

## **Legal Protection for Victims of Fraudulent Investment Crimes Based on Restorative Justice at the Salatiga Police Resort**

**Kana Rifo<sup>1)</sup> & Ira Alia Maerani<sup>2)</sup>**

<sup>1)</sup>Master of Notary Law, Faculty of Law, Sultan Agung Islamic University (UNISSULA) Semarang, Indonesia, E-mail: [kanarifo.std@unissula.ac.id](mailto:kanarifo.std@unissula.ac.id)

<sup>2)</sup>Master of Notary Law, Faculty of Law, Sultan Agung Islamic University (UNISSULA) Semarang, Indonesia, E-mail: [iraaliamaerani@unissula.ac.id](mailto:iraaliamaerani@unissula.ac.id)

**Abstract.** *This study aims to determine and obtain data regarding legal protection for victims of fraudulent investment crimes using a restorative justice approach, then the obstacles faced by the police in handling this case and how to resolve this case using a restorative justice approach. The juridical-sociological research method is an approach in legal research that combines legal (juridical) and social (sociological) aspects to understand how law interacts with society and its impact on social order. This method involves collecting qualitative data, such as interviews, observations, and document analysis, to describe and explain how law affects society, how society responds to law, and how this interaction can shape better legal policies using the theory of restorative justice and the theory of law enforcement in an Islamic perspective. The results of the study show that First, legal protection based on restorative justice for victims of fraudulent investment crimes such as the fulfillment of victim rights, counseling, medical services or assistance, legal assistance, and providing information to victims related to the investigation and examination process of the crime experienced by the victim. Second, the obstacles faced in resolving the case are that the victim asks for the case to continue, there are parties who provoke, and want to provide a deterrent effect on the perpetrator. Third, the process of resolving criminal cases in Indonesia can usually be resolved through litigation or trials. However, the idea of resolving criminal cases using non-litigation methods or can also be called restorative justice emerged. Restorative justice or restorative justice contains the meaning of a restoration of relationships and atonement for mistakes that the perpetrator wants to make to the victim using methods outside the court with the aim that the problem can be resolved properly and an agreement is reached between the parties. By looking at it from the perspective of the perpetrator, victim and case.*

**Keywords:** *Fraud Crime; Legal Protection; Restorative Justice.*

### **1. Introduction**

The Republic of Indonesia is a country of law (Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia), so every criminal act that occurs will be given sanctions in

Master of Law, UNISSULA

accordance with existing regulations, regarding cases of fraud under the guise of fake investments through this online system, existing laws and regulations are enforced such as in the Criminal Code in Article 378 which states that anyone who with the intention of benefiting themselves or others unlawfully, by using a false name or false dignity, by trickery, or a series of lies, moves another person to hand over something to him, or to give debt or write off receivables is threatened for fraud with a maximum prison sentence of four years.<sup>1</sup>Based on the above article, it can be understood that the Republic of Indonesia as a country of law, then every criminal act, whatever its form and whatever its motivation, will be followed up in accordance with applicable provisions and by law enforcement officers who have the authority related to the matter.

One of the legal apparatuses authorized to handle cases of fraud is the Republic of Indonesia National Police, hereinafter referred to as Polri, which is a state apparatus that plays a role in maintaining public security and order, enforcing the law, and providing protection, patronage and services to the public in order to maintain domestic security.<sup>2</sup>

This is in accordance with the provisions contained in Law Number 2 of 2002 concerning the Indonesian National Police Article 2 which contains that the function of the police is one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, protection and service to the community. Overcoming criminal acts of fraud under the guise of fake investments is the implementation of the police function above.

The police who are authorized to handle fraud cases under the guise of investment through an online system in the Salatiga Region are the Salatiga Police. As law enforcement officers carrying out police functions in accordance with the provisions of Law Number 2 of 2002 concerning the Republic of Indonesia National Police in Article 13, the police have the main task of maintaining public security and order, enforcing the law, and providing protection, protection, and services to the community. Article 13 of Law Number 2 of 2002 above can be understood that the police's duties are not only to enforce the law but also to maintain security and order, as well as provide protection, protection and services to the community.

The existence of fraudulent acts under the guise of fake investments is a social phenomenon that is like an iceberg where cases reported to the police are fewer than the existing crimes, therefore it is very important for the police to immediately take steps to overcome these crimes. Efforts to overcome criminal acts under the guise of investment through an online system are firmly stated in Law Number 2 of 2002 concerning the Republic of Indonesia National Police in Article 14 paragraph (1) letter g, which gives authority to conduct investigations and inquiries into all criminal acts in this case against fraud under the guise of investment through an online system, in accordance with criminal procedure law and other laws and regulations. A series of actions starting from investigation, action (arrest, detention, search, and confiscation), examination and handover of the public prosecutor to be brought before the court are repressive countermeasures, while preventive measures to prevent violations of applicable norms are by ensuring that the factors of intention and opportunity do

---

<sup>1</sup>Moeljatno, 2016, Criminal Code, Bumi Aksara, Jakarta, p. 133.

