

## The Law Enforcement against Criminal Acts of Online Fraud

Achmad Arifulloh

Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail:  
[achmadarifulloh@unissula.ac.id](mailto:achmadarifulloh@unissula.ac.id)

**Abstract.** *The criminal act of online fraud is regulated in Article 378 of the Criminal Code and Law Number 19 of 2016 Article 28 paragraph (1), that the National Police are often faced with legal issues related to contractual relationships and ultimately the problem of direct or digital fraud arises. The aim of this research is to analyze law enforcement against perpetrators of online fraud crimes. The research method uses a sociological juridical approach. The legal research specification that will be used in this writing is descriptive research, namely research that aims to obtain a complete picture (description) of the legal situation that applies in a particular place. Based on the research results, law enforcement against perpetrators of criminal acts of online fraud includes preventing and socializing the detrimental effects of criminal acts of online fraud, by being more careful in online transactions, as well as conducting outreach to agencies such as campuses, community environments and government environments and carrying out a series of investigative action, namely carrying out a series of investigatory actions in terms of and according to the methods regulated in this law to search for and collect evidence that will shed light on the criminal act that occurred and in order to find the suspect.*

**Keywords:** *Enforcement; Fraud; Media; Online.*

### 1. Introduction

As time goes by, the development of information technology is increasingly rapid, so that technology and information become very central things in society. Information and communication technology provides positive benefits among society, apart from that there are also negative benefits, namely through misuse

of the functions of information and communication technology.<sup>1</sup> So it can be used as a means to commit new crimes (cyber crime). We often call crimes that occur among the public through online media cybercrime.<sup>2</sup> Cybercrime can be interpreted as illegal activities using computers that can be carried out via global electronic networks.<sup>3</sup>

The impact of developments in this era which has changed to become completely digital or online, of course, does not only affect the communication process between people.<sup>4</sup> This development also has an impact by simplifying the trading and investment system which previously required people to visit or meet directly with sellers or investment service providers, now with these developments, the trading and investment process can be done online.

The advantage or positive impact of this development is of course that it is easily accessible and without any restrictions in carrying out communication, trade and investment as well as various other activities or activities in the process of social life.<sup>5</sup> This convenience requires people to learn new systems that are changing and keep up with current developments.<sup>6</sup>

When the internet has become a necessity for some people, the process of buying and selling via the internet is no longer foreign. Because the internet is not only consumed by certain groups like many years ago, but has spread to the lower middle class of society. Where the process of buying and selling online/online business is called e-commerce or electronic commerce, basically part of electronic business.<sup>7</sup>

---

<sup>1</sup> Mu'azu Abdullahi Saulawa, 2016, An Overview of The Legal framework of Advanced Fee Fraud and Cybercrime in Nigeria, Hasanudin Law Review, Volume 2 Issue 2, August 2016, p. 197-198

<sup>2</sup> Alcianno G. Gani, 2018, Cybercrime (Kejahatan Berbasis Komputer), JSI Jurnal Sistem Informasi Universitas Suryadarma, Vol.5 No.1;

<sup>3</sup> Lustia Wijayanti, Jawade Hafidz, Penegakan Hukum Pelaku Tindak Pidana Dengan Modus Penipuan Berkedok Cinta Di Dunia Maya (*Scammer Cinta*), *Prosiding Konferensi Ilmiah Mahasiswa Unissula (KIMU) 3 Universitas Islam Sultan Agung Semarang*, 28 Oktober 2020 ISSN. 2720-913X, hlm. 280.

<sup>4</sup> Rizki Adi Pinandito, 2022, The Legal Education For Teenagers Regarding The Impact Of Internet Using After Covid-19 Pandemic, International Journal of Law Society Services, Volume 2 No.1, March, P. 36-37

<sup>5</sup> Firda Zulivia Abraham, Paulus Insap Santosa, dan Wing Wahyu Winarno, 2018, Digital Signature As Green Information And Communication Technology (Ict) Solution: A Review Paper, Jurnal Masyarakat Telematika dan Informasi, Volume: 9 No.2, October-December, p. 111-124

<sup>6</sup> <https://www.gramedia.com/era-digital-dan-tantangannya/> Accessed on March 19 2023, at 14.00 WIB.

