should be wary of a new crime mode that not only involves the internal banking, but also the external. The new mode began to materialize from hacking that made Indonesian banks into money laundering space.

Yenti Garnasih explained that the activity of

hacking the banking system is known to have occurred in Indonesia. "The foreign national hacked and broke into a bank accounts in his country, and the money from the proceeds of crime was sent to Indonesia."⁷ Meanwhile, Arie Budiman, Director of Lamination Group of Deposit Insurance Company (LPS), said that there are four types of banking crime, namely fictitious credit, disbursement of customer's deposits unknown to the owner, fictitious deposits, and embezzlement of credit or savings installment. Fictitious credits are known to be most commonly executed by bankers or bank owners. There are 37 cases of fictitious credit reported to LPS. Fictitious deposits occupy second place with 15 cases. "In that case, the bank management did not record the deposits owned by customers in the bank's books," Arie said. The mode of disbursement activity of client funds not under awareness of the owner occupy the third place with 11 cases, while the embezzlement of credit installments or deposits occupy the fourth place with 10 cases. Arie explained the background of LPS filing a lawsuit is to provide lessons for bank owners and managers that there is a risk.

Below, several modes of banking crime that often occur in banking practices are outlined.

Crime through Banking Credit Transactions

Credit is a bank activity to distribute funds to third parties, in this case is the prospective debtor who meets the requirements of credit worthiness required by the bank. Lending should prioritize prudential banking in accordance with banking procedures with credit analysis based on 5C, 5P or 3R and above.

In practice, however, the bank's management ignores the prudential banking principle due to certain interests, either to its business group or to action, to embezzling public funds and to make it seem that it is channeled into credit to a third party, but that never happen. This kind of credit is called "fictitious credit".

Crimes committed by the bank, either corporate or related parties, consisting of officials with an interest in such credit or the breaker or prospective borrower who ensnare the banking crime. This crime is related to various layers of crime, either from obscuring or falsifying data,

6. Budi Santoso dan Sigit, *Bank dan Lembaga Keuangan Lainnya*, Jakarta: Salemba Empat, 2006, p. 9.

7. <http://www.koranjakarta.com/?160waspadai%20modus%20baru%20kejahatan%20perbankan>, downloaded on the 20th September 2015, at 14.00 pm. Yenti Garnasih Interview with Jakarta Newspaper, Thursday, December 12, 2013.

guidance and supervision of banks and other offenses.

Various crimes related to the fictitious credits that writers have observed from various social media outlets are described as follows:

Fictitious Credit and Piercing at Bank Jombang

"TRIBUNNEWS.COM, JOMBANG - State Attorney Office (Kejari) Jombang assigns Heri S, Assistant Treasurer of Bandarkedungmulyo and Wida R Sub-district, Megaluh Sub-District Staff, and Account Officer (AO) at Bank Jombang, Suci A, as a bank burglary with a fictitious credit Rp. 775 million by creating false documents for 15 credit applicants who are all fictitious, ". The fake documents are in the form of Identity Card (KTP), Family Card up to the forgery of the Decision of the Appointment of Civil Servants (PNS), which were used as credit guarantee⁸.

Based on the news, the credit worth of Rp. 775 million was disbursed in a gradual way, that is, by passing 15 fictitious clients during January to August 2014. The case was revealed when the bank conducted periodic checks or monitoring. At that time, there were 15 credit customers who were stuck.

Fictitious Credit Cases Involving the Director of Rural Bank of Delta Artha, Sidoarjo.

"TRIBUNNEWS.COM, SIDOARJO - President Director of Rural Banks (BPR) Delta Artha Sidoarjo Ratna Wahyuningsih was set as a suspect related to bad debts Rp. 12,120 billion and false documents by Special Criminal Investigator (Pidsus) State Attorney (Kejari) Sidoarjo, Thursday (8/1/2015).

Special Criminal Investigator (Pidsus) also arrested a former Director of Rural Bank (BPR), who served in the period 2006 - April 2012. Former officials are trapped because they allegedly joined the credit using the fake application. Determination of the officials and former officials of the BPR Delta Artha as a suspect is in conjunction with the determination of four other suspects, namely the treasurer of the Technical Implementation Unit of the Education Office Tanggulangin; Principal of SDN Gagang Panjang, Tanggulangin; and one person from a

private party. The act of burglary committed in these three banks is aimed to falsify the documents for the submission of candidates for civil servants.

Consumptive credit proposed was worth starting from Rp. 100 million to Rp. 200 million. There are 155 fictitious credit applications, consisting of 92 files. The total amount of money disbursed is Rp. 12,120 billion and the total of bad credit is Rp. 9.2 billion. Bad credit happened because the customers who are brought to appear did not afford to pay. "Indeed, all of the money must have been used by Luluk. It's almost 80 percent taken by the suspect, Luluk," he said.

