

Punishment for The Crime of Fraud Using A Fake Identity Is Reviwed From Islamic Law

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Abstract

The purpose of this research is to determine the review of Islamic criminal law regarding perpetrators of criminal acts of fraud using fake identities. The data collection technique uses the library research method and uses descriptive data, in-depth direct interviews with respondents. This research is a descriptive analysis which aims to explain data about fraud using fake identities which is then analyzed using theories in Islamic law. The results of the research show that there is a specific and detailed explanation regarding the meaning of fraud using a fake identity regarding fraud using a fake identity, but in Islamic law there is no punishment for this criminal act. So we see similarities with the Baitul Maal stamp fraud case during the time of Umar bin Khattab, which punished the perpetrator with ta'zir, namely, being whipped 100 times and exiled for a year. From the explanation above, it can be concluded that the punishment for perpetrators of fraud using fake identities is ta'zir.

Keywords: Crime, Fraud, Fake Identity, Islamic Law

1. Introduction

One form of crime that often occurs in society is the crime of fraud by using a fake identity. Fraud is an act that is not permitted in positive law. In positive law, fraud is regulated in the Criminal Code book II chapter xxv concerning fraudulent acts. Article 378 defines fraud as an act of benefiting oneself or another person unlawfully, by using a false name or false dignity, by deception, or a series of lies, by inducing another person to hand over something to him or her, or to give a debt or write off a receivable. threatened for fraud with a maximum prison sentence of four years.

In this article it is clearly explained that fraudulent acts are not permitted. The crime of fraud is contained in book II Chapter xxv. The entire article in Chapter xxv is also known as bedrog or fraudulent acts. The form of fraudulent acts is Article 378 of the Criminal Code concerning fraud. Based on the above formulation of deception, what is meant by deception are actions carried out in such a way that the action conveys trust or belief in the truth of something to another person. If this deception is not a word but an act or action. The perpetrator is also subject to a maximum penalty of imprisonment of four years. This action brings losses, especially to the victim, in material terms.

Sample case. That the defendant gave a false identity through work, what is amazing is that the defendant admitted that he was the acting head of PT. Bulok Logistics excellent services. In 2020 and the defendant had a job moving goods (Bulog rice) to distribute it to areas in the region... then the defendant met with the victim and invited the victim to cooperate in

the matter regarding Bulog rice throughout the region. where after this work a profit sharing of 4% is obtained.

And if there is a profit, there will be further distribution. The defendant also shows a summary of the amount of money that must be shown to convince the victim that what the defendant said was true. And show it to the victim to convince him so that the victim is interested and accepts the job offer on the condition that the victim makes payments in stages. The victim gave 10 cash payments in different amounts to the defendant and once gave money to the victim as if the money was a share of the profits from the job. The last time the victim met the defendant, he asked for the return of the money the defendant had used, but the money was not used to transport the rice.

That as a result of the defendant's actions, the victim suffered enormous losses. The defendant's actions are as regulated and punishable by crime in Article 378 Jo 64 paragraph (1) of the Criminal Code. Islamic law strictly prohibits lying, especially if it causes harm to other people. Cheating is a disgraceful, sinful act, disturbs other people's interests, harms other people and is contrary to the objectives of Islamic law.

The perpetrators of fraud cannot be left alone so that this act does not become more rampant. The perpetrator must be given appropriate punishment for what he did in order to provide a deterrent effect and serve as learning material for others.

In the Qur'an, Allah SWT strictly forbids the act of consuming other people's wealth in a false way, this is as explained in the Qur'an, Surah al Nisa verse 29: Meaning: "O you who believe, do not consuming your neighbor's wealth in a false way, except by means of commerce that is carried out mutually between you. and do not kill yourself. Indeed, Allah is Most Merciful to you."

In Islamic criminal law books, lying or fraud is a behavior that originates from a source of hypocrisy. This is a criminal offense related to property. If viewed from the legal objectives, which are stated above, as a result of fraud, the deceived party is harmed. It can be seen that the perpetrator has more psychological potential, namely intelligence, both in words and in the field of administration. The negative impacts that arise are losses from the victim. Judging from the spirit of the Shari'a, cheating is lying. Perpetrating lies is a sign of hypocrisy.