<sup>2</sup>Article 1 Paragraph (1) of the Republic of Indonesia National Police Regulation No. 8 of 2021, concerning Handling of Criminal Acts Based on Restorative Justice.

not meet so that the security and public order situation remains safe and under control, which is usually done by holding counseling, which is a preventive measure.<sup>3</sup>

Investment is one way to increase the added value of funds or money owned by an investor (investor/money owner) to a business or business sector run by the bidder or investment (issuer) by investing the funds they have in a business or business sector. An investor is entitled to a certain amount of profit that has been determined in an agreement, while from the perspective of business actors, whether in the form of companies or individuals, funds from investors are very useful as a source of external financing that is very useful for increasing production.<sup>4</sup> People who invest their money come from various levels of society. So many people invest their money, their investment goals are also diverse. The main goal of investment is to gain profit or at least maintain their wealth to business actors, both individuals and companies, but not all of them can achieve this goal, many of them do not gain profit but instead become victims of fraud by irresponsible parties.

Fraud cases under the guise of investment continue to recur, even now what is happening is that there are more and more cases of fraud under the guise of investment with increasingly sophisticated modes, namely through online systems. Because the more advanced and modern society is, the more advanced and modern the types and modes of crime that occur in society.<sup>5</sup> Online fraud is a form of crime that uses technological facilities in every act. The principle of online fraud is the same as ordinary or conventional fraud, where in every case of fraud there must be a victim who is harmed and another party who benefits illegally. The difference between online and conventional fraud is the use of electronic systems (telecommunication devices, internet, and computers). Legally, both online and conventional fraud can be treated the same as conventional crimes regulated in the Criminal Code (KUHP).<sup>6</sup>

The era of globalization has led to increasingly sophisticated information technology, which has had an influence on the emergence of various forms of crime that are modern in nature and have a greater impact than conventional crimes.<sup>7</sup> Crime is caused by several factors such as economy, socializing, opportunities, etc. These factors that occur in Indonesia have shown negative effects. Many people in society commit wrongdoings solely for the purpose of fulfilling their life needs.<sup>8</sup>

As happened in the case below: VIVA – A fraud case using the online auction method that siphoned off billions of rupiah of money belonging to Salatiga City residents has been successfully uncovered. The Salatiga Police Criminal Investigation Unit arrested RA alias Maryuni

---

<sup>3</sup> Nurdjana, 2009, Criminal Law System and the Latent Danger of Corruption: Problems of the Criminal Law System and its Implications for Law Enforcement of Corruption Crimes, Yogyakarta: Total Media, p. 29.

<sup>4</sup> Irsan Nasarudin and Indra Surya, 2004, Legal Aspects of Capital Markets in Indonesia, Jakarta, Pranada Media, p. 9.

<sup>5</sup> Abdul Wahid and Mohammad Labib, 2005, Cyber Crime, Bandung: PT Refika Aditama, p. 8.

<sup>6</sup> Noor Rahmad, 2019, Legal Study of Online Fraud Crimes, Journal of Islamic Economic Law, Vol.3, No.2, p. 105.

<sup>7</sup> Budi Suhariyanto, 2012, Information Technology Crimes (Cybercrime): Urgency and Regulation of Legal Deficiencies, Raja Grafindo Persada, Jakarta, p. 12.

<sup>8</sup> Hardianto Djanggih and Nurul Qamar, 2018, Application of Criminology Theories in Combating Cyber Crime, Pandecta Journal, Vol. 13, No.1, p. 11.

Master of Law, UNISSULA

Kemplink who was the arisan dealer. In a press release delivered on Friday, September 24, 2021, Salatiga Police Chief AKBP Indra Mardiana revealed that the arrest began with a report from the victim with the initials F (48). "The reporter F already knew the suspect RA and then communication was established. Until there was an agreement on August 12 that the money given by the reporter would be doubled or increased by the suspect," explained Indra. The reporter F and RA, he continued, also made the same agreement 10 times, namely by transferring to RA's account up to a total of IDR 71,300,000 with the lure that RA would increase the money. However, when the reporter came to his house, the suspect was gone, the house had also been visited by many people who were also victims of the arisan auction. Due to this incident, F reported the incident to the Salatiga Police for further investigation. Eight other victims then reported to the Salatiga Police. The total loss suffered by the victims was Rp. 4,668,400,000. To be held accountable for his actions, RA was charged with Article 378 of the Criminal Code. Report by Teguh Joko Sutrisno.

