

Legal Protection for Victims of Phishing Schemes for Buying & Selling Vehicles On OLX

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Abstract. *This study discusses the legal protection of consumers who are victims of phishing schemes in vehicle buying and selling transactions on the OLX digital platform. In the digital era, phishing is one form of cybercrime that is rampant and threatens consumer rights, both as sellers and buyers. Phishing schemes that occur on OLX are generally carried out by impersonating sellers or buyers in order to steal sensitive information and harm other parties financially. This study aims to examine the impact of phishing schemes on consumer rights and analyze the form of legal responsibility of OLX as a platform organizer if consumers experience losses. The method used in this study is normative juridical, with a relevant legal approach such as the Consumer Protection Law, the ITE Law, and the Personal Data Protection Law. The results of the study show that weak identity verification and the lack of monitoring mechanisms from the platform open up loopholes for cybercrime, and put consumers in a vulnerable position. Therefore, there needs to be regulatory updates and strengthening of the legal responsibility of digital platforms to ensure consumer protection in electronic transactions.*

Keywords: *Consumer; Electronic; Phishing; Protection; Transactions.*

1. Introduction

Law The development of information technology has had a major impact on various aspects of life, including in terms of privacy and surveillance law. For example, in this digital era, it has been able to bring about very rapid progress in the world of information technology, because it can influence the way people communicate, work, and interact with each other, which can be accessed without time and place restrictions. In Indonesia, the impact of this change is felt widely, both in the public and private sectors. Although information technology facilitates access and dissemination of information, it also raises new challenges related to privacy and surveillance (Nuruddin, MI, & Iqbal, 2024). Business can be defined as an activity carried out by an entity on a regular basis in the activities of buying and

selling, exchanging and renting (Ramadhan, SNA, 2023). In this case, one form of cybercrime committed by scammers is phishing. Phishing is a criminal act that uses social engineering techniques (Amin Muftiadi, 2022).

The term crime that occurs in electronic transactions is often referred to as cyber crime. This type of crime raises concerns in various countries in the world because the problems that arise are not bound by space and time. In Indonesia, the use of internet networks is increasing along with global developments, starting from the use of social media to banking transactions or e-commerce through electronic media (MOHD. Yusuf DM, 2022). In this case, it can create a new threat for users who cannot utilize technology properly, because it can be the main target for cyber crime perpetrators, namely Phishing. A common example is that the use of the internet can make it easier for perpetrators to utilize someone's personal data with the aim of tricking the planned target (Maskun, 2013).

The internet is a supporting part of a technology. So that makes the internet the main factor supporting the smooth use of technology in today's network. As a network in a computer that can be distributed throughout the world, the internet is called a transportation route for all information in the form of files or data on other computers (Y. Maryono, B., 2008). According to the Republic of Indonesia Law No. 27 of 2022 concerning the Protection of Personal Data, Article 1 paragraph (1) states that Personal Data is data about an individual who is identified or can be identified individually or in combination with other information, either directly or indirectly through electronic or non-electronic systems.

However, the reality is that personal data is often exposed to the risk of being leaked and then misused in phishing cases, where criminals use illegally obtained information to commit fraud that harms consumers. In a phishing scenario, victims can lose large amounts of money or even their vehicles if their identities and personal data fall into the hands of unauthorized parties. Thus, personal data protection becomes very important so that vehicle buying and selling transactions can be carried out safely, without the risk of data misuse. The new Personal Data Protection Law is designed to provide legal guarantees to data owners so that their personal data is not used illegally, including in the context of vehicle buying and selling transactions. Consumer protection law is a law that contains legal principles and rules that regulate and protect the interests of consumers (Rusdi, AM, 2023).

The tragedy of legal protection in theory is to provide protection for human rights that are harmed by others and this protection is guaranteed to provide a sense of security, both mentally and physically, from disturbances and various threats from any party. This writing aims to determine the form of protection for victims of Phishing. Legal protection for victims of phishing schemes in third-party vehicle buying and selling transactions is very important in maintaining consumer security and trust. By understanding the risks involved and the protective measures

available, consumers can be better prepared to face this threat and reduce the possibility of being trapped in a fraudulent scheme. Education and awareness are key in facing challenges in this digital era (Khanifah Jannatul Diniyah, 2022). In realizing dignified consumer protection means realizing various dimensions that are interrelated and interdependent between consumers, business actors, and the government. Handling of consumer protection has not been carried out in an integrated manner, so that consumer interests regarding their rights and obligations are still not as expected (Akbar Galih Hariyono, Frans Simangunsong, 2023).

