

# SURISKI

*by* PENGECEKAN TURNITIN

---

**Submission date:** 12-Jan-2024 12:03PM (UTC+0700)

**Submission ID:** 2269713317

**File name:** lhqr0114\_rudi.docx (66.24K)

**Word count:** 2653

**Character count:** 14404



# Law and Humanities Quarterly Reviews

**Pardede, R., Budi, P., & Febrianto, S. (2023). Fraud Through Online Store. *Law and Humanities Quarterly Reviews*, 2(2), 1-4.**

ISSN 2827-9735

DOI: 10.31014/aior.1996.02.02.53

The online version of this article can be found at:  
<https://www.asianinstituteofresearch.org/>

Published by:  
The Asian Institute of Research

The *Law and Humanities Quarterly Reviews* is an Open Access publication. It may be read, copied, and distributed free of charge according to the conditions of the Creative Commons Attribution 4.0 International license.

The Asian Institute of Research *Law and Humanities Quarterly Reviews* is a peer-reviewed International Journal of the Asian Institute of Research. The journal covers scholarly articles in the interdisciplinary fields of law and humanities, including constitutional and administrative law, criminal law, civil law, international law, linguistics, history, literature, performing art, philosophy, religion, visual arts, anthropology, culture, and ethics studies. The *Law and Humanities Quarterly Reviews* is an Open Access Journal that can be accessed and downloaded online for free. Thus, ensuring high visibility and increase of citations for all research articles published. The journal aims to facilitate scholarly work on recent theoretical and practical aspects of law.



ASIAN INSTITUTE OF RESEARCH  
Connecting Scholars Worldwide

# Fraud Through Online Store

Rudi Pardede<sup>1</sup>, Pria Budi<sup>2</sup>, Surizki Febrianto<sup>3</sup>

<sup>1</sup> Lecturer, Department of Law, Post Graduate Program, Universitas Lancang Kuning.  
Email: rudipardede@unilak.ac.id

<sup>2</sup> Department of Law, Post Graduate Program, Universitas Lancang Kuning.

<sup>3</sup> Lecturer, Department of Law, Post Graduate Program, Universitas Islam Riau.  
Email: surizkifebrianto@law.uir.ac.id

## Abstract

Now times have progressed and technology is also growing. All activities can be completed with technology. Including economic activity. Now the community does not only carry out economic activities directly, but by using technology the community can carry out buying and selling activities online. Consumers no longer have to go somewhere, but can make purchases only from home. Only by capitalizing on the internet network, buying and selling technology activities can already be carried out. Thus one can streamline time wherever and whenever without having to meet face to face. This activity is called E-Commerce. The presence and development of e-commerce transactions certainly cannot be separated from a problem, in e-commerce transactions, there is the potential for fraud from the products offered, so many types of fraud can occur in transactions at these online stores. Therefore this study aims to analyze problems regarding fraud that occurs in online store transactions. It will be found from the results of the research that the form of criminal responsibility for perpetrators of online fraud crimes can only be sentenced using Article 28 paragraph (1) Juncto Article 45 paragraph (2) of Law No. 8 of 2011 concerning Information and Electronic Transactions. It will be found from the results of the research that the form of criminal responsibility for perpetrators of online fraud crimes can only be sentenced using Article 28 paragraph (1) Juncto Article 45 paragraph (2) of Law No. 8 of 2011 concerning Information and Electronic Transactions. It will be found from the results of the research that the form of criminal responsibility for perpetrators of online fraud crimes can only be sentenced using Article 28 paragraph (1) Juncto Article 45 paragraph (2) of Law No. 8 of 2011 concerning Information and Electronic Transactions.

**Keywords:** Fraud, E-Commerce, Online

## 1. Introduction

Buying and selling transactions are traditional activities that have occurred since ancient times and in simple forms such as bartering to conventional buying and selling transactions. The process of buying and selling is one of the important activities in society and will always exist and develop. In the past, trading could only be done face-to-face with transactions that occurred directly and were usually carried out at a predetermined place. With the advancing times and increasing public knowledge about technology and the internet, of course, it has positive and negative impacts. By using technology and the internet, one can make work easier. An example is in transacting and trading via the internet (E-Commerce). The online store is an alternative that was born from the times,

The industrial revolution 4.0 has caused the world community to continue to innovate in the trade industry. What's more, with busy activities and limited time, people choose to do things practically and efficiently, which has led

to the predominance of buying and selling transactions in online stores. However, the public's views are divided into two in response to this, there are pros and cons which cause legal phenomena that are less effective in criminal incidents in online buying and selling transactions such as fraud and the initiative from the community to report fraud incidents to the authorities is relatively low. (Fadhlika, Holish, 2019).