Judging from the news above, the victims of fraud by irresponsible parties come from the upper middle class, whereas usually the victims are the lower middle class because their knowledge of financial intelligence as part of life skills is very minimal. Because it uses an online system, victims of fraud under the guise of investment come from various regions in Indonesia. Seeing the large number of victims who have been successfully deceived and the large amount of losses that have been incurred, the criminal act of fraud under the guise of investment through an online system requires more serious handling in order to overcome the criminal act of fraud under the guise of investment through an online system.

The criminal act of investment fraud through an online system is indeed different from other fraudulent investment methods such as the securities sales system or the Multilevel Marketing (MLM) pattern because in investment fraud through an online system, transactions between investors and issuers are not carried out directly but by investors transferring a certain amount of money to the issuer's account, so that investors do not know and have never met the issuer and do not know clearly the issuer's whereabouts. This makes the investigation or investigation of fraudulent investment crimes through an online system take a long time to find the whereabouts of the perpetrators who have fled outside the region or even abroad, because victims of fraudulent investment crimes do not always immediately know that they are victims. They find out that they are victims of a crime after some time or have incurred losses.

## **2. Research Methods**

The approach method used in this study is the sociological juridical method. Sociological juridical is an approach based on binding norms or regulations, so that it is expected that from this approach it can be known how the law which is empirically a symptom of society can be studied as a causal variable that causes consequences in various aspects of social life.<sup>9</sup>

## **3. Results and Discussion**

---

<sup>9</sup>Ronny Hanitijo Soemitro, 1990, Legal Research Methodology and Jurimetrics, Jakarta Ghalia Indonesia, Bandung, p. 34.

### **3.1. Legal Protection for Victims of Fraudulent Investment Crimes Based on Restorative Justice.**

Humans are God's creatures who since birth have basic rights, namely the right to life, the right to be protected, the right to be free and other rights. Basically, every human being has the right to be protected including in national life. In other words, every citizen will receive protection from the state. Law is a means to realize this so that the theory of legal protection emerged. This is the protection of dignity and human rights based on legal provisions by state officials. Thus, legal protection is an absolute right for every citizen and is an obligation that must be carried out by the government, considering that Indonesia is known as a country of law.<sup>10</sup>

The theory of legal protection according to Fitzgerald as quoted by Satjipto Raharjo is derived from the theory of natural law or the natural law school. This school was pioneered by Plato, Aristotle (Plato's student), and Zeno (founder of the Stoic school). According to the natural law school, the law comes from God who is universal and eternal, and law and morals cannot be separated. The adherents of this school view that law and morals are reflections and rules internally and externally of human life which are manifested through law and morals.

The concept of legal protection for the people is based on the concepts of recognition and protection of human rights and the concepts of Rechtsstaat and the rule of law. The concept of protection of human rights provides the content, and the terms Rechtsstaat and the rule of law create the means, thus the recognition and protection of human rights will flourish in the container of "rechtsstaat" and "the rule of law".<sup>11</sup>

Legal protection for victims of fraudulent investment crimes as part of community protection can be realized in various forms, such as through the fulfillment of victim rights, namely compensation, something given to the party who suffered a loss commensurate with the losses suffered. returning items that have been taken, replacing costs incurred as a result of the crime or replacing damage caused by the crime. As for counseling, medical services, legal assistance, provision of information.<sup>12</sup>

The laws and regulations in force in Indonesia have provisions that explicitly regulate the application of restorative justice in the criminal justice system and there are also laws and regulations that contain the spirit of restorative justice. Constitutionally, Indonesia as a State of Law adheres to the principle of equality before the law. Such as the Regulation of the Republic of Indonesia Police or what is often called the Police Regulation or Perpol concerning the Handling of Criminal Acts based on Restorative Justice is a step by the Police in realizing the resolution of criminal acts by prioritizing Restorative Justice which emphasizes restora-

---

<sup>10</sup>Law Number 39 of 1999 concerning Human Rights.

<sup>11</sup>Satjipto Rahardjo, 2000, Legal Studies, Citra Aditya, Bandung.

<sup>12</sup>Arief Mansur, Dikdik M. and Elisatris Gultom, 2007, The Urgency of Protecting Crime Victims Between Norms and Reality, Jakarta, Raja Grafindo Persada.



Master of Law, UNISSULA

tion to the original state and balance of protection and interests of victims and perpetrators of criminal acts that are not oriented towards punishment is a legal requirement in society.<sup>13</sup>

Likewise, victims must receive legal services and protection. Not only suspects or defendants whose rights are protected, but victims and witnesses must be protected. It is reasonable if there is a balance between the protection of suspects/defendants and the protection of victims and/or witnesses.<sup>14</sup>The 1945 Constitution of the Republic of Indonesia regulates human rights in Articles 28A to 28J. The text of Articles 28D, 28G, 28I and Article 28J paragraph (1) of the 1945 Constitution of the Republic of Indonesia can be used as a reference/guideline.