Efforts to empower consumer society are deemed necessary, namely through integrated and comprehensive handling of consumer protection issues (Ricki Aditya Putra, 2023). Although its birth is felt to be very late, it is a step towards progress in terms of the government's political will to further empower consumers and be able to respond to the importance of the existence of legal regulations (Andi Muhammad Rusdi, 2023). Because with the existing regulations of the Republic of Indonesia Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 concerning Electronic Information and Transactions 15 and the existing Consumer Protection Law, in the implementation that occurs, there are often discrepancies in the field.

Here are the cases related to phishing. "The Directorate of Special Criminal Investigation (Ditreskrimsus) of the West Java Regional Police uncovered an online fraud syndicate using the mode of selling motorbikes, which claimed dozens of victims and caused losses of hundreds of millions of rupiah". The 3 syndicates uploaded photos of NMAX motorbikes belonging to other people from the OLX application, then the syndicate also marketed them on the Facebook application, with the mode that when someone was interested, the suspect directed the victim to meet the original owner of the vehicle by manipulating the victim and then saying that the owner of the vehicle was his brother-in-law, "When the victim had finished checking, the suspect told the original owner that the payment would be made directly by the suspect through an account on the grounds that his friend would make a credit payment to the suspect," For their actions, the three suspects were charged with Article 45A paragraph 1 Jo Article 28 paragraph 1 of Law No. 11 of 2024 concerning the second Law No. 11 of 2008 concerning electronic information and transactions, with a maximum sentence of six years in prison. In the background of this study which underlines the evidence in the case of Phishing Against the Sale and Purchase of Vehicles which is the object of this study, because there needs to be a comprehensive regulation which can provide a sense of justice in accordance with existing legal regulations. So in this case the author wants to conduct a study entitled Legal Protection for Victims of Phishing Schemes for Sale and Purchase of Vehicles on OLX.

2. Research Methods

Type of research to be used by the author Normative legal research is a methodology that relies on analysis of applicable laws and regulations that are relevant to the legal issues being studied. This normative approach was chosen because it can be used in providing legal arguments when facing emptiness, ambiguity, or conflict of norms. Normative legal research relies on several document studies, including sources of legal materials such as laws and regulations, court decisions, legal theories, and expert views. This type of research can be considered as library research or document studies. The focus is on the analysis of applicable legal norms that are relevant to the legal issues being studied (Soerjono Soekanto & Sri Mamuju. 2010).

The method of data collection used by the author in the research is data collection with the library research method. Data collection used in normative legal research by means of library research, using secondary data in the form of laws and regulations and related literature as reference materials to understand and analyze the problems studied. The following are the steps needed in data collection, namely, by identifying relevant legal material sources, news articles in national media, analyzing the legal materials obtained, recording the sources of legal material quotations completely and accurately.

The data analysis technique used in this study uses descriptive analysis. So that the author in this study conducted an analysis of the data that had been obtained by drawing conclusions and formulating problems that were the main focus of this study. Data analysis techniques in normative legal research are carried out by explaining the data obtained and based on legal norms, theories, and legal doctrines or legal rules that are concrete and related to the problems being carried out. The data analysis technique used in this type of normative legal research uses normative analysis. It aims to assess the effectiveness of legal regulations related to Legal Protection for Victims of Phishing Schemes for Buying and Selling Vehicles on Olx. In this process, existing policies, such as the 1945 Constitution, Law No. 11 of 2008 concerning Information and Electronic Transactions (UU ITE), Law No. 8 of 1999 concerning Consumer Protection, and Law No. 27 of 2022 concerning Protection of Personal Data, are a primary reference in the case of Legal Protection for Victims of Phishing Schemes for Buying and Selling Vehicles on Olx. Therefore, with the data analysis applied properly, this research can be used as learning material regarding legal evidence in this case, which occurred in Indonesia.

3. Results and Discussion

3.1. Phishing schemes in vehicle buying and selling transactions on OLX affect consumer rights as buyers or sellers

In the digital era that has developed, in online vehicle buying and selling transactions on the OLX platform is the right choice because it is easy to use. However, along with this progress, cybercrime is also increasing. Phishing is a form of fraud carried out by impersonating the party involved, which aims to steal important and sensitive information from the victim. In the context of buying and selling vehicles on OLX, Phishing can have a very serious impact on consumers, both as buyers and sellers. As a result, consumer rights in electronic transactions are threatened.