<sup>7</sup> Niniek Suparmi. *Cyberspace Problematika & Antisipasi Pengaturannya*, Sinar Grafika, Jakarta, 2009, hlm. 28

Law enforcement in the criminal justice system aims to tackle every crime. State actions must be based on applicable legal regulations. Law should be used as a framework for regulating and resolving various problems in running the life of society, nation and state. The Criminal Code gives legal authorities to the state through its law enforcement officials to take action. This is a source of authority and power for the various parties involved in this process (Police, Prosecutors, Judges, Legal Advisors).<sup>8</sup>

Law enforcement in modern society is not only interpreted in a narrow sense but also in a broad sense, as in Indonesia law enforcement is associated with human elements and the social environment. Law enforcement efforts are in line with the principles of the Republic of Indonesia (Unitary State of the Republic of Indonesia), namely Pancasila. Upholding the law is a prerequisite for a legal state. Law enforcement always involves humans and thus will involve human behavior as well. Criminal law enforcement efforts are essentially part of law enforcement efforts and are often referred to as politics or criminal law policy which is part of law enforcement policy.<sup>9</sup>

Lack of firm and clear law enforcement against perpetrators of electronic transaction-based fraud crimes is often the trigger for these fraud crimes. Where the Criminal Code (KUHP) and Law Number 19 of 2016 concerning information and electronic transactions provide legal sanctions against perpetrators of this criminal act of fraud. For cases like this, it will be enforced using these two articles, namely as follows:

Article 378 of the Criminal Code:

*"Anyone who, with the intention of benefiting himself or another person, violates the law, using a false name or false dignity or false dignity, by deception or by means of a series of lies induces another person to hand over something to him, or to give him a debt or write off a receivable , is threatened for fraud with a maximum prison sentence of 4 years."*

---

<sup>8</sup> Mardjono Reksodiputro, 1994, *Hak Asasi Manusia Dalam Sistem Peradilan Manusia. Pusat Pelayanan Keadilan Dan Pengabdian Hukum*, Universitas Indonesia, Jakarta, hlm. 25, dalam Zaenul Arifin, Sri Endah Wahyuningsih, Sri Kusriyah, *Proses Penegakan Hukum Terhadap Pelaku Tindak Pidana Penipuan Dan Atau Ponggelapan Berkedok Biro Jasa Ibadah Umroh Dengan Biaya Murah*, *Jurnal Hukum Khaira Ummah*, Vol 15, No 3 September 2020, Vol 15, No 3 September 2020, hlm. 126.

<sup>9</sup> Muhammad Dani Hamzah, *Penegakan Hukum Pada Kasus Tindak Pidana Kecelakaan Lalu Lintas Yang Menyebabkan Hilangnya Nyawa Orang*, *Jurnal Daulat Hukum*, Vol 1, No 1 (2018), hlm. 44

Article 28 paragraph (1) Law Number 19 of 2016:

*"Everyone intentionally and without right spreads false and misleading news which results in consumer losses in electronic transactions."*

The National Police is often faced with legal issues related to contractual relationships and ultimately the problem of direct or digital fraud arises.<sup>10</sup> In accordance with Law Number 2 of 2002 and the criminal act of fraud Article 378 of the Criminal Code and Law Number 19 of 2016 Article 28 paragraph (1).

The role played by the Central Java Regional Police to prevent criminal acts of online fraud requires serious countermeasures. Because if criminal acts of online fraud are allowed to continue to cause anxiety, trouble and disturb people's comfort. The role of the police, government and society itself is needed. In general, criminal acts of online fraud cannot be fully controlled by the police, government policies and public self-awareness are needed. Based on this background description, the author is interested in conducting research with the research aim of analyzing law enforcement for perpetrators of online fraud crimes.

## **2. Research Methods**

The research approach that the author uses in this research is a Sociological Juridical approach. The use of the sociological juridical approach method in legal research is because the problems studied are closely related to juridical and sociological factors.<sup>11</sup> The research specifications used are descriptive analysis, which means to describe symptoms or events that occur in society accurately and of course clearly. The data sources from this research are divided into 2 (two) things, namely primary and secondary data. In carrying out data analysis, qualitative analysis methods were used, namely a research procedure that produces descriptive analytical data.

## **3. Results and Discussion**

### **3.1. The Role of the Police in Law Enforcement Against Perpetrators of Online Fraud Crimes**

In the field of criminal law, the police are law enforcement officers whose task is to maintain order and guarantee public security, maintain state safety and public

---

<sup>10</sup> Muhammad Kamran , Maskun,2021, Penipuan Dalam Jual Beli Online: Perspektif Hukum Telematika, Balobe Law Journal, Volume 1 No 1, April, P. 45

<sup>11</sup> Irwansyah, Penelitian Hukum: Pilihan Metode dan Praktik Penulisan Artikel (Edisi Revisi) ,Mirra Buana Media, Yogyakarta, 2021, P. 170

safety, including providing protection and assistance and providing and ensuring compliance by citizens and society with all forms of regulations. For this reason, the police aim to protect the community, they should carry out their duties in accordance with the provisions stipulated in the law, so that the implementation of police duties does not deviate so that the public does not always blame police officers if there are things that are outside their function and the authority of the police themselves. One of the duties of the Police is to carry out investigations into things that are considered criminal incidents.