The description of human rights related to the protection of victims and witnesses is stated in several laws. It can be seen that according to Article 3 of Law No. 13 of 2006 in conjunction with Law No. 31 of 2014 concerning the Protection of Witnesses and Victims, it is stated that the protection of witnesses and victims is based on:

1. Respect for human dignity and worth
2. Sense of security
3. Justice
4. Non-discriminatory
5. Legal certainty

The crime of fraud is regulated in Article 378 of the Criminal Code, which stipulates that a person who commits a crime of fraud is threatened with criminal sanctions. However, it is still considered less effective in enforcing its violations, because in enforcing criminal law it is not enough to only regulate an act in a law, but also requires law enforcement officers as implementers of the provisions of the law and institutions authorized to handle a crime such as: Police, Prosecutors and Courts.<sup>15</sup>

In fraud cases, the losses incurred are material values, so the victim always demands the perpetrator to return the losses to him or the perpetrator must undergo legal proceedings, so that with these demands, investigators in resolving the case are always faced with demands from the victim or perpetrator so that the problem can be resolved amicably even though the steps in question are not regulated in the provisions of the criminal justice system in Indonesia. Settlement of criminal cases through restorative justice is a concrete step in resolving overcapacity, overcriminality and overcrowding because it is through a process that accommodates the victim's losses. This is because the criminal sentencing process is considered not the best solution in resolving criminal acts. Like the case below:

The beginning of the fraudulent investment case, Mr. SR invited Mr. SRWP to join the investment fund or duos, so the term duos is a funder. Funds of 500,000 will get 600,000-700,000 (depending on the borrower) the playing system starts from a period of 8, 10, and

---

<sup>13</sup>Ira Alia Maerani & Siti Rodhiyah Dwi Istianah, 2022, The Formulation of the Idea of Forgiveness in Indonesian Criminal Law Policy (A Study Based on Restorative Justice & Pancasila Values), Jurnal Daulat Hukum, Vol.5, No. 4.

<sup>14</sup>Bambang Waluyo, 2020, Settlement of Criminal Cases Implementation of Restorative and Transformative Justice, Jakarta, Sinar Grafika. P.102.

<sup>15</sup>Edwin Apriyanto, 2016, Implementation of Restorative Justice in Settling Fraud Cases, Jurnal Spektrum Hukum, Vol.13, No. 1.

Master of Law, UNISSULA

14 days. The money of 100,000-200,000 is from administrative profits, so the money is used for loans, it can be for social gatherings/loans/credit goods. For example, that day the deposit of 500,000 means 8 days later it returns to 600,000-700,000. By means of money that has been transferred to Mr. SR's account is used to be lent to the borrower who we do not know who the borrower is, what we know is that the money that has been entered will be disbursed according to the period and nominal stated in the WhatsApp group announcement/private chat.

Mr. SR assured Mr. SRWP that Mr. SR brought collateral in the form of a Land Certificate from the borrower. So if something happens, Mr. SR only needs to sell the collateral from the borrower and Mr. SR will be responsible. In addition, Mr. SR also provided a letter of agreement on a stamp to be more convincing. The duos investment system used by Mr. SR is by opening a slot with a certain nominal through the WhatsApp group, then we book/fill the slot that has been provided by transferring to Mr. SR or Admin. Like the example below:

Special slot today, July 12, 2021

7-8 Days Time:

1jt get (get) 1.2jt

2jt get (obtain) 2.5jt

3jt get (get)

4.3 million 10-14 Days:

3jt get (obtain) 4.5jt

4jt get (obtain) 6.5jt

5jt get (obtain) 8jt

6jt get (get) 9.5jt

7jt get (obtain) 11jt

8jt get (obtain) 13jt

9jt get (get) 15jt

10jt get (obtain) 17jt

Special slots until today, book before the promotion runs out.

Above is a slot provided by Mr. SR which is shared via WhatsApp group. Here Mr. SRWP invites his relatives and friends to join, because Mr. SR is willing to give a bonus to Mr. SRWP, so Mr. SRWP created the Duos Deposit Group on May 31, 2021 via WhatsApp. Mr. SRWP began to oversee around 30-40 people who wanted to participate in the investment. Mr. SRWP explained to customers/members the same as what Mr. SR said. and seek their own profit by cutting the original results and then giving them to customers. On June 20, 2021, Mr. KR began to join as an admin and help with the recap of the investment managed by Mr. SRWP.