There are differences in the views of ulama regarding the maximum and minimum material of the legal volumes in the ta'zir radius. Imam Abu Yusuf said that 6 should not be more than thirty-nine times and the lowest limit must be able to provide preventive and repressive impacts. And Syafiiyah scholars are of the opinion that the maximum limit cannot be more than ten times, whereas according to Imam Maliki the maximum limit for volumes in a ta'zir may exceed the had as long as it contains benefits.

2. Research methods

Research methods are actually a scientific way to obtain data with specific purposes and uses.

- a. The type of research used by the author in this legal research is normative legal research where the author focuses on legal research that examines punishment for criminal cases of fraud using false identities in terms of Islamic law.
- b. The nature of this research is normative juridical, namely legal research carried out by examining library materials. The analysis for this research used a descriptive analytical method, namely by analyzing the data studied by explaining the data, then drawing conclusions

2.1. Data source

In collecting data for normative legal research (legal research), two data sources are used, namely primary legal sources and secondary legal sources. In more detail below, the data sources will be explained, namely:

- a. **Primary Sources** Primary legal sources are legal materials that are binding or relate to related issues. In this case, the statutory regulations or the Criminal Code are related to criminal acts of fraud by using false identities. The primary laws the researchers used were the Al-Qur'an, hadith, books or books of jinayah fiqh and the Criminal Code article 378 paragraph 1.
- b. **Secondary Sources.** As supporting sources for this research, there are all sources that contain information about the above research objects, whether from laws, expert opinions, journals, newspapers, the internet and so on which are related to the issue of legal protection for victims of wrongful arrest or wrongful detention.

2.2. Data collection technique

In collecting data for normative legal research, the literature review method is used by reading literature that has a correlation with the problem being researched as well as interviews with judges who judge criminal acts of fraud using fake identities.

2.3. Data analysis

In this research, the data analysis used is analytical descriptive, that is, to explain the results of this research, the researcher will broadly describe the data obtained and then focus on the problems raised. After that, the researcher will analyze the results of the decision. No. 172/pid.Tgn/2019/PN.Tgn and the concept of Islamic law using an appropriate theoretical framework, from the background of the existing problem, so that a conclusion can be obtained which is ultimately used to answer the problem at hand. There is.

3. Results and Discussion

3.1. Tangerang District Court Judge's consideration of a criminal case of fraud using a fake identity (No 172/Pid.B/2019/PN.Tgn).

In this discussion, the author tries to repeat or review the results of the decision along with the judge's considerations in deciding the case of fraud using a fake identity committed by Andri Ahmad Ramdi bin Herlan by the Tangerang court. Next, the author tries to review and analyze the judge's considerations and decision as will explained the perspective of Islamic law.

In this case, it is also necessary to explain the sequence of the problem being charged, starting from the demands of the public prosecutor to the trial process, which cannot be separated from the initial problems in the case. Based on the case handover letter on 14 July 2019, the defendant was brought before the court with the accusation that defendant A on Thursday 11 February 2020 at the Sumber Warna Shop located at Jalan Teuku Umar, Seutui Tangerang, had committed fraud by using a fake identity. Yandi. This act began when he gave a false identity through a job in Seutui village, Tangerang. on Thursday 11 February 2020.

During the meeting, the defendant gave a false identity through work, what was amazing was that the defendant admitted that he was the acting head of PT. Bulok Logistics excellent services. last 2020. The defendant had the job of moving goods (Bulog rice) to distribute it to

areas in the region... then the defendant met with the victim and invited the victim to cooperate in the matter regarding Bulog rice throughout the region. where after this work a profit sharing of 4% is obtained. And if there is a profit, there will be further distribution. The defendant also shows a summary of the amount of money that must be shown to convince the victim that what the defendant said was true.