Consumer protection law can be defined as a branch of law that specifically contains various principles, principles, and legal norms designed to regulate the relationship between consumers and business actors, while providing comprehensive protection for consumer rights and interests. This law is present as a form of state responsibility in ensuring that every consumer receives justice, security, and legal certainty in the consumption of goods and/or services. It contains various preventive and repressive legal rules, namely aiming not only to prevent losses or violations against consumers, but also to provide sanctions and restoration of rights if violations occur. Thus, consumer protection law plays an important role in creating a healthy business climate, as well as ensuring that consumers are not harmed by irresponsible business practices.

The principle that applies in buying and selling in general is that the buyer is king, so sellers or producers must make the best possible efforts to meet the needs. This is stated in the Consumer Protection Law No. 8 of 1999, Article 2 namely consumer protection based on benefits, justice, balance, security and safety of consumers in legal certainty. It is stated in Government Regulation Number 71 of 2019 that it has been explained in Article 45 paragraph (1) namely Electronic transactions carried out by the parties have legal consequences for the parties. The meaning contained in the article, if there is a platform or a party that is harmed, a sanction can be given in the form of compensation to the harmed party. In the provisions of Article 17 paragraph (1) letter c of Law No. 8 of 1999 concerning consumer protection, Article 9 of Law No. 11 of 2008 concerning Information and Electronic Transactions in conjunction with. Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions, Article 65 of Law No. 7 of 2014 concerning Trade, and Article 48 paragraph (1) Government Regulation Number 71 of 2018 concerning the implementation of Electronic systems and Transactions. The regulation concerns correct information on goods or services sold to business actors on an OLX platform. The regulation regarding the obligation of business actors to provide correct information on goods or services sold is very important in the context of transactions through digital platforms such as OLX. The OLX platform basically

provides space for individuals and groups to conduct vehicle buying and selling transactions, but in practice there are still weaknesses in supervision, especially regarding user identity verification. This lack of supervision opens up loopholes for cybercriminals to exploit invalid data and carry out phishing modes.

One of the cases uncovered by the West Java Regional Police's Criminal Investigation Directorate shows how the perpetrator stole a photo of a vehicle from the original seller's account on OLX and re-marketed the vehicle via Facebook social media. By pretending to be a relative of the vehicle owner, the perpetrator directed the victim to meet the owner directly, then asked for payment to be transferred to the perpetrator's account on the pretext of a credit purchase. This mode succeeded in deceiving many victims and causing losses of up to hundreds of millions of rupiah. The perpetrators were charged with Article 28 paragraph (1) in conjunction with Article 45A paragraph (1) of Law No. 1 of 2024 concerning Information and Electronic Transactions. This case is clear evidence that phishing schemes not only harm consumers financially, but also cause a loss of trust in digital transactions. Therefore, as a more vulnerable party in transactional legal relationships, consumers need additional protection.

This effort can be done through increasing digital literacy in the community, strengthening security systems by platforms such as OLX, and regulatory intervention from the government to ensure stricter supervision and legal protection of online buying and selling activities. Unfortunately, many platforms such as OLX tend to limit their responsibilities by stating that they only function as advertising service providers and are not directly involved in transactions that occur between sellers and buyers. This statement creates an unclear legal situation, which often makes it difficult for victims to obtain compensation or obtain real and effective legal protection. In this context, it is very important to update regulations governing the responsibilities of digital platforms. This update is expected to ensure that consumer rights remain protected from various forms of cybercrime, including phishing schemes that are increasingly common. With stricter regulations, it is hoped that digital platforms can be more responsible in protecting their users from the risks that may arise in online transactions.

3.2. Legal protection for OLX consumers who are phished in vehicle buying and selling transactions and what form of responsibility OLX takes as the platform organizer if consumers experience losses in online buying and selling transactions on OLX

Consumer Protection is an activity that is interrelated with the business of an E-commerce. In the field of information technology, there has been significant progress and is utilized in aspects of life, namely as a means of trade. Consumer protection is an effort to provide protection to consumers, because the importance of consumer protection is due to the fact that the position of consumers is very weak because usually business actors have the authority to

create and determine the terms of agreement unilaterally without considering the interests of consumers so that consumers have no possibility to change or replace these terms in order to maintain their interests (M. Fathan Arsyad HSB, 2024).