For 2 months the investment went smoothly, but the disbursement time changed from morning to afternoon, then to night, sometimes even after changing days there was still no disbursement. On July 26, 2021, there should have been a disbursement with a nominal value of IDR 22,000,000. But it missed and was only disbursed in the morning of July 27, 2021. Since that date, the disbursement has always been delayed 1-2 days until August 10, 2021,

Master of Law, UNISSULA

and even then it was paid in installments. On August 10, Mr. SR promised that he would disburse a nominal value of IDR 120,000,000. until finally it missed again. So from August 1 to August 14 there was no further disbursement. Until now, the arisan managed by Mr. SRWP and Mr. KR is still responsible for 22 members with a loss of IDR 257,000,000.

In response to this, investigators use forms of legal protection based on restorative justice such as:

### **1. Fulfillment of Victims' Rights**

Explanation of Article 6 paragraph (3) of the Republic of Indonesia National Police Regulation No. 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice. Fulfillment of the rights of victims and the responsibilities of the perpetrators can be in the form of returning goods, replacing losses, replacing costs incurred due to criminal acts, replacing damage caused by criminal acts.

### **2. Counseling**

In general, this protection is given to victims as a result of the emergence of negative psychological impacts from a criminal act of fraud. Assistance in the form of counseling is given to victims who are left with prolonged trauma. For example, in the case of this fraudulent investment fraud which causes prolonged trauma to the victim, generally the victim suffers mentally and socially. In addition to suffering mentally and socially, the victim also experiences mental pressure, for example because he feels despicable, embarrassed, sinful, and like he has no future anymore. Even worse, he often gets exceptions from society because he is considered to bring shame to his family and the surrounding community. Considering the condition of the victim as above, of course the form of assistance or assistance (Counseling) which is psychological in nature, is relatively suitable to be given to the victim other than just compensation in the form of money.

### **3. Medical Services / Assistance**

Given to victims who suffer medically due to a crime. The medical services referred to can be in the form of a health examination and a written report (Visum or medical certificate that has the same legal force as evidence). This medical certificate is needed especially if the victim

wants to report the crime that happened to him to the authorities for follow-up.

### **4. Legal Aid**

Legal aid is a form of assistance for victims of crime in Indonesia. This assistance is often provided by Non-Governmental Organizations (NGOs), for example in the 1998 Trisakti case, the Tanjung Priok case, and so on. The use of legal aid provided by the government is rarely used by victims of crime because many people still doubt the credibility of legal aid provided by the Government. The provision of legal aid to victims of crime should be given whether or not requested by the victim. This is important, considering the still low level of legal awareness of most victims who suffer from this crime. The attitude of allowing victims of crime not to receive proper legal assistance can result in the condition of victims of crime getting worse.



## 5. Provision of Information

Providing information to victims or their families regarding the process of investigating and examining the criminal acts experienced by the victim. Providing this information is very important because it is hoped that through this information the control function of victims or witnesses regarding police performance can run effectively.

According to the explanation above, it can be concluded that protection for victims must be improved because so far it has been more focused on protecting witnesses. Through the many cases of fraud or other criminal acts, it is hoped that protection for victims of fraud will be more adequate, in order to support the creation of a fair law enforcement process. It would be better if this institution was built based on the victim's perspective by making the security factor the same as that of witnesses.

The form of protection for victims of crime can be given in various ways, depending on the suffering of the loss suffered by the victim. In the context of protection for victims of crime both by society and the government (through its law enforcement officers), such as providing protection/supervision from various threats that can endanger the victim's life, providing adequate medical and legal assistance, a fair examination and trial process for perpetrators of crimes, is basically one manifestation of human rights protection and a balancing instrument.

### 3.2. Obstacles faced by the police in resolving cases using a restorative approach

By implementing the concept of restorative justice, the Salatiga Police had experienced obstacles in making decisions in the investigation process, especially if the perpetrator/his family and the victim/his family or the community did not want peace in resolving the case or case. This was due to several obstacles faced in the process of implementing restorative justice at the Salatiga Police, namely:

#### 1. The victim asked for the case to continue

It is very difficult for the police to reconcile the perpetrator and the victim, because the victim asked for the case to be escalated to a further process stage because the restorative justice effort is still considered taboo and asked to continue to the court stage. The implementation of restorative justice is difficult to handle, in this case, the victim who wants his case to continue to the court stage because the restorative justice process is still considered not to have resolved the problem.

#### 2. The presence of a provocative party

Investigators have difficulty convincing the victim to resolve the case through restorative justice, because many other parties provoke the victim for their personal interests, as expressed by Aipda Asroni explaining that "There are factors from other parties that provoke the reporter for personal interests, making restorative justice efforts very difficult to pursue". The process of resolving this restorative justice makes it very difficult for investigators to resolve it, because they have been influenced by the provoking parties, both the victim and the victim's family.

### **3. Want to give a deterrent effect to the perpetrators**

The obstacles faced by investigators in implementing restorative justice as expressed by Aipda Asroni are "The victim refused to resolve the case through restorative justice because the victim wanted to provide a deterrent effect on the perpetrator."