And show it to the victim to convince him so that the victim is interested and accepts the job offer on the condition that the victim makes payments in stages. The victim gave 10 cash payments in different amounts to the defendant and once gave money to the victim as if the money was a share of the profits from the job.

The last time the victim met the defendant, he asked for the return of the money the defendant had used, but the money was not used to transport the rice but only for personal gain. That as a result of the defendant's actions, the victim suffered enormous losses. Starting from this incident, the Public Prosecutor at the Tangerang District Prosecutor's Office. In essence, the case is prosecuted with the following demands:

- a. Declare that defendant A has been legally and convincingly proven guilty of committing the crime of "Continuous Fraud" as regulated in article 278 in conjunction with article 64 paragraph (1) of the Criminal Code.
- b. Sentenced the defendant to prison for 3 (three) years, reduced by the period of detention the defendant has already served.
- c. Determining evidence: 1). 12 (twelve) Yandi receipts signed by Dany Ahmad Ramdi. 2). 12 (twelve) statement sheets signed by Andri Ahmad Ramdi. 3). 2 (two) slips for transferring funds between BCA bank accounts No. Account 7785027256 Yandi To Account 0430757876 Dany Ahmad Ramdi, Returned to victim witness Surya Yandi bin Yandi. 4). 1 (one) unit of blackberry bold brand cellphone in black.

Based on the demands of the incident and the existence of several demands as mentioned above, and with the consideration that the defendant had understood the demands and did not raise objections in other terms called exception vide, Tangerang District Court Judge. In deciding this case, refer to Article 378 in conjunction with Article 64 paragraph (1) of the Criminal Law Act, where the accused has violated the provisions of the article in question.

As a result of the fraud committed by the perpetrator, the victim suffered a loss estimated at Rp. 1,800,000,000,- (one billion eight hundred million rupiah). In relation to this issue, the Panel of Judges also considered the existence of several pieces of evidence that could be used as confirmation of the defendant's mistakes or actions. Among the evidence that the judge considered in deciding this issue was the confession from the defendant as mentioned above. Then there is evidence of objects or tools used by the perpetrator to commit the following fraud (cellphones) to trick the victim. From the several pieces of evidence explained, it is sufficient to provide a legal conclusion to the judge in deciding that the defendant had actually committed the crime of fraud and that it was done intentionally and to benefit himself.

3.2. Tangerang District Court Judge's Decision on Fraud Cases Using Fake Identities.

Referring to the considerations as mentioned, as well as the evidentiary processes and the demands submitted by the Public Prosecutor, the trial judge decided and tried the perpetrator, stating that:

- a. "Declaring that defendant A has been legally and convincingly proven guilty of committing the crime of fraud by using a false identity." Regarding this decision, the Panel of Judges referred to the existence of several pieces of evidence and the defendant's own confession of committing the crime, so that it was declared legally a crime. Meanwhile, the crime category is defined as a form of abuse that results in

harm to the victim. Apart from that, the points of the decision fulfill the elements contained in article 378.

- b. "Sentenced defendant A to prison for 2 (two) years and 6 (six) months." This decision refers to the provisions for punishment or sanctions for perpetrators of criminal acts of fraud contained in Article 378 paragraph (1) of the Criminal Code. Even though legally the maximum sentence for perpetrators of fraud is set at four years, in this case the judge has the authority to find and determine a sentence for the perpetrator, bearing in mind that the judge also has the competence to give and try the perpetrator by considering the circumstances that the judge considers to mitigate the law. .2 In addition, in the area of procedural law (formal law), judges have a position that cannot be interfered with and is independent of what is provided through jurisprudence
- c. "Determining that the length of time the defendant was detained before this decision has permanent legal force shall be deducted entirely from the prison sentence imposed in its entirety from the prison sentence imposed on him." In relation to this decision, this means that the defendant was sentenced to two and six years (as stated in the decision point two) minus the length of detention. In this case, the Panel of Judges referred to the provisions in Law Number 8 of 1981 concerning Criminal Procedure Law, contained in article 22 paragraph (4) which states that the period of arrest and detention is deducted entirely from the sentence imposed.
- d. Ordered the defendant to remain detained. Establish several pieces of evidence in the form of payment slips made by the defendant. Charges the defendant to pay court costs amounting to Rp. 2000,- (two thousand rupiah).