*E-Commerce* is one form of technological progress that we can feel now. Almost all groups of people know or have often used e-commerce to shop online. According to Laohapensang (2009), online business has a very significant development from time to time and with unlimited place and time. The internet as a connecting medium and websites or social media as marketing catalogs makes the buying and selling process very practical and efficient. Many entrepreneurs use electronic media to promote their wares online because it is easier and more cost-effective. Ranging from large companies to home sellers have used electronic media to promote the goods or services they sell.

In Law no. 11 of 2008 concerning Information and Electronic Transactions, buying and selling transactions via the internet are included in transactions that use the internet electronic system so that in a legal language they are called electronic transactions. The ITE Law is a manifestation of the responsibility of the Indonesian government by protecting the activities of using information and communication technology in the life of the nation and state, guaranteeing legal certainty, protecting information providers and electronic transactions from potential crimes and abuse (Djoko Agung, et al, 2012).

Criminal law as a tool or means to solve problems in fraud that occurs in electronic transactions is expected to be able to provide the right solution. Therefore, the development of law, especially criminal law, needs to be improved and pursued in a directed and integrated manner, including the codification and unification of certain areas of law as well as the preparation of new laws and regulations which are urgently needed to address all opposition to the increase in crime and the development of criminal acts such as This.

With this very sophisticated and easy-to-understand internet facility, it turns out that it can also easily have a negative impact, namely crime. Crimes that occur on the internet are often referred to as cyber crimes. Online fraud is fraud committed by irresponsible people by providing incorrect information for personal gain. Potential fraud is very possible because it is very difficult to catch. After all, fraudsters carry out their actions using fake identities.

Fraudsters can use various modes through online media. Their actions range from offering lower prices to counterfeiting genuine goods. This causes many people to easily fall asleep when they want to buy something that usually has a high price, but on online media (websites) the buyer can buy it at a low price.

According to research from Sjahputra (2010: 15) states that most victims of online fraud are reluctant to report their losses to the authorities because the transaction value is considered not too large. Actions that can be taken by the government and social media to block fake accounts. However, fake accounts are very difficult to eradicate because when one fake account is blocked, another fake account will reappear. This research is related to my writing because until the time this writing was written, because of the convenience provided by online stores in creating a seller's account it was still relatively easy.

Legal issues that are often encountered in online fraud crimes are related to the delivery of information, communication, or electronic transactions, namely in terms of evidence and matters related to legal actions carried out through electronic systems. The fraud articles in the Criminal Code (KHUP) still cannot accommodate this, because usually perpetrators of fraud through online media also use e-mail to communicate with victims, in this case, can e-mail be used as evidence? legal and can be equated with paper documents that are like conventional criminal acts of fraud in the real world.

Based on the writings of Maskun (2013), the fast-developing world of commerce proposes an innovative and creative form of the trading system following the rapid technological developments in the field of communication and information media. This form is of course understood as a construction of a traditional form of agreement which, although different in form, is still the same in substance.

## 2. Research Method

This research uses a descriptive research method, which is a study that aims to describe the circumstances or phenomena that occur. In this research, a juridical-empirical approach was carried out, namely as an effort to approach the problem under study with a real legal nature or by the realities of life in society. Sources of data obtained for conducting this research come from literature studies in the form of several pieces of information or facts obtained by studying books, articles, documents, laws and regulations, reports, and so on related to the problem under study.

## 3. Results and Discussion

World developments have led to progress in all areas of life. One of the changes that are most obvious and have a very large impact is globalization, where distance is now meaningless and neglected by globalization. Globalization also makes all human activities easy and efficient. One area that is highly developed with globalization is the industrial sector. The world's industries have been revolutionized four times. The first industrial revolution occurred in England, then spread to mainland Europe and America in the mid-17th century. Then the industrial revolution 2.0 was marked by the use of electricity to simplify and speed up the processes of production, distribution, and trade. The 3.0 industrial revolution developed in the 1970s, especially in the United States, with the introduction of information technology and computerized systems for production support automation. The industrial revolution 3.0 spread quickly, not only in America but also spread to mainland Europe to Asia. Now the world has entered the industrial revolution 4.0. (Ningsih, 2019: 8)

Now the internet has become a basic need for society. The internet is not only consumed by the upper class, but all people have used the internet. The Internet has also become a tool for earning a living. One example is trading, now buying and selling activities are not only done face to face but anywhere, when someone wants to make a buying and selling transaction it can be done using the internet. Buying and selling transactions via the internet are called E-commerce. Not only buying and selling, basically online shops are part of the Electronic Business (EC). EC is the process of buying and selling, transferring or exchanging products, services, and information through computer networks, including the internet.