Regarding general sales transactions, they have been regulated (Lex Generalis) which have been regulated in the Civil Code books, but specifically (Lex Specialis) electronic sales transactions are regulated in Law No. 11 of 2008 concerning ITE, and Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions. Based on Article 18 paragraph (4) of Law No. 19 of 2016, it explains the settlement of disputes between the parties. Lawsuits can be filed by parties who have suffered losses due to activities through e-commerce. Based on Article 46 of the Consumer Protection Law, those who can file lawsuits in consumer protection disputes for violations by business actors can be done by a consumer, a group of consumers, or a government-based consumer protection institution and/or related agencies if the goods and/or services consumed or utilized result in major material losses and/or a lot of victims.

In Article 1 paragraph of Law No. 8 of 1999 concerning Consumer Protection, the purpose of consumer protection is all efforts that guarantee legal certainty in providing protection to consumers. In relation to a sale and purchase transaction, there are at least two parties involved, namely the party that provides goods or services. Then the party that uses or utilizes the goods or services. According to Law No. 7 of 2014 concerning Trade, Article 65 Paragraph (1) states that every business actor who trades goods and services through an electronic system must provide complete and accurate data or information. Furthermore, Article 65 Paragraph (2) of Law No. 7 of 2014 concerning Trade states that business actors are prohibited from trading goods and/or services that do not comply with the data or information provided.

From a legal perspective, OLX can be held accountable if it is proven to be negligent in protecting the security of its users' data. For example, if the platform does not provide protection for suspicious accounts or does not provide an effective reporting channel, this can be categorized as a form of negligence in fulfilling legal obligations. Based on Article 26 of the ITE Law concerning protection of personal data and Article 19 of the Consumer Protection Law concerning consumer rights to compensation, consumers have the right to file a lawsuit if they suffer losses as a result of the platform's failure to provide protection. Therefore, OLX should provide a reporting and claim mechanism that is easily accessible, accountable, and responsive to user complaints. This procedure should include an internal verification process, collection of digital evidence, and a solution-oriented resolution (Ariel Yuansa Mulia, Akbar Nur Rokhim, et al., 2024).

If OLX's negligence in the phishing case can be legally proven, the company can be subject to administrative sanctions and is required to compensate the victim. This sanction can be imposed by the Ministry of Communication and Information or

BPKN, depending on the impact of the loss. OLX's responsibility is not only limited to technical aspects, but also concerns legal and ethical obligations in protecting consumers. In addition, based on Law No. 27 of 2022 concerning Protection of Personal Data, OLX can also be considered unlawful if it fails to prevent misuse of personal data by third parties. Article 58 of the PDP Law expressly prohibits data collection without consent, and violations can be subject to administrative or criminal sanctions. Therefore, the protection of personal data must be a top priority for digital platforms to ensure consumer security in electronic transactions.

4. Conclusion

The development of information technology has facilitated the process of online vehicle buying and selling transactions, one of which is through the OLX platform. However, this convenience is accompanied by the emergence of cybercrime threats, especially phishing schemes that target consumers, both as sellers and buyers. Phishing in online transactions not only threatens the security of personal data and causes material losses, but also disrupts the fulfillment of consumer rights guaranteed by law. Based on an analysis of various laws and regulations such as the Consumer Protection Law, the ITE Law, and regulations related to electronic commerce, consumers have the right to legal protection if they become victims of fraud in digital transactions. Consumers can file a lawsuit for losses suffered, either individually or through a consumer protection agency. On the other hand, platform organizers such as OLX can also be held accountable if they are proven negligent in maintaining the security of the system and user data. Unfortunately, OLX as an online advertising platform tends to limit its responsibilities to only media providers, without direct involvement in transactions between users. This creates a vacuum of responsibility that makes it difficult for phishing victims to get justice and compensation. Therefore, there needs to be a regulatory update that emphasizes the legal responsibility of digital platforms in ensuring consumer protection. Overall, legal protection for phishing victims on OLX requires synergy between comprehensive regulations, more proactive platform responsibility, and increased digital literacy among the public to create a safe, fair, and trusted electronic transaction ecosystem.

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