Of the six dictums of the decision, each member as a judge weighs and looks at the existence of legal aggravating circumstances consisting of three points, including that the defendant's actions are classified as a form of crime that can bring shame to society. Then the defendant during the trial process did not openly reveal the incident, and finally, this action resulted in the victim witness suffering major losses. There are two circumstances that can be used as legal mitigation, including the defendant admitting and regretting all the actions he committed, considering that his actions violated the law and harmed the victim.

Then, throughout his life, the defendant had never been involved in law. Apart from that, the perpetrator's actions are classified as unlawful acts, meaning that a person's actions violate or are contrary to applicable material rules, therefore this in itself means that punishing people who have not committed criminal acts is unreasonable, therefore the perpetrator The principle of legality applies, meaning that the punishment of a person who has not committed a crime is punished if the person can be found guilty or against the law, whether it is against the material law or the formal law. The nature of violating material law means violating or endangering the legal interests that the legislator wishes to protect in the formulation of certain offenses, certain offenses in this discussion are types of offenses of abuse.

3.3. Analysis of Material Law.

Material law is a source of law that determines the content of law. This legal source is needed when investigating legal proposals and determining the content of the law. Sources of material law are individual legal feelings (legal beliefs) and public opinion which are material determinants of legal formation that determine the content of legal rules. This source of material law is difficult to formulate firmly and standardly, considering that the scope of its meaning is very broad, namely covering everything that influences the content of the law or everything that helps the formation of the law. The source of this material law is, for example, the Criminal Code (criminal code) which regulates general crimes.

There is also the Civil Code (civil law code) which regulates issues regarding people as legal subjects, goods as legal objects, engagements, agreements, evidence and expiration. In material law, it is contained in the Criminal Code article 378 paragraph (one) which reads: fraud as an act of benefiting oneself or another person unlawfully, by using a false name or false dignity, by deception, or a series of lies, moving another person to hand over something to him, or to give a debt or write off a receivable, is threatened for fraud with a maximum prison sentence of four years. 5 So in the trial the judge judged that the defendant was legally proven guilty with several pieces of evidence and evidence, so the judge decided on a sentence. 2 (two) years 6 (six) months in prison reduced by the mass of prisoners.

3.4. Analysis of Formal Law.

Formal law is a source of law that is known in its form. It is because of its form that the source of formal law is known and obeyed so that the law is generally applicable. As long as it has a form, a new law is a legal feeling that has binding power. This is where a rule is qualified as a legal rule and by the authorities it is a guide to life that must be given protection. So, formal legal sources are legal provisions that already have a form of formality, in other words important legal sources for formal legal experts with evidence and evidence in the form of several receipts and payment slips and confessions from the defendant in the trial. So this is sufficient and in accordance with material and formal law.

3.5. Author's Analysis of the Concept of Islamic Law Regarding the Crime of Fraud Using Fake Identities.

Referring to the legal opinions previously explained, both from criminal law experts and from Fuqaha circles related to the crime of fraud, there is a legal picture that every act is related to actions that harm other people, or borrowing the term used by Chairul Huda, an action that results in legal imbalance, will be given legal responsibility. The aim of implementing legal accountability is to create a balanced and good legal construction. The accountability in question is not only given to perpetrators of criminal acts who commit mistakes intentionally, but more than that, it is also aimed at perpetrators who do it unintentionally or negligently.

Legal concepts like this of course refer to the legal material of the Criminal Law Law which has been well codified. However, law in Indonesia is not solely based on legal material, in this case the judge is to research and examine criminal cases through the judge's decision (judisprudence). In Islamic criminal law, it is seen that the crime of fraud is the same as the criminal act of ta'zir which is related to the public benefit, namely, the crime of forgery of signatures and stamps. disturbing the public good.

