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Criminological Analysis of the Crimes of Fraud and Embezzlement with Perpetrators Using False Identities Through Social Media

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Abstract

Crime of fraud and embezzlement with perpetrators using fake identities in the police station Salatiga from 2016-2018 there were 413 cases. Based on this, the author makes a thesis entitled Criminological Analysis of Fraud and Darknet Crime with Actors Using False Identities through Social Media. The problem is: (1) What are the factors that cause fraud and embezzlement with perpetrators using fake identities through social media? (2) How are efforts to overcome fraud and embezzlement crimes against perpetrators using false identities through social media? This study uses a normative juridical approach and an empirical juridical approach. The results of the study and discussion show: the causes of fraud and embezzlement with the perpetrators of using false identities through social media include internal factors namely educational and moral factors and external factors namely economic factors, environmental factors, global development factors and law enforcement factors. Mitigation can be done with a preventive effort, namely by providing employment. Preventive countermeasures or actions taken to prevent fraud and embezzlement by holding legal counseling, prevention, approaches, friends programs, social media and door to door systems. Repressive efforts are by imposing a punitive sentence against the perpetrators of fraud and embezzlement in accordance with Article 378 and Article 372 of the Criminal Code, namely a maximum of 4 years in prison. Suggestions in this study are: (1) The community is advised to increase alertness to anyone by not easily believing in all kinds of persuasion or forms of cooperation invitation or whatever. (2) The police are advised to be more active in educating the public.

Keywords: Criminology; Deception and Darkening; False Actors.

A. Introduction

Fraud and embezzlement are crimes that have objects against objects or goods to be privately owned. Scams are a form of promise sales. A common characteristic of the promise sale is that a person is mistaken, and so he is willing to give up his goods or money. The crime of fraud is a "materieel delict" meaning that for its perfection there must be consequences.¹ As stipulated in the Second Book of Chapter XXV Article 378 of the Criminal Code, namely: "Anyone with the intention of benefiting himself or another person against the law, by using a false name or fake dignity, by trickery or by a series of lies move other people to give something to him, or to give a debt or write off accounts receivable, is threatened with fraud with a maximum imprisonment of 4 (four) years. Embezzlement is regulated in the provisions of Article 372 of the Criminal Code which states that: "Whoever deliberately and unlawfully owns

¹Tri Andrisman. *Delik Tertentudalam KUHP*. Bandar Lampung: Unila 2011.hlm. 176

property wholly or partly belongs to another person and which is in his possession not due to a crime is punished for embezzlement with a maximum imprisonment of 4 years or a maximum fine. sixtyrupiah ".

Frauds and embezzlement similar to those occurring and what is being investigated are those that occur within the community. The criminal act of fraud committed by this perpetrator through social networking mode in December 2017, the Facebook account in the name of "Melly Synxjelita" belonging to the victim Ms. Nanik, received a friend request from a Facebook account in the name of Putra Nanda (Putra cah salatiga) belonging to the suspect, Mr. Ari alias "Putra Nanda" and subsequently the request for friendship was accepted by the victim, Ms. Nanik. Furthermore, the victim and the suspect communicated with each other via social media Facebook so that communication continued via WA (WhatsApp), until finally on Thursday, February 15, 2018 at around 06.00 WIB, the suspect, Mr Ari alias Putra Nanda, invited the victim, Ms. Nanik to meet at the Merak Mati Bus Stop. , Bawen, Kab. Semarang. Riding a white Honda Beat motorbike in 2016, the victim met the suspect at the Merak Mati Bus Stop, Bawen, Semarang Regency at around 07.30 WIB. Then the victim and the suspect went to Bandungan, Semarang Regency for a walk, at 09.00 WIB. Arriving at the JPO (pedestrian bridge) Kauman-Jl. Diponegoro, Kel.Sidorejo Lor, Kec. Sidorejo, Salatiga City, the suspect used the victim's motorbike with the excuse of taking the suspect's car and the victim was told to wait for 30 (thirty) minutes, but after waiting for it, the suspect Mr. Ari alias Putra Nanda, did not return to pick up the victim's motorcycle victim until not currently returned. As a result of this incident, the victim, Ms. Nanik, suffered a loss of goods in the form of 1 (one) unit of a Honda Beat motorbike, which was interpreted to be worth approximately IDR 14,000. 000, - (Fourteen million rupiah). For his actions, the suspect, Ari alias Putra Nanda, should be suspected of violating what is meant in the elements of Article 378 of the Criminal Code or Article 372 of the Criminal Code on Fraud and Embezzlement.

The formulation of the problem in this study is as follows: What are the factors causing the crime? fraud and embezzlement with perpetrators using false identities through social media? And how are the efforts to combat the crime of fraud and embezzlement of perpetrators using false identities through social media?

B. Research methods

This research uses a normative juridical approach and an empirical approach. After the data is obtained, it is analyzed using qualitative analysis methods, namely after the data is obtained, it is described systematically and concluded by means of inductive thinking so that it becomes an overview of the answers to the problems based on the research results.