In buying and selling online, people can make online buying and selling agreements through an e-commerce company. In Indonesia, there are several leading e-commerce sites such as Shopee, Lazada, tokopedia, Bukalapak, ZALORA, blibli, and so on which are the largest marketplaces in Indonesia that use excellent, safe, and well-structured systems so that fraud incidents tend to be less if compared to online sales that are carried out on Facebook, Telegram, Instagram, Twitter, etc. which are social media platforms not specifically for buying and selling online, but there are also many trading activities that occur on these platforms because they are not specific online buying and selling sites so do not have an adequate and structured system.

This online business has an advantage in terms of time efficiency. No need to queue, or wait, no need to rent a place, no need to have lots of employees, and no need to maintain a shop like most offline shops.

Several factors cause fraud in online business.

- a. Economy: poverty, lack of opportunities to find work.
- b. Social: social obligations to help the family and help with finances, the desire to be financially independent, and the desire to be on an equal footing with successful neighbors or peers.
- c. Culture: consumerism or materialism, desire for easy money
- d. Personal/personal: personal traits that like to cheat for personal gain.

The development of information technology including the internet also provides challenges for the development of law in Indonesia. Law in Indonesia is required to be able to adapt to social changes that occur. Social change and legal change or vice versa do not always take place simultaneously. That is, in certain circumstances, the

development of law can be left behind by the development of other elements in society and culture or maybe vice versa (Raharjo, 2002: 59).

Cybercrime is a form of crime that arises due to the use of internet technology. More and more parties are harmed by the actions of cyber criminals if no law regulates it. Before the enactment of the ITE Law, law enforcement officials used the Criminal Code to handle cybercrime cases.

Legal arrangements in Indonesia for access legal crimes are contained in Article 30 of the ITE Law, interference with computer systems (Article 32 of the ITE Law), article 36 of the ITE Law "... deliberately and without rights or against the law commits acts as referred to in Articles 27 to Articles 34 causing harm to others. In general, fraud has been regulated as a crime by Article 378 of the Criminal Code which reads, "Whoever with the intent to benefit himself or others by violating rights, either by using a false name or false dignity, either by will and deception, or by a series of lying, either by fabricating lying words, either by persuading people or handing over something to him, either by making debts or writing off receivables, threatened with fraud.

The ITE Law regulates fake and misleading news via the internet, this fake and misleading news can be equated with fraud as regulated in Article 378 of the Criminal Code. Article 28 paragraph (1) reads:

"Every person intentionally and without right spread false and misleading news that results in consumer losses in electronic transactions."

#### 4. Conclusion

Based on the description of the discussion above, it can be concluded that the form of criminal responsibility for perpetrators of online fraud crimes can only be criminalized using Article 28 paragraph (1) Juncto Article 45 paragraph (2) Law No. 8 of 2011 concerning Information and Transactions Electronic. Article 378 of the Criminal Code regarding fraud cannot be held accountable for their actions, because there are several obstacles in imposing criminal sanctions on perpetrators of criminal acts such as obstacles in the proof where evidence is limited by the Criminal Code, in Article 378 of the Criminal Code only recognizes legal subjects (Natuurlijk Person), and whom those who have the right to punish perpetrators for online fraud are included in transnational crimes and cybercrime, one of the characteristics of which cannot be limited by the boundaries of the sovereign territory of a country.

#### References

- Rahardjo, Agus, *Cybercrime-Understanding, and Prevention of Technological Crime*, Citra Aditya Bakti Bandung, 2002, p.1
- Ramli, Ahmad, *Cyber Law and Judges in the Indonesian Legal System*, Bandung, 2004, p. 1.
- The Criminal Code (KUHP), Law no. 11 of 2008 in conjunction with Law No. 19 of 2016 concerning Information and Electronic Transactions
- DMP, Dharmayanti, K. Suardita, "A Study of Fraud Crimes through Online Trading", Bali: Udayana University, 2016, pp.3-4
- Sjahputra, "Consumers are still disadvantaged in electronic transactions," Jakarta, 2010, p.15.
- Mskun, "Cyber Crime an introduction", Jakarta, 2013
- Fadhlika, Holish, "Re-existence of the Culture of Shame in Online Buying and Selling Practices to Improve Consumer Protection in the Era of the Industrial Revolution 4.0
- M. Ningsih, "the influence of the Development of the Industrial Revolution 4.0 in the world of Technology in Indonesia", Lampung: Indonesia Mitra University, 2019, Pg.8.



ORIGINALITY REPORT

29%  
SIMILARITY INDEX

24%  
INTERNET SOURCES

6%  
PUBLICATIONS

18%  
STUDENT PAPERS

MATCH ALL SOURCES (ONLY SELECTED SOURCE PRINTED)

9%  
★ Submitted to UIN Syarif Hidayatullah Jakarta  
Student Paper

Exclude quotes      On  
Exclude bibliography      On

Exclude matches      Off