From these two radius there are similarities in the actions, namely that there has been an action, in the process or method of fraud there is an object, where the object can be the identity of the perpetrator, a deception. In fact, looking at cases of fraud using fake identities, this often happens to people who want to get a job. In Islamic law, there is no specific explanation regarding the criminal act of fraud using a fake identity. However, this does not mean that there are no provisions that can be used as a basis for prohibiting this criminal act of fraud, considering that Islamic law is a law that is built based on human understanding of the texts of the Al-Quran and Sunnah, to regulate human life that applies universally, relevant in every era. and humans.

Islamic law strongly condemns acts that contain elements of lies and losses because of the bad consequences that arise, for example acts of perjury and false testimony. In the previous description, it was explained that this criminal act of fraud using a fake identity is in accordance

with the Baitul Mal stamp forgery fraud that occurred during Umar's time, so that this criminal act of fraud using a fake identity can be classified as ta'zir.

Ta'zir punishment is a punishment that has not been determined by the syara' and is left to Ulil Amri to determine it. So it can be concluded briefly that the ta'zir punishment is a punishment that has not been determined by the syara' but is handed over to ulil amri. In determining the sentence, the judge is permitted to consider both the form of punishment to be imposed and its level. The form of punishment with this policy influences changes in special considerations regarding various factors that influence social change in human civilization used by the courts or the types of criminal acts that can be indicated in the Law.

In the view of the ulama, there are differences in the minimum and maximum limits for placing volumes in the ta'zir radius. Imam Abu Yusuf said, it cannot be more than 39 (thirty nine) times, and the lowest limit must be able to provide preventive and recessive impacts. Meanwhile, Imam Abu Yusuf is of the opinion that the maximum limit is 79 (seventy nine) times, and Shafi'iyah scholars are of the opinion that the maximum limit of volumes in ta'zir may exceed the had as long as it contains benefits. The ulama apply this law of exile in the ta'zir radius.

3.6. The Crime of Fraud in Islamic Law

In the development of Islamic law, there are no specific regulations regarding fraud using fake identities, but there are examples of cases from ancient times that can be used as a basis and example of criminal acts of fraud using forgery since ancient times. During the time of Umar bin Khatab there was a case about Mu'an bin Zaidah who committed fraud by using a fake Baitul Mal stamp, then the Baitul Mal guard came to him to take the fake stamp last night and took it, this case was heard by Umar bin Khatab so he beat him a hundred times and had him imprisoned, then scolded and beaten a hundred times again, scolded and then beaten a hundred times and then exiled.

Based on the correspondence between criminal acts of fraud using fake identities, such as fraud using forgery of signatures and stamps, the actions of Caliph Umar ibn alKhatab, who once sentenced Mu'an ibn Zaidah, as the perpetrator of the criminal act of forgery of the Baitul Mal stamp, are sufficient to be used as a basis. the law prohibits the criminal act of forgery of such documents. Because the act of giving punishment by Caliph Umar ibn Al-Khatab to the perpetrators of forgery shows that every act of forgery is a prohibited act because it is an act of lying, deception and deception.

Meanwhile, cheating and cheating are unjust acts that can harm and even harm other people, because unjust is an act of mistreatment. It can be concluded that the criminal elements of fraud in Islam associated with criminal acts of fraud using false identities are as follows:

- a. Nash prohibited this act and threatened punishment against it and this element can be called a formal element (rukun syar'i).
- b. There are actions that form a jarimah, either in the form of real actions or attitudes and this element is called the material element (rukun maddi).
- c. The maker is a mudallaf person, that is, a person who can be held accountable for the Jarimah he made and this element is called the moral element (rukun adabi).

3.7. Sanctions for Fraud Crimes in Islamic Law

Islamic criminal law is about discussing one by one the acts and their elements in the form of jarimah, the jarimah is divided into three groups, namely the hudud group, namely the group that is threatened with had punishment, the qishas and diyat group, namely the group

threatened with qishas and diyat punishment, and the class Ta'zir is a group threatened with the punishment of ta'zir.