C. Results and Discussion

1. Factors that cause fraud and embezzlement crimes with perpetrators using fake identities through social media

The factors causing the emergence of crime can be found in various factors that can cause certain criminals, so that other factors can lead to types of crimes.²

²Abdul Syani, *SosiologiKriminalitas*, Bandung, Remaja Jaya, 1987, hlm. 44.

a) Internal Factors

Internal factors are divided into two parts, namely:

- (1) Internal factors that are special, namely someone whose behavior is good will cause that person to get respect from society, but on the other hand if someone behaves badly then that person will cause chaos in society. Those who can control and develop a positive personality will be able to produce many benefits both for themselves and for others. Meanwhile, those who cannot control their personality and tend to be swayed by developments will continue to be dragged by the current where it will flow. Whether it's good or bad they will stick with it. There are also reasons for someone to commit a criminal act, as mentioned above, that human desire is something that has no limit. According to Tri Widaryanto³ Apart from the perpetrator, the victim is a factor that is no less important in the occurrence of a crime, the victim's negligence is the key to a crime. For example, when the victim lacks understanding of crimes that are rife as they are today, the perpetrator is easy to seduce. with a series of lies to believe it. For example, being invited to COD (meeting) then hereby the victim is careless because she has been persuaded by the perpetrator by presenting the identity of the perpetrator in which the victim is not aware that the identity is fake. At this point the victim's negligence can lead to a crime. Someone who by chance has the opportunity to bring a motorcycle that is ready to be taken away without thinking about it could just take the motorcycle,
- (2) General internal factors, namely the educational factor, are one of the factors driving a person to commit a criminal act of fraud or embezzlement. The educational factor is also very influential because someone who does not get formal education or education in the family will more easily commit an offense and even a crime. This is due to their lack of knowledge of things such as the rules of social life. Tri Widaryanto⁴ believes that the level of education is considered as one of the factors that influence someone to do bad things (cheat), education is a means for someone to know what is good and what is bad. By committing an action does the action have a particular benefit or even creates a certain problem / loss. So here is also very much needed the role of the family in determining children's education. Based on the results of the interview with the perpetrator⁵, he said, "admit that we are in junior high school, you know, mas. Middle school diploma saiki wesgak payu mas, golek work angel, iki thief montor aeyo trapped, I used to get odd jobs, bro (I graduated from junior high school, you know. Middle school diploma now doesn't sell bro, looking for a job is also difficult, it's just stealing a motorbike because I'm forced to, I usually do odd jobs). " Therefore, low education makes it difficult for perpetrators to find work so that they are eventually forced to commit crimes such as fraud and embezzlement.

b) External Factors

Factors from outside the human self (external) that have a relationship with the incidence of crime.

1) Economic Factors

In general, economic factors have a relationship with the incidence of crime. Poverty is a phenomenon that cannot be denied in every country. Until now, there is no way out to solve this phenomenon. Plato argues that in every country where there are many poor people, there are secretly many criminals, offenders of religion and

³Hasilwawancara dengan Tri Widaryanto, *Penyidik Polres Kota Salatiga*, Kamis 21 Maret 2019

⁴Hasilwawancara dengan Tri Widaryanto, *Penyidik Polres Kota Salatiga*, Kamis 21 Maret 2019

⁵Hasilwawancara dengan Pelaku, *Tindak Pidana Penipuan dan Penggelapan*, Kamis 21 Maret 2019

criminals of various kinds.⁶Almost every year the price of basic necessities continues to increase, while the income of each individual is not necessarily able to meet this increase. So that this results in an excuse for someone to commit crimes of embezzlement and embezzlement. Eddy Rifai⁷argues that economic factors or related to property can be said to be one of the factors in the occurrence of fraud and embezzlement crimes with perpetrators using false identities. The necessities of life in urban areas are very complex and not all people / individuals are able to fulfill them, so for some individuals then decide to commit acts that are contrary to community norms, namely in this case, committing crimes of fraud and embezzlement using a false identity. These crimes of fraud and embezzlement using false identities are mostly committed by people who do not have permanent jobs or are unemployed, a situation which encourages the perpetrators to commit these crimes.

2) Religious Factors

According to Tri Widaryanto⁸Educating children is very important like teaching children today about good things such as entering our children to TPA, we instill goodness from an early age so that our children in the future do not do things like what is prohibited in our religion, then with this the role of parents is very important to teach the values of goodness contained in religion. With this the children will know what is good and what is bad.

3) Environmental factor.

A person who lives / lives in an environment that supports fraud, then one day he will also commit the criminal act of fraud. Many things make the environment a factor in the occurrence of a crime (fraud and embezzlement). For example, the need for associating with peers, lack of control from the environment and association with someone who has a job as a fraud. Parents are responsible for what their children do. There is a saying that "the fruit does not fall far from the tree". Therefore, the behavior patterns / habits of the parents in the household determine how the nature of a child in his interactions. Besides that, how parents educate a child also affects the nature of a child in society.⁹He said, "I stole that time because my friends around me had a very high criminal rate because of the lack of attention from my family, and we used the money from the sale of vehicles (motorbikes) for fun and partly I gave to my parents." So with this a bad environment makes a person's behavior evil and a good environment makes a person's behavior good.

4) Global Development Factors (