Crime through Fund Placement Transactions

he placement of funds made by the public at the bank is based on the trust that the funds can be withdrawn whenever it is needed. Placement of public funds in the bank can also be done in the form of demand deposits, deposits and savings. Various facilities and facilities offered by the bank, especially with the help of sophistication of technology tools, such as computers. The use of computers in the field of banking is to produce information for the bank management and improve services for customers. Currently, with E-Commerce, online transaction services can be implemented through the help of Automated Teller Machine (ATM) which then facilitates the officials in the banking world to provide services to its customers through the application of Internet banking and SMS banking. The rapid development of the technology has formed a society based on international information, including in Indonesia. The principles of application of Electronic Banking and M-Banking are realized in the media, such as ATM or Automated Teller Machine, Phone Banking, Internet Banking, SMS/M-Banking, and International Electronic Fund Transfer.

The sophistication of technological tools in the form of facilities has an impact on various fund placement products that disappear when customers will withdraw money. Such crimes can be committed by the parties in the bank or conspiracy done together with the customer.

The various banking cases relating to third party fund placement products, are described as follows:

8. <http://www.tribunnews.com/regional/2015/03/17/karyawan-bank-jombang-bobol-dana-rp-775-juta>, downloaded on September 22, 2015, at 14:30 pm.

A case of PT. Elnusa Tbk. concerning the receipt of the flow of funds from a bank, Monday, April 25, 2011|17:56 of Western Indonesia Time (WIB)⁹.

"VIVAnews - PT Elnusa Tbk burglarized a number of Rp. 111 billion, ie deposits stored in Bank Mega. Manager of Bank Mega in a press conference at Bank Mega Building, Jakarta, Monday, April 25, explained the chronology of the case, as follows.

The Elnusa case started on September 7, 2009 with the receipt of a cash flow from one of the banks (Bank X) in Jakarta. The instruction received by Bank Mega was that the funds are intended for 'on call' (DoC) deposits or short-term tenure with varying tenor (1-8 days). Director of Compliance and Risk Management of Bank Mega, said that Bank Mega never received fund placement in time deposit, so there is no monthly deposit interest payment. Director of Technology and Operations Services of Bank Mega stated that transaction documents in the form of deposit placement and transfer or book-entry applications are all carried out according to procedures. The document comes from the customer, PT Elnusa, signed by the Director of Finance and President Director (now ex-director) and handed over to the KCP Leader of Bekasi Jababeka. "We are not responsible because all procedures have been carried out according to the standards."

Deposit deposit funds of PT Elnusa at Bank Mega come from the demand deposit account of PT Elnusa itself in Bank X worth a total of Rp. 111 billion, and from the demand deposit account of Elnusa at Bank Mega KCP Tower Batavia amounting to Rp. 50 billion. The withdrawal of deposits from PT Elnusa was sent to Mega Bisnis Gyro account of PT Elnusa at KCP Bekasi Jababeka and was overbooked to two Mega Business accounts on behalf of PT Discovery Indonesia (PT DI) in Bank X and Y. In addition, PT DI placed the deposit funds at September 16, 2009 and October 6, 2009, each of which amounted to Rp 5 billion and disbursed to another account at Bank Y before the due date.

Bank Nusantara Parahyangan (BNP) is sued to Replace the Loss of Customer Money amounting to Rp. 2.3 Billion., Monday, October 20, 2014 | 16:49 Western Indonesia Time¹⁰.

INILAH.COM, Bandung- An employee of Bank Nusantara Parahyangan (BNP) allegedly broke into the bank customer's account for Rp. 2.3 billion belongs to Totong Karim.

"The perpetrator's activity mode was to have broken into Totong's bank account by initiating a book-entry and transferring the money to another account. It was done unnoticed by the owner. The case was heard at the Consumer Dispute Settlement Agency (BPSK) of Bandung. The chronology of the disappearance of the customer's money was revealed through a written confession with a stamped seal of the perpetrator in which she declared that she had transferred the funds belonging to Totong to several accounts belonging to others for personal gain. According to her, over-booking and transferring committed by her which in addition to being unknown to the owner, was also unknown to the bank. The book-entrering of the fund was not carried out according to the procedures and rules applicable in BNP."

In that statement, the perpetrator also claimed to have made a fake book-entry slip and made a false transfer request slip. In fact, the perpetrator also mimicked the signature of Totong attached to the book-entry slip and the transfer slip. When performing the action in 2012, the actor served as a relationship marketing in Bank Nusantara Parahyangan.

Crime of Transaction through Fund Transfer

Various forms of ease in making funds transfers made through cyberspace network, all aimed to provide good service. In fact, the sophistication of technological tools, essentially expected to help ease the process of human activity, brings tremendous negative impacts for many parties, including customers of banks. Actions to take advantage of the sophistication of the technology tools have been detrimental to many bank customers, namely the loss of money they store in the bank in a plenteous number. Some cases of such an action are described as follows.