Jarimah hudud is divided into seven types of jarimah, including: Jarimah adultery and Jarimah qadzaf, Jarimah syar al-khamr and Jarimah theft, Jarimah hirabah, Jarimah riddah and Jarimah rebellion. Meanwhile, jarimah qisas and diyat are only divided into two types, namely murder and abuse. Apart from these two jarimah, it is included in the ta'zir group. The ta'zir Jarimah are not determined one by one, because the determination of the various types of Jarimah is left to the state authorities at any given time, adjusted to the existing interests at that time.

The definition of ta'zir according to language is to refuse and prevent, while according to the term it is punishments whose legal provisions are not clearly contained in the text of the Shari'a and are left to Ulil Amri or the judge's ijtihad. As for ta'zir, in terms of its nature, it is divided into three parts, namely ta'zir because it has committed an immoral act, ta'zir because it has committed an act that is detrimental or endangers the public interest, and ta'zir because it has committed an offense.

In addition, when viewed from a legal basis (determination), ta'zir can be divided into three groups, namely:

- a. The ta'zir Jarimah group originates from Hudud and Qisas, but the conditions are not fulfilled or there are doubts, such as theft which does not reach the nishab, or theft committed by one's own family.
- b. The type of ta'zir jarimah is found in the Sharia text, but the punishment has not been determined, such as usury, bribery and reducing the measure or tim bangan.
- c. The type of ta'zir jarimah whose type and punishment have not been determined by the syara'.

In Islamic law there is no specific discussion regarding fraud using identity. However, it appears that there is a correspondence between the fraudulent signature fraud and stamp forgery, considering that the criminal act of fraud using a fake identity, both the type and the punishment, are not clearly stated in the Sharia texts. As explained previously, in Islamic law, specific and clear discussion regarding the criminal act of fraud using a fake identity has not been found, but this does not mean that there are no provisions that can be used as a basis for prohibiting the criminal act of fraud using a fake identity, considering the law. Islam is a law that is built based on human understanding of the texts of the Koran and Sunnah, to regulate human life which applies universally and is relevant in every era, and eats (space) humans.

There are various types of ta'zir punishment but in general they can be divided into four groups, namely:

- a. Ta'zir punishments related to the body, such as the death penalty and the punishment of binding.
- b. Ta'zir punishments related to a person's freedom, such as prison sentences and exile.
- c. Ta'zir penalties related to property, such as fines, confiscation, confiscation of property and destruction of goods.
- d. Other punishments determined by Ulil Amri for the public benefit.

Based on the types of ta'zir penalties mentioned above, the punishment given to perpetrators of criminal acts of fraud who use fake identities is a sentence of imprisonment and a sentence of exile due to conformity with the Baitul Maal stamp fraud.

Even though the volume punishment is a had punishment, and in the AnNisa' verse the ta'zir punishment is not imposed by Ulil Amri but by the husband, but the ulama use this verse as the basis for allowing the ta'zir punishment to be imposed by Ulil Amri. There are differences in the views of ulama regarding the maximum and minimum material of the legal volumes in

the ta'zir radius. Imam Abu Yusuf said it should not be more than thirty-nine times and the lowest limit must be able to provide preventive and repressive impacts.

And Syafiiyah scholars are of the opinion that the maximum limit cannot be more than ten times, whereas according to Imam Maliki the maximum limit for volumes in a ta'zir may exceed this limit as long as it contains benefits. Provisions regarding the punishment of exile are contained in the Koran, surah al-Maidah verse 33, which reads:

Meaning: Indeed, the only retribution for those who fight against Allah and His Messenger and cause mischief on the face of the earth, is that they be killed or crucified, or have their hands and feet cut off in reciprocity, or be thrown out of the land (where they live). This is (as) a humiliation for them in this world, and in the afterlife they will suffer a great torment. (QS. Al-Maidah: 33).

