

Law Enforcement Against Perpetrators of Fraud Crime Under the Guise of Online Social Gathering

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Abstract

This research aims to determine law enforcement against perpetrators of online social gathering fraud crimes. Method The empirical juridical approach is legal science research that examines law as a fact that can be consolidated or observed and is value-free and has characteristics, namely, distinguishing facts from norms, legal phenomena must be purely empirical, namely social facts. Field observation data collection method to observe scientifically, empirically and value-free. Direct interviews with respondents directly. Literacy study of archives and records of siding results. The results of research on Jambi Regional Police's law enforcement efforts regarding cases of fraud under the guise of online social gatherings in the Jambi City jurisdiction, namely that based on the role of Jambi City Resort Police legal officers, criminal acts of this type of fraud under the guise of online social gatherings can be prosecuted. Law enforcement efforts carried out by the police are carried out in two stages, namely the prevention stage and the action stage (refresive). The process of resolving criminal cases of fraud under the guise of online social gatherings at the Jambi Regional Police from 2018-2021 as many as two of the same cases can be resolved by the Jambi Regional Police, which is carried out in four stages, starting from the investigation stage, investigation stage, examination stage to the settlement stage and handing over the case to the Public Prosecutor (JPU).

Keywords: Enforcement, Criminal Offenses, Online Social Gathering

1. Introduction

By using computer technology supported by the internet, it is very possible for someone to commit fraud in a very sophisticated form and convince the victim. An example of this act is someone who deliberately carries out transactions on an online shopping site fictitiously or someone who commits fraud by utilizing the facilities of a site/web, even via e-mail facilities, by making false promises.

Several types of crimes that previously could be said to be conventional crimes, such as theft, threats, defamation, and even fraud, now have the modus operandi of using the internet as a means to commit crimes with minimal risk of being caught by the authorities and internet sites (website) can be used as an intermediary medium for carrying out transactions via the internet, where on the site there are activities that carry out buying and selling activities which are the main thing.

Society as a system of associations of social creatures is a forum for its members to fulfill their life needs. These needs can be in the form of social interaction and living life to the fullest. Therefore, one human being enters into a relationship with another human being, as a result the interaction process continues without stopping.

In Indonesia, social gatherings have become a culture. Because social gathering is not just about collecting money, but also strengthening ties between people. Arisan is one of the most creative ideas among the community, including turning around their financial system so that everyone can enjoy the results even though they use a certain period of time and in very simple ways, such as saving, they can enjoy the results of what they do. Online fraud often occurs in Indonesia. This is because there are more and more internet users with low attention to security when using it. Online fraud is often carried out in various types which often occur nowadays, such as (Phishing) fraud which tricks victims into believing that the information they provide goes to the right person. Usually, phishing duplicates the website or application of a bank or provider, Fraud under the guise of a gift such as getting an SMS, telephone call, or chat which tells that the target victim is getting a gift and usually the victim has to pay a certain amount of money first to claim the prize, Job vacancy fraud in this type of fraud, Fraudsters pretend to be job providers or job vacancies. the victim is deceived by being offered a job.

From there, the perpetrator tricks the victim into sending money for training or equipment costs. Online buying and selling fraud often occurs, in fact it can happen at any time. In Indonesia, social gatherings have become a culture. Because social gathering is not just about collecting money, but also strengthening ties between people. Arisan is one of the most creative ideas among the community, including turning around their financial system so that everyone can enjoy the results even though they use a certain period of time and in very simple ways, such as saving, they can enjoy the results of what they do.

As time goes by, social gatherings are not only carried out with meetings but are also carried out by utilizing sophisticated technology through social media, known as online social gatherings. Online social gatherings certainly have a higher risk of fraud and embezzlement because they are carried out with people who have not met and do not know each other. For individuals, criminal acts of fraud are not that difficult to commit. Fraud can be carried out simply by capitalizing on good communication skills so that someone can convince other people, either through a series of lies or fiction, even in a neat way in various forms. This development shows the increasingly high intellectual level of perpetrators of increasingly complex fraud crimes. The problem is that many people in general do not know what methods fraudsters use to commit fraud.

Regarding the crime of fraud which is basically regulated in Article 378 of the Criminal Code, the formulation of the crime of fraud is: Whoever, with the intention of unlawfully benefiting himself or another person, by using a false name, by deception or a series of lies, induces another person to hand over goods. something to him, or to give a debt or write off a receivable, is punishable for fraud by a maximum prison sentence of four years. However, in relation to the emergence of consumer losses in electronic transactions because the social gathering is carried out online, there are provisions in Law Number 19 of 2016 concerning Electronic Technology Information in article 28 paragraph 1 which states: "Every person intentionally and without right spreads false and misleading news that resulting in consumer losses in electronic transactions."