In this case, the victim does not accept the perpetrator's treatment of the victim, because the victim wants to make the perpetrator feel deterred by what the perpetrator has done. As in the theory of the restorative justice approach, it leads to the resolution of criminal cases being resolved by the perpetrator and victim themselves and/or together with the community to conduct deliberation and peace in their own way, so that the parties, namely the perpetrator and victim, feel that their rights have been fulfilled fairly and in balance. The community and the environment itself can also feel that safe, peaceful and orderly conditions are restored as before.

#### **A. Steps to resolve criminal acts of fraudulent investment based on restorative justice at the Salatiga Police Resort**

In the theory of law enforcement in the perspective of Islam, the essence of the science of law that is godly (Islam) is a science of law that applies the principles of justice which means that no one feels disadvantaged, objective, meaning not siding with anyone even with their own relatives, impartial, meaning not siding with their group, tribe, race and so on. And in justice also includes elements of truth, honesty, wisdom and prudence. When resolving cases through restorative justice, the Police consider the following:

1. Viewed from the perpetrator's perspective, such as the perpetrator's background in committing the crime (the perpetrator's purpose in committing the crime, the perpetrator's socio-economic condition, the perpetrator is committing the crime for the first time), the perpetrator admits to the crime committed and promises not to repeat the act, the perpetrator can still be rehabilitated, the perpetrator is willing to compensate the victim as a restoration of the sense of justice that was violated, the perpetrator/the perpetrator's family is willing to apologize to the victim/the victim's family.
2. Viewed from the victim's perspective, such as the willingness of the parties, especially the victim, to resolve the matter through deliberation and free from pressure, as well as the victim's ability to forgive and accept the perpetrator's actions.
3. Viewed from the case side, the cases that are resolved are not cases that are prominent or attract public attention so that there will be no unrest in society, for example cases of rape, robbery, murder and others.

### **4. Conclusion**

1. Restorative Justice is an effort to resolve criminal cases that is oriented towards restoring the relationship between the victim and the perpetrator and their respective families and the community, the process of which is carried out according to laws and regulations both at the investigation or inquiry level, prosecution level and at the general court level. Institutions and law enforcement officers at every level of the criminal case resolution process facilitate, process and make minutes to ensure that the resolution of criminal cases based on restorative justice will provide benefits according to the principles and objectives of the application in restoring the relationship between the victim, the perpetrator and the

Master of Law, UNISSULA

community which can reduce the burden on the state and the most important is an effort to provide protection for victims of criminal acts. 2. The obstacles faced by investigators in resolving fraud cases at the Salatiga Police using the restorative justice approach are: The police find it very difficult to reconcile the perpetrator and the victim, because the victim asks for their case to be escalated to a more advanced stage of the process. There are factors from other parties that provoke the reporter for personal gain, making this restorative justice effort very difficult to achieve and the victim wants to provide a deterrent effect on the perpetrator because of the actions that have been carried out. 3. The process of resolving criminal cases in Indonesia can usually be resolved through litigation or trial. However, the idea of resolving criminal cases using non-litigation methods or what is also called restorative justice emerged. Restorative justice or restorative justice contains the meaning of restoring relationships and atonement for mistakes that the perpetrator wants to make to the victim using methods outside the court with the aim that the problem can be resolved properly and an agreement can be reached between the parties. By looking at it from the perspective of the perpetrator, victim and case.

## 5. References

### Journals:

- Adalia Safira Rahma & Aldi Danuarta, 2022, Penerapan Fungsi Hukum Pidana Dalam Kasus Investasi Bodong, *Jurnal Analisis Hukum (JAH)*, Vol.5, No.1.
- Aris Wahjudi Santoso, 2023, Penerapan Teori Hukum Dalam Restorative Justice, *Ethics and Law Journal: Business and Notary (ELJBN)*, Vol. 1, No. 2, Hlm. 14.
- Budiyanto, 2016, Penerapan Keadilan Restoratif, *Papua Law Journal (PLJ)*, Vol.1, No.1.
- Dewi Sartika & Joko Jumadi, 2021, Penyuluhan Tentang Penyelesaian Restorative Justice, *Jurnal Risalah Kenotariatan*, Vol.2, No.2.
- Djanggih Hardianto dan Qamar Nurul, 2018, Penerapan Teori-Teori Kriminologi Dalam Penanggulangan Kejahatan Siber (Cyber Crime), *Pandecta Journal*, Vol. 13, No.1.
- Henny Saida Flora, 2017, Pendekatan Restorative Justice Dalam Penyelesaian Perkara Pidana Dalam Sistem Peradilan Pidana Di Indonesia, *Jurnal Law Pro Justitia*, Vol.2, No.2.
- Henny Saida Flora, 2018, Keadilan Restoratif Sebagai Alternatif Dalam Penyelesaian Tindak Pidana Dan Pengaruhnya Dalam Sistem Peradilan Pidana di Indonesia, *UBELAJ*, Vol.3, No.2.
- Ira Alia Maerani & Siti Rodhiyah Dwi Istianah, 2022, The Formulation of the Idea of Forgiveness in Indonesian Criminal Law Policy (A Study Based on Restorative Justice & Pancasila Values), *Jurnal Daulat Hukum*, Vol.5, No. 4.
- Isna Veviati & Adhitya Widya Kartika, 2023, Restorative Justice Pada Tindak Pidana Penipuan, *Jurnal Kertha Semaya*, Vol. 11, No.9.
- La Syarifuddin, 2019, Upaya Penyelesaian Perkara Pidana, *Risalah Hukum*, Vol.15, No.2.
- Nuning Indah Pratiwi, 2017, Penggunaan Media Video Call Dalam Teknologi Komunikasi, *Jurnal Ilmiah Dinamika Sosial*, Vol 1, No. 2.