To date, criminal acts of online fraud that occur in Central Java Province are still occurring, especially in the Central Java Police Law area, and cases of criminal acts of online fraud are one of the most frequent criminal acts.<sup>12</sup>

YEAR	2019	2020	2021	2022	2023
REPORTS	1	0	1	4	0
COMPLAINTS	27	120	200	134	173

It was noted in the report received by the Central Java Regional Police that most of the victims of this criminal act of fraud were not only ordinary people but also female students in the jurisdiction of Semarang City. There are various reports of complaints regarding both the smallest and above average prices and can even reach millions of rupiah. The items that are usually reported are the purchase of cellphones, shopping for clothes, shoes, motor vehicles, other funds. The increase in reports is not a lesson for them, but they still have a hard time shopping using the internet.

The Head of Unit V at the Central Java Regional Police has tried and optimized as much as they can to give advice to the local community, but because the people are persistent in wanting a practical life, they don't want to get tired, so they become victims of fraud.<sup>13</sup> However, whatever it is, it is the duty of state officials as law enforcers to protect society and protect society from various forms of

---

<sup>12</sup> Interview with Aipda Dwi Susilo S.E as Banit Subdit V/Cyber Ditreskrim Polda Central Java on May 5 2023, at 13.00 WIB

<sup>13</sup> *Ibid.*

threats that could harm society. Various efforts have been made and even the Head of Cyber Criminal Investigation has spoken up to give an appeal to the community.

The environment is a unity in the form of objects, conditions or living creatures. The environment is a place where people and other communities interact with each other, exchange information, need each other, and protect each other as social and cultural beings, which relate to everything around humans, including reciprocal relationships. This shows that environmental conditions can be a factor in the occurrence of fraud, because there is support from people who first do not think about the impact on the use of the internet in the process of buying and selling goods or other activities that can give rise to and/or increase the crime population.

Some people don't really understand the problem of using the internet, let alone being able to shop using this advanced technology, that way someone will know and learn how to use it and even understand that in this environment in their daily life they only use social media.<sup>14</sup>

Law enforcement carried out when criminal acts of online fraud occur, namely:<sup>15</sup>

- a. Preventing and socializing will be detrimental to criminal acts of online fraud, by being more careful in online transactions.
- b. Carrying out examinations of witnesses to fulfill the elements of the criminal act of online fraud, investigators must first prove the perpetrator of the criminal act of online fraud.
- c. Carrying out investigations into criminal acts of online fraud. The aim is for investigators to find out the origin of the criminal act of online fraud.

The source said, in the span of 5 years, in the jurisdiction of the Central Java Regional Police, 654 criminal acts of online fraud were reported and 6 complaints of criminal acts of online fraud were received. It is suspected that the cause of online fraudulent behavior is due to economic demands. Of the hundreds of cases, members of the Central Java Regional Police managed to arrest one of the perpetrators of online fraud, instead of acting as an online social gathering, the perpetrators acted in the Semarang and Demak areas. The source said that there were 169 victims of the fake social gathering managed by the two perpetrators,

---

<sup>14</sup> *Ibid.*

<sup>15</sup> Jefri Takanjanji, 2020, Merefleksi Penegakan Hukum Tindak Pidana Penipuan Online, Jurnal Widya Pranata Hukum, Volume 2, Nomor 2, September, P. 79-80

from various regions. The method used by the perpetrator was to promise an online social gathering to the victim. However, when it was due, the victim did not get anything. The losses suffered by the victims reached IDR 4 billion.

For this reason, the Central Java Regional Police, especially the Criminal Investigation Department, moved quickly to secure the perpetrator. They violated Article 45 letter a Paragraph (1) Jo Article 28 Paragraph (1) of the ITE Law and Article 378 of the Criminal Code concerning Fraud.

Based on the data that the author obtained, the investigation carried out by the Central Java Regional Police Ditreskrimsus against the perpetrators, namely:

- a. Confiscating evidence, the evidence in question is the tools used to commit the criminal act of online fraud.
- b. Arresting the suspect, here the police search for the suspect's whereabouts in the area where the suspect is thought to live.