3.8. The Relevance of Punishment for the Crime of Fraud Using a Fake Identity with Qanun. and Jinayah Procedural Law

The author also understands that this case of fraud using fake identities is still new from a Sharia perspective. So this research can be used as a reference for those who want to study the problem of fraud using fake identities. However, based on the description above, the author concludes that the punishment or sanction for the criminal act of fraud using a fake identity as intended in the Criminal Code Number 378 paragraph 1 concerning fraud can be called a ta'zir punishment, because other than that no crime was found. The crime of fraud using a fake identity in the Islamic legal system is also based on the Baitul Maal stamp fraud case during the time of Umar bin Khatab, which punished perpetrators of fraud using a fake identity with the punishment of ta'zir, namely, being whipped and exiled for a year.

So the relevance to current law or what we know as Modern Law today is that if we refer to the judge's considerations which have decided on a prison sentence of 2 (two) years and 6 (six) months with a reduced period of detention, then the author refers to the Qanun. Number 6 (six) regarding Jinayat Law and Jinayat Procedural Law, there are differences in the explanation.

In this Jinayat Procedural Law, there are several principal differences with the Criminal Procedural Law that applies in the general justice environment, including:

- a. The court has the authority to examine, try and decide a jinayat case based on the perpetrator's request
- b. Detention carried out for the purposes of investigation, prosecution and examination by the Court, can only be carried out if there are circumstances that clearly give rise to concerns that the suspect/defendant will run away, destroy or destroy evidence and/or repeat the crime.
- c. The use of oath words begins with "Basmallah" and "Wallahi"
- d. Investigators can accept case submissions from the Wilayatul Hisbah assignment
- e. There are differences in evidence for several types of jarimah, and
- f. Introducing the alternative imposition of 'uqubat between imprisonment, flogging, and a fine in the ratio of 1 (one) month in prison equivalent to 1 (one) whipping or 10 (ten) grams of pure gold.

So it can be concluded that by referring to the decision of the Tangerang District Court judge. by adjudicating a prison sentence of 2 (two) years 6 (six) months with a reduced period of detention, therefore the author concludes that if viewed in Islamic law it refers to the Qanun. and the Jinayah Procedural Law then if these 2 (two) years 6 (six) months are bound 30 times. The author believes that Islamic law is very flexible, so that cases such as fraud using fake identities, even though there is no text that mentions sanctions against perpetrators of fraud

using identities, can be punished using the ta'zir penalty so that there is no legal vacuum for acts that have no limits. .

4. Conclusion Suggestion

4.1. Conclusion

Based on the descriptions in the previous chapters, the following conclusions can be drawn:

- a. If you look at the formal and material procedural law, it is in accordance with the material and formal procedural law. The judge's consideration in the decision. No. 172/pid.Tgn/2019/PN.Tgn. regarding the criminal case of fraud using a fake identity is by referring to the Criminal Law article 378 paragraph one which states that fraud is an act of benefiting oneself or any other person unlawfully, by using a false name or false dignity, by deception or a series of lies, induces another person to hand over something to him, or to write off a debt or write off a receivable, is threatened for fraud with a maximum imprisonment of four years . In this trial, the judge judged that if he was legally proven guilty and several pieces of evidence were found, the judge sentenced him to a sentence of two years in prison minus the period of detention.
- b. The concept of Islamic law regarding criminal cases of fraud using fake identities has not been specifically explained. The punishment that can be given to perpetrators of criminal acts using fake identities is in the form of ta'zir, namely in the form of legal binding and exile. relevance of punishment by referring to Qanun. and the Jinayah Procedural Law, then if it is 2 (two) years 6 (six) months, volume it 30 times. Because compared to the decision of the Tangerang District Court judge. by adjudicating a prison sentence of 2 (two) years and 6 (six) months and reducing the detention period.

4.2. Suggestion

- a. To academics, especially students of Islamic criminal law, this work can be a source of reading regarding criminal acts of fraud using false identities in Islamic law as well as regarding education in particular.
- b. For future researchers, it can become a scientific treasure in developing studies on the problem of criminal acts of fraud using false identities in Islamic law.

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