Master of Law, UNISSULA

Rahmad Noor, 2019, Kajian Hukum Terhadap Tindak Pidana Penipuan Secara Online, *Jurnal Hukum Ekonomi Syariah*, Vol.3, No.2.

Safitri Heni & Nurmiaswari Heru, 2019, Pengembangan Literasi Keuangan Dengan Pengetahuan Investasi Bodong, *Buletin Al-Ribaath*, Vol. 16, No. 2.

**Books:**

Ananda S, 2009, *Kamus Besar Bahasa Indonesia*, Kartika, Surabaya.

Anwar Moch, 1989, *Hukum Pidana Bagian Khusus (KUHP Buku II)*. PT. Citra Aditya Bakti, Bandung.

Arief Mansur, Dikdik M. dan Elisatris Gultom, 2007, *Urgensi Perlindungan Korban Kejahatan Antara Norma dan Realita*, Jakarta, Raja Grafindo Persada.

Bambang Waluyo, 2020, *Penyelesaian Perkara Pidana Penerapan Keadilan Restoratif Dan Transformatif*, Jakarta, Sinar Grafika.

S.T. Kansil, *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*, Balai Pustaka, Jakarta, 1989.

Hazairin, 1985, *Demokrasi Pancasila*, Bina Aksara, Jakarta, hlm. 34.

Imam Ad-Darimi, 2007, *Sunan Ad-Darimi*, Pustaka Azzam, Jakarta. Imam An-Nawawi, 2010 *Syarah Shahih Muslim*, Pustaka Azzam, Jakarta.

Ira Alia Maerani, 2018, *Hukum Pidana dan Pidana Mati*, Unissula Press, Semarang.

Ishaq, 2009, *Dasar-dasar Ilmu Hukum*, Sinar Grafika, Jakarta.

Muhammad Taufiq, 2012, *Mahalnya Keadilan Hukum: Belajar Dari Kasus Lanjar*, MT&P Law Firm, Surakarta.

Muhammad Taufiq, 2014, *Keadilan Substansial Memangkas Rantai Birokrasi Hukum*, Pustaka Pelajar, Yogyakarta.

Muhammad Taufiq, 2020. *Undang-Undang Informasi dan Transaksi Elektronik Bukan Undang-Undang Subversi*, Pustaka Pelajar, Yogyakarta.

Mukti Fajar dan Yulianto Achmad, 2010, *Dualisme Penelitian Hukum Normatif dan Empiris*, Yogyakarta, Pustaka Pelajar, hlm. 183.

Mustafa Bachsan, 1987, *Hukum Pers Pancasila*, Penerbit Alumni, Bandung. Moeljatno, 2008, *Asas-Asas Hukum Pidana*, PT. Rineka Cipta, Jakarta.

Moeljatno, 2016, *Kitab Undang-Undang Hukum Pidana*, Bumi Aksara, Jakarta, hlm. 133.

Nasarudin Irsan dan Surya Indra, 2007, *Aspek Hukum Pasar Modal di Indonesia*, Pranada Media, Jakarta.

Nurdjana, 2009, *Sistem Hukum Pidana dan Bahaya Laten Korupsi Problematika Sistem Hukum Pidana dan Implikasinya pada Penegakan Hukum Tindak Pidana Korupsi*, Total Media, Yogyakarta.

Phillipus dan M. Hadjon, 1987, *Perlindungan Hukum Bagi Rakyat Indonesia*, PT. Bina Ilmu, Surabaya.

Poerwadarminta W.J.S., 1975, *Kamus Umum Bahasa Indonesia*, Balai Pustaka, Jakarta.