Case of Police and Banks were Difficult to Track the Crime of Money Transfer on ATM", accessed from Kompasiana website¹¹.

Having an ATM card does not mean that money deposits in the bank will not be

9. <http://bisnis.news.viva.co.id/news/read/216628-kronologi-pembobolan-deposito-elnusa>, downloaded on September 24, 2015, at 10:00 am.

10. <http://m.inilah.com/news/detail/2146457/bnp-digugat-ganti-hilangnya-uang-nasabah-rp23-m>, downloaded on September 24, 2015, at 11:00 am.

11. http://www.kompasiana.com/mahajinoesa/polisi-dan-bank-sulit-lacak-kejahatan-perpindahan-uang-di-atm_55114b34813311a941bc633a. Downloaded on September 22, 2015, at 13:30 pm.

undermined by perpetrators. The case is increasingly severe since the police and the bank are still unable to trace the address and the purpose of transfer of the money committed at the ATMs.

Such facts can be seen from the incident that happened to Muhammad Basir Tabah (63 years), the owner of a Bank BNI ATM with Card Number 5264222480654177.

The incident began to unfold on Tuesday (12 June 2012) afternoon when the former educator who has his address at Aspol Tallo Old Block C.20 was about to withdraw money at ATM machine BNI Jl. Pengayoman, Makassar City. Several times the ATM card was inserted with the correct PIN number but always rejected.

Once it had been investigated, according to the story Epu (son-in-law), the ATM card used was not the one belonging to Muhammad Basir Tabah, but it was a new card which is believed having been changed by someone. With suspicion that something was wrong, on that day, Muhammad Basir reported the incident to the Central BNI Office on Jl. Jend. Sudirman City of Makassar. Based on the print-out of savings account BNI Plus No.0158399399, the remaining balance was Rp. 136,228, whereas the final balance amount was more than Rp. 24 million. The owner of the bank account claimed to never again make withdrawals via the ATM card or manually at any banks.

The question is, who had done, and how to find out the identity of the owner of the ATM to then perform the transfer money using the ATM card without knowing the PIN number?

This case, according to the family of Muhammad Basir, should be handled seriously because considering the current banking in Indonesia is being actively campaigning non-cash payment model through the use of ATM cards, Credit and Debit. However, the banks in cooperation with the police have not been able to find a solution in the form of trying to track the perpetrators of these actions to obtain the loss of the victim in the ATM burglary money.

The case the writer downloaded from Tempo. Com on "One-third of Skimming Cases in the World Happens in Indonesia" Mitra Tarigan¹².

TEMPO.CO, Jakarta - Indonesia became one of the haven for banking crime. Another form of crime in the banking world is skimming. The indication is that there are one third of cases of skimming in the world occurring in Indonesia.

"In the last three years, there have been 5,500 cases of skimming in the world. A total of 1,549 cases of which occurred in Indonesia," said Director of Economic Crime and Special Criminal Investigation Police, Brig. Gen. Victor E. Simanjuntak at National Police Headquarters, Thursday, July 2, 2015.

Skimming is the activity of copying information or data theft contained in magnetic stripe. The case with this style has just happened in Indonesia, handled by the Police in cooperation with the Ministry of Justice and Human Rights.

Victor says the number of such crime modes is caused by Indonesia's less stringent security system. "Security in Indonesia is not yet tight," he said. The large number of skimming cases in Indonesia pushed seven representatives of the EU Police to discuss this international crime with the Police. These representatives are from Bulgaria, Denmark, Germany, Hungary, Slovenia, and Romania. "We want to work together and exchange information about these skimming criminals," said the deputy chairman who is also a police officer in the EU Cybercrime Field, Habenicht Jozsef.

"One way is to use a customer identification program (CIP) and limit the use of ATMs abroad," said Victor. He also explained about the use of ATMs abroad. ATM may be used overseas if the concerned has reported to the banking party.

IV. CONCLUSION

In its role, there is a relationship between banks and customers based on two interrelated elements, namely element of trust and element law. A bank can only engage in activities and develop its bank if the community "believes" to put its money into available banking products or facilities. At the operational level, bank activity is governed by a set of rules that impose restriction on the parties in banking transaction. The banking transaction is a legal relationship between the bank and the customer in the business field, in which the two sides need each other. Banking institutions should be wary of a new banking

12. <http://nasional.tempo.co/read/news/2015/07/02/063680461/sepertiga-kasus-skimming-di-dunia-terjadi-di-indonesia>. Downloaded on September 22, 2015, at 13:30 pm.

crime modes that not only involves internal banking, but also external banking. The new modes range from hacking to making Indonesian banks a money laundering place. The law is replete with gaps for criminal acts. No one seems to be delighted with it, but somehow they are uneasy to be made to disappear¹³. This statement can be understood as an irony in the legal world because the laws we know today are human products. Human is a creature with so many potential errors so it is not questionable if its creative work of the law chooses a gap called the legal loophole.

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