Violations of Article 28 paragraph 1 of Law Number 19 of 2016 concerning Electronic Technology Information are punishable by imprisonment for a maximum of six years and/or a fine of a maximum of Rp. 1 billion, in accordance with Article 45 paragraph 2 of the Electronic Information Technology Law. These 5 regulations regarding crimes against fraud via online media are expected to provide legal protection for victims of criminal acts via online media. However, implementing a statutory regulation depends on the performance of law enforcement officials to implement the provisions of the regulation optimally.

The aim of law enforcement is expected to provide legal certainty to the community, as explained by Utrecht who said that legal certainty contains two meanings, namely: First, the

existence of general rules so that individuals know what actions they can or cannot do, and second, in the form of security. law for individuals from government arbitrariness. With the existence of general rules, individuals can know what the state can impose or do on individuals.

The action taken by the victim by reporting the suspect or criminal perpetrator of online fraud is basically to obtain legal certainty in seeking justice and obtaining legal protection for victims of fraud. In this case, what is meant by legal protection is an act of protection or protective action from certain parties aimed at certain parties using certain methods.

Based on Article 28 Paragraph (1) of Law Number 19 of 2016 concerning Information and Electronic Transactions, it is regulated that: "Everyone intentionally and without right spreads false and misleading news which results in consumer losses in Electronic Transactions. Then the criminal provisions are regulated in Article 45 Paragraph (2) that: "Every person who meets the elements as intended in Article 28 paragraph (1) or paragraph (2) shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine Rp. 1,000,000,000,- (one billion rupiah).

2. Research Methods

This research uses a descriptive qualitative approach to normative law theoretically and empirically. Which includes observations that observe phenomena that occur in the field, in-depth interviews directly with respondents, literacy studies, taking notes from several archives at the research location and notes in the siding.

2.1. Collection Techniques

Data As is known, in research there are generally at least three types of data collection tools, namely the study of documents or library materials, observations, and interviews. These three types of data collection tools can be used together or individually. The data collection tools that the author uses in this research are: Interviews, that is, the author hopes to directly engage with respondents to hold questions and answers based on questions directed at information for the topic to be worked on.

2.2. Data Source

Primary Data is data obtained directly from field research, respondents who have been determined. Secondary Data is data obtained from research conducted in the literature which includes:

- a. Primary Legal Material, which consists of applicable laws and regulations that are related to this thesis research.
- b. Secondary Legal Material, which consists of literature or scientific reading material related to this thesis research.
- c. Tertiary Legal Materials, namely materials that provide information about primary materials in the form of an Indonesian Dictionary and a Legal Dictionary.

2.3. Data Analysis

From the data obtained, both primary data and secondary data have been collected, selected and then the data is clarified, then a qualitative analysis is carried out, this analysis is needed or used to obtain data that is related to the results of the research that the author conducted and then conclusions are drawn in the form statement from the research.

3. Results and Discussion

3.1. Law Enforcement Efforts Against Perpetrators of Criminal Acts of Fraud Under the Guise of Online Arisan in the Jambi Regional Police Jurisdiction

The problem of law enforcement is an interesting problem to study because it is related to the existence of law and humans. It is impossible for the law to realize its own desires, because it is only a rule. Therefore, human presence (law enforcement officers) is needed to realize the will of the law. By viewing the law in this way, law enforcement does not just enforce the formal mechanism of a legal rule, but also seeks to realize the priority values contained in that legal rule.

Conceptually, the essence of law enforcement lies in the activity of harmonizing the relationship between values that have been described in stable and embodied rules and attitudes of action as a series of final stages of elaboration, to create, maintain and maintain peaceful social life.

The police are the protectors of society and are supposed to prevent every crime that arises in society. The main task of the Police as stated in Police Law Number 02 of 2002 Article 13 letter C is to protect, protect and serve against various societal ills. With the rise of increasingly sophisticated technological developments, there are more and more cases of criminal acts of fraud under the guise of online social gatherings in Jambi City, the need for strict law enforcement by the police in carrying out their duties, especially in the management of investigations carried out by the police in order to arrest every perpetrator of criminal acts of electronic media fraud. as confirmed by the applicable legal regulations.

The police as a component/element/subsystem of the Criminal Justice System (SPP) is clearly visible in the current legislation (both in the Criminal Procedure Code (KUHAP) and in the Police Law Number 28 of 1997 which has been replaced by Law Number 2 of 2002) namely as "investigators and investigators". News about criminal acts of electronic media fraud in Jambi not only attracts attention but also disturbs the sense of security in communicating, making transactions or buying and selling electronically. The internet has changed business methods and transactions, through the internet business transactions that have previously been carried out in the real world using paper can be carried out electronically.