There are 3 (three) stages of law enforcement in the police, namely:<sup>16</sup>

- a. The formulation stage is the stage of enforcing criminal law in abstracto by the law-forming body. In this stage of law formation, activities are carried out in selecting values that are in accordance with the current and future situation, then formulating them in the form of criminal legislation to achieve the best criminal legislation results, in the sense of fulfilling the requirements justice and efficiency. This stage can also be called the legislative policy stage.
- b. The application stage is the stage of criminal law enforcement (criminal law application stage) by law enforcement officials ranging from the police, prosecutors to the courts.
- c. The execution stage is the stage of concrete enforcement (implementation) of criminal law by criminal implementing officers. In this stage, the criminal implementing apparatus is tasked with enforcing the criminal regulations that have been created by the formation of the Law through the application of criminal penalties that have been determined by the court. Implementing officers in carrying out their duties must be guided by the criminal laws and regulations that have been created by the formation of the law and the values of justice and efficiency. This stage is often also called the executive or administrative stage.

---

<sup>16</sup> Ryanto Ulil Anshar, Joko Setiyono, 2020, Tugas dan Fungsi Polisi Sebagai Penegak Hukum dalam Perspektif Pancasila, Jurnal Pembangunan Hukum Indonesia, Volume 2, Nomor 3, P. 365-366

In the process of investigating criminal cases of online fraud in the jurisdiction of the Central Java Regional Police, there are 3 (three) stages, namely examination, inspection of the crime scene, and investigation.

The investigation process carried out by Central Java Regional Police Ditreskrimsus investigators shows that investigating criminal acts of online fraud is the same as investigating other criminal acts. The investigation process for criminal acts of online fraud also goes through several stages.

Based on research that has been carried out at the Ditreskrimsus Polda Central Java, the author obtained results that are obstacles and solutions for the Central Java Regional Police, including the following:<sup>17</sup>

a. Insufficient evidence.

What this means is not sufficient here is that not a single piece of evidence has been found, or one piece of evidence has still been found because there are at least 2 (two) pieces of evidence. This is very possible to happen in the field, there are many possibilities that could make this happen. For example, it is difficult to find witness statements because in cases of online fraud it is the victim himself who experienced the incident or who was at the scene of the incident, or if there are witnesses, these witnesses are afraid of being questioned by the police because they think they will be arrested too, it could also be that the witnesses are unable to attend to provide information to investigators. It is difficult to find the defendant's information, because online fraud is carried out in cyberspace so the suspect's location is not known.

b. The suspect fled

This happens because usually the perpetrators of criminal acts of online fraud are suspected of fleeing or fleeing into hiding and the Central Java Regional Police Ditreskrimsus experience problems when the perpetrators use public IP addresses or public places such as internet cafes, so that the perpetrators can easily escape.

For every problem faced by the police, there must be a solution so that every case of online fraud that occurs does not stop halfway and can find truth and justice in the end. The solution to the problem described above is:

a. Completing insufficient evidence

---

<sup>17</sup> *Ibid.*



By carrying out further investigations and being more thorough in looking for it, you can collaborate with the banking sector, where sometimes the perpetrator commits fraud by asking the victim to send money via transfer. When the police receive a complaint, the police quickly ask for a recommendation from their superior. to request permission from the bank to request access to the perpetrator's data such as residential address to make an arrest, because investigators need accuracy and speed in carrying out their duties.

b. The suspect fled, so investigators must carry out further investigations. Almost the same as solution number 1 (one), in this case the investigator is obliged to look for the suspect. If the suspect is outside the investigator's area of authority, the investigator can cooperate with the regional police where the suspect is located to arrest and examine the suspect in accordance with Article 119 of the Criminal Procedure Code. If it has been found, investigators can arrest the suspect, so that the suspect does not run away, damage or lose evidence or commit another crime.

The role played by the Central Java Regional Police to prevent criminal acts of online fraud requires serious countermeasures. Because if criminal acts of online fraud are allowed to continue to cause anxiety, trouble and disturb people's comfort.

The role of the police, government and society itself is needed. In general, criminal acts of online fraud cannot be fully controlled by the police, government policies and public self-awareness are needed. There are 2 (two) things that the Central Java Regional Police do to prevent online fraud. The first is to provide education by collaborating with a community that is intense and concerned about the rise of online fraud crimes. Second, the police continue to carry out law enforcement efforts through cyber patrol mechanisms where criminal acts of online fraud often occur.