Master of Law, UNISSULA

- Prodjodikoro Wirjono, 2003, *Tindak-tindak Pidana Tertentu di Indonesia*, Refika Adityama, Bandung.
- Ronny Hanitijo Soemitro, 1990, *Metodologi Penelitian Hukum dan Jurimetri*, Jakarta Ghalia Indonesia, Bandung, hlm. 34.
- Rufinus Hotmalana Hutauruk, 2013. *Penanggulangan Kejahatan Korporasi Melalui Pendekatan Restoratif Suatu Terobosan Hukum*. Jakarta. Sinar Grafika.
- Santoso Topo, 2016, *Asas-Asas Hukum Pidana Islam*, PT. Raja Grafindo Persada, Jakarta.
- Satjipto Rahardjo, 2000, *Ilmu Hukum*, Citra Aditya Bakti, Bandung.
- Setiono, 2004, *Rule of Law (Supremasi Hukum)*, Magister Ilmu Hukum Program Pascasarjana Universitas Sebleas Maret, Surakarta.
- Soedarto, 1990, *Hukum Pidana I*, Yayasan Soedarto, Semarang. Soesilo R, 1979, *Pokok-Pokok Hukum Pidana*, Politea, Bogor.
- Suhariyanto Budi, 2012, *Tindak Pidana Teknologi Informasi (Cybercrime) Urgensi dan Pengaturan Cela Hukumnya*, Raja Grafindo Persada, Jakarta.
- Suharsimi Arikunto, 2017, *Prosedur Penelitian Suatu Pendekatan Praktik*, Rineka Cipta, Jakarta, hlm. 128.
- Susan C. Hall, *Restorative Justice in the Islamic Penal Law. A Cintribution to the Global System*, Duquesne University School of Law Research Paper, No. 2012-11, 2009.
- Tandelilin Eduardus, 2010, *Portofolio dan Investasi (Teori dan Aplikasi)*, Kanisius, Yogyakarta.
- Teungku Muhammad Hasbi Ash-Shiddieqy, 2000, *Tafsir Al-Quranul Majid An- Nuur Jilid 3*, PT Pustaka Rizki Putra, Semarang.
- UNODC, 2006, *Handbook on Restorative Justice Programmes. Criminal Justice Handbook Series*, UN New York, Vienna.
- Wahid Abdul dan Labib Mohammad, 2005, *Kejahatan Mayantara (Cyber Crime)*, PT Refika Aditama, Bandung.
- Widoatmodjo Sawidji, Ferlianto Ricky Lie dan Rizal Joni, 2007, *Forex Online Trading Tren Investasi Masa Kini*, PT. Gramedia, Jakarta.
- Zainuddin Ali, 2009, *Metode Penelitian Hukum*, Jakarta, Sinar Grafika, hlm. 105.

### **Regulation:**

The 1945 Constitution of the Republic of Indonesia.

Law No. 1 of 2023 concerning the Criminal Code.

Regulation of the Republic of Indonesia National Police No. 8 of 2021, Concerning Handling of Criminal Acts Based on Restorative Justice.

Law Number 19 of 2016 concerning Electronic Information and Transactions

Law of the Republic of Indonesia No. 31 of 2014, Concerning Protection of Witnesses and Victims.

Law Number 21 of 2011 concerning the Financial Services Authority

Law Number 25 of 2007 Concerning Investment

Law Number 2 of 2002 concerning the Republic of Indonesia National Police.

Legal Protection for Victims of Fraudulent Investment Crimes Based on Restorative Justice at the Salatiga Police Resort

**(Kana Rifo & Ira Alia Maerani)**



Master of Law, UNISSULA

Law Number 39 of 1999 concerning Human Rights.

Criminal Code (KUHP) No. 1 of 1946 in conjunction with Law No. 73 of 1958 concerning the Criminal Code.

**Internet:**

What That Investment Bulging, <https://bmoney.id/blog/what-is-fake-investment-116607>

Hadith Priest Bukhari, <https://www.laduni.id/post/read/516182/hadis-imam-bukhari-no-6182-false-oath>

Legal Dictionary, [https://kamus.hukum.web.id/search/vis%20a%20vis%20Papers on Usury,https://www.academia.edu/4968598](https://kamus.hukum.web.id/search/vis%20a%20vis%20Papers%20on%20Usury)

Islamic Law's View of Usury, <https://www.academia.edu/9671939> Salatiga Police <https://polisisalatiga.com/>

Restorative <http://evacentre.blogspot.com/2009/11/restorative-justice.html>

Restorative Justice As System Criminalization in Time Front, <http://forumduniahukumblogku.wordpress.com/>

Apparently This is How the Salatiga Arisan Bookie Embezzled Members' Money of IDR 4.7 Billion <https://news.detik.com/berita-jawa-tengah/d-5738489/ternyata-begini-mode-of-salatiga-arisan-dealer-stealing-members-money-rp-47-m/amp>