According to Armstrong, Kotler and Da Silva, the factors that make victims interested in online social gatherings are caused by 3 factors, namely 50 (1) social factors which include groups, family influences and the environment, (2) personal factors which include economic situation, self-concept, age, and occupation, (3) psychological factors which include motivation, understanding, beliefs and ways of thinking, (4) cultural factors which include branches of culture and social class. There are cases of criminal acts of fraud under the guise of online social gatherings in Jambi City, the need for strict law enforcement by the police in carrying out their duties, especially in the management of investigations carried out by the police so that they can arrest every perpetrator of criminal acts of fraud under the guise of online social gatherings as confirmed by legal regulations. applicable.

Head of Cyber Crime Unit II, Ditreskrimsus Polda Jambi, Ipda Vrandiko, said that dozens of people in Jambi Province had become victims of online social gatherings. Vrandiko revealed that one of them was related to the Amanah Untung Real online social gathering which occurred in May 2021. Vrandiko revealed that initially there were more than people making reports related to the online social gathering case with the initial total loss to victims reaching IDR 1.8 billion. "Until we created a complaint post for victims of online social gatherings, and it turned out that quite a lot of people reported to us, each victim was different, some people cost Rp. 1 million to Rp. 200 million,

Vrandiko further stated that it was not only at the stage of receiving the report, but what became of the report was then followed up at the investigation stage. In the Amanah Untung Real online social gathering case, the team succeeded in arresting one suspect, namely a 24 year old woman with the initials D. "Based on reports and statements from victims, we managed to find the perpetrator who had fled to Bengkulu." Vrandiko said that the total number of victims had increased from 160 to 334 as a result of the investigation into the suspect. Meanwhile, the total loss from victims reached IDR 5.349 billion.

The results of the development turned out that the victims were not only in Jambi but also in several other areas around Sumatra to Java. "The money obtained by the suspect was used for personal interests." 49 Initially, Vrandiko said, to convince the victims, the perpetrator launched an online social gathering system where one to three social gathering withdrawals were smooth so that all the victims felt there was nothing wrong. However, when the number of social gathering members increases and the nominal value of the social gathering increases, then the perpetrator will attempt fraud.

"The victim felt that he had begun to be deceived when the suspect often postponed the schedule for withdrawing money from a number of his members. This is what then makes members or victims report." 50 In this case, Vrandiko said, the suspect was charged under Article 372 in conjunction with Article 378 of the Criminal Code and/or Republic of Indonesia Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering. As for the sentence served by the suspect after going through the trial process at the Jambi District Court, Suspect D was finally sentenced to two years in prison.

Vrandiko explained that when conducting an investigation into electronic media fraud, he directly studied the traces left by the perpetrator by chatting via an online application, because every time he carried out an action, the perpetrator would definitely leave traces that could be used as evidence and ask for information from the victim. This type of criminal act of fraud via electronic media occurs because the victim is taken in by the seductive persuasion of the perpetrator, the victim also lacks understanding of technological advances, and the victim's level of awareness regarding this matter is lacking. Victims should feel something like this considering that advances in technology not only have a good impact on those around them but also increase the level of crime that occurs.

3.2. Obstacles in the Settlement Process of Criminal Cases of Fraud Under the Pretense of Online Arisan in the Jambi Regional Police Jurisdiction

Based on an interview with the Head of Cyber Crime Unit II, Ditreskrimsus Polda Jambi, Ipda Vrandiko, in carrying out investigations, there were several obstacles in uncovering cases of online fraud, especially cyber crime at the Jambi Regional Police, including:

- a. It is difficult to trace the perpetrators of online fraud crimes because the perpetrators usually use fake identities or borrow other people's identities. Starting from telephone numbers whose identity registrations are fake, account numbers that may use other people's account numbers and other infrastructure used by perpetrators to make things happen. his crime. "The perpetrator usually uses a fake identity, then the victim and the perpetrator don't know each other, or there are victims who want to because it wasn't from the perpetrator but was invited by a friend who initially joined but didn't feel cheated or even felt an instant profit. So this is what creates problems for us because most of them only communicate online and don't meet
- b. It is difficult to open an account for the perpetrator due to bureaucratic bank permits. Banking institutions are "business entities that collect funds from the public in the form of savings and distribute them to the public in the form of credit and/or other forms in order to improve the standard of living of many people." Of course there is a

regulation in the form of bank secrecy where bank secrecy based on Article 1 paragraph 28 of Law No. 10 of 1998 concerning banking is "everything related to information regarding deposit customers and their savings". Customers as bank account owners have the right to have their identity protected, which means that not just anyone can know the identity of each bank account owner. The process of disclosing bank secrets is not easy.