#### **4. Conclusion**

Law enforcement against perpetrators of criminal acts of online fraud, namely preventing and informing the Police about the harm of criminal acts of online fraud, by being more careful in online transactions, as well as conducting outreach to agencies such as campuses, the community and the government environment. The police carry out a series of investigative actions, namely carrying out a series of investigative actions in terms and according to the methods regulated in this Law to search for and collect evidence which will shed light on the criminal act that occurred and in order to find the suspect. The police's obstacles and solutions in enforcing the law for perpetrators of criminal

acts of online fraud are insufficient evidence, meaning insufficient here, that is, not a single piece of evidence has been found, or one piece of evidence has still been found because there are at least two pieces of evidence. Next, the suspect ran away, this happened because usually the suspect's location is unknown to those who commit online fraud crimes so the possibility of running away or fleeing to hiding is very easy. To overcome this obstacle, the Central Java Regional Police have a solution, namely asking for help from banks to ask for permission to obtain the suspect's address with the aim of making an arrest. Meanwhile, regarding the suspect running away, investigators can collaborate with the regional police where the suspect is located to arrest and examine the suspect in accordance with legal regulations.

## 5. References

### Books:

Irwansyah, (2021), *Penelitian Hukum: Pilihan Metode dan Praktik Penulisan Artikel (Edisi Revisi)*, Mirra Buana Media, Yogyakarta,

Joko Setiyono, (2007), *Kebijakan Legislatif Indonesia, dalam Hak Asasi Manusia Hakekat, Konsep dan Implikasi dalam Prespektif Hukum dan Masyarakat*, RefikaAditama, Bandung,

Mardjono Reksodiputro, (1994), *Hak Asasi Manusia Dalam Sistem Peradilan Manusia. Pusat Pelayanan Keadilan Dan Pengabdian Hukum*, Universitas Indonesia, Jakarta,

Niniek Suparmi, (2009), *Cyberspace Problematika & Antisipasi Pengaturannya*, Sinar Grafika, Jakarta,

### Journals:

Firda Zulivia Abraham, Paulus Insap Santosa, dan Wing Wahyu Winarno, Digital Signature As Green Information And Communication Technology (Ict) Solution: A Review Paper, *Jurnal Masyarakat Telematika dan Informasi*, Volume: 9 No.2, October-December, 2018;

Jefri Takanjanji, Merefleksi Penegakan Hukum Tindak Pidana Penipuan Online, *Jurnal Widya Pranata Hukum*, Volume 2, Nomor 2, September, 2020;

Lustia Wijayanti, Jawade Hafidz, Penegakan Hukum Pelaku Tindak Pidana Dengan Modus Penipuan Berkedok Cinta Di Dunia Maya (*Scammer Cinta*), *Prosiding Konferensi Ilmiah Mahasiswa Unissula (KIMU) 3 Universitas Islam Sultan Agung Semarang*, 28 Oktober 2020;

Mu'azu Abdullahi Saulawa, 2016, An Overview of The Legal framework of Advanced Fee Fraud and Cybercrime in Nigeria, *Hasanudin Law Review*, Volume 2 Issue 2, August 2016;

Muhammad Dani Hamzah, Penegakan Hukum Pada Kasus Tindak Pidana Kecelakaan Lalu Lintas Yang Menyebabkan Hilangnya Nyawa Orang, *Jurnal Daulat Hukum*, Volume 1 No.1, 2020;

Muhammad Kamran , Maskun, Penipuan Dalam Jual Beli Online: Perspektif Hukum Telematika, *Balobe Law Journal*, Volume 1 No 1, April,2021;

Rizki Adi Pinandito, The Legal Education For Teenagers Regarding The Impact Of Internet Using After Covid-19 Pandemic, *International Journal of Law Society Services*, Volume 2 No.1, March, 2022;

Ryanto Ulil Anshar, Joko Setiyono, Tugas dan Fungsi Polisi Sebagai Penegak Hukum dalam Perspektif Pancasila, *Jurnal Pembangunan Hukum Indonesia*, Volume 2, Nomor 3,2020;

Zaenul Arifin, Sri Endah Wahyuningsih, Sri Kusriyah, Proses Penegakan Hukum Terhadap Pelaku Tindak Pidana Penipuan Dan Atau Penggelapan Berkedok Biro Jasa Ibadah Umroh Dengan Biaya Murah, *Jurnal Hukum Khaira Ummah*, Vol 15, No 3 September 2020;

Wayan Santoso, The Rights of Victims of Illegal Investment Crimes Against Confiscated Goods, *Unnes Law Journal*, Volume 8 No 2, October, 2022;

### **Internets**

<https://www.gramedia.com/era-digital-dan-tantangannya/> Accessed on March 19 2023, at 14.00 WIB.

### **Interviews**

Interview with Aipda Dwi Susilo S.E as Banit Subdit V/Cyber Ditreskrimsus Polda Central Java on May 5 2023, at 13.00 WIB