- c. Insufficient coordination between Jambi Regional Police investigators and cellular operators or internet service providers. This is the next obstacle for Malang Police investigators in tracking the telephone number or IP address (Internet Protocol Address) used by the perpetrator via cell phone or computer. The lack of optimal cooperation between investigators and cellular operators or internet service providers is an obstacle for investigators in uncovering criminal acts of online fraud.

When arresting suspects, investigators often cannot determine for sure who the perpetrator is because they do it via a computer which can be done anywhere without anyone knowing, so there are no witnesses who know directly. The most distant tracking results can only find the IP address of the computer used by the perpetrator. This will be even more difficult if you use an internet cafe (internet cafe) because currently internet cafes rarely register users of their services, so we cannot know who is using the computer when a crime occurs.

The confiscation of evidence also encountered many problems because the server logs had been deleted, so investigators had difficulty finding statistical logs on the server, because usually the server automatically deletes existing logs to reduce server load. This means that investigators cannot find the data needed to be used as evidence, whereas statistical log data is vital evidence in online fraud cases. Likewise, with the use of cellular telephones, getting a mobile phone or SIM CARD for cellular telephones is easy and cheap, giving perpetrators the freedom to activate and deactivate their SIM CARD network. The card registration will also use a fake 58 identity. Meanwhile, investigators need an active cell phone number to find out the whereabouts of the perpetrator of the crime.

3.3. Obstacles Faced

- a. Evidence: Evidence is important in the law enforcement process. In article 184 of the Criminal Procedure Code, it is stated that there are 5 (five) types of valid evidence, namely: 2) Witness Statements Witness statements are one of the pieces of evidence in a criminal case in the form of a witness's statement regarding a criminal event that he heard for himself, saw for himself and Experience it yourself by stating the reasons for your knowledge. 3) Expert Statement Expert testimony is something that an expert states in a court hearing. 4) A letter is anything containing signs that are intended to convey someone's thoughts and are used as evidence. 5) Hints Hints are actions, events or circumstances which, because of their correspondence, either with each other, or with the criminal act itself, indicate that a criminal act has occurred and who the perpetrator is. 6) Defendant's statement: The defendant's statement is what the defendant states in court about the actions he committed or that he personally knows about or has experienced.
- b. Bank Confidentiality Banks also play an important role in revealing the identity of the perpetrator of this electronic media fraud, because in every sale and purchase or transaction carried out by the victim and the perpetrator, the money will definitely be sent to the perpetrator's account. However, uncovering the perpetrator's identity was not easy. This is because it is related to bank secrecy where banks cannot be careless in providing the identity of the account owner. "In this case of fraud under the guise

of online social gathering via electronic media, the perpetrator and victim never met face to face, the victim and perpetrator only communicated via social media such as Whatsapp and Facebook or other social media, in this fraudulent transaction the perpetrator used an account number where the identity of the account owner cannot be disclosed by the bank concerned without permission from the OJK

4. Conclusion Suggestion

4.1. Conclusion

- a. The law enforcement efforts of the Jambi Regional Police regarding cases of fraud under the guise of online social gatherings in the Jambi City jurisdiction, namely based on the role of the Jambi City Resort Police legal apparatus, criminal acts of fraud under the guise of online social gatherings can be prosecuted. Law enforcement efforts carried out by the police are carried out in two stages, namely the preventive stage and the repression stage. Prevention (Preventive) is carried out by the police, namely two stages starting from appealing to the public through social media and carrying out outreach to the community, then at the law enforcement stage through action (refresive) carried out by Jambi Regional Police investigators and investigators through several stages, namely the investigation stage, investigation stage, examination stage and settlement stage as well as handing over the case to the Public Prosecutor. The police as the front base strives for the best for the community, all stages of law enforcement are guided by the Criminal Procedure Code (KUHP) starting from investigations, namely collecting evidence, witnesses, summoning related parties to summoning suspects and making minutes. Inspection (BAP).
- b. The process of resolving cases of criminal acts of fraud under the guise of online social gatherings at the Jambi Regional Police from 2018-2021, as many as two of the same 61 cases can be resolved by the Jambi Regional Police, is carried out through four stages, starting from the investigation stage, the investigation stage, the examination stage to the settlement and handover of cases to the Public Prosecutor (JPU).

4.2. Suggestion

- a. To law enforcement officials, the author hopes to further increase law enforcement efforts against perpetrators of fraud under the guise of online social gatherings and that there is a need for an institution or party to monitor the existence of valid agreements, both written and unwritten agreements so that third parties are aware of their existence. the agreement is made online.
- b. To the public, the author hopes that they will be more careful and vigilant in carrying out electronic transactions, do not easily believe and be tempted by the promise of large profits, and the need for public awareness to better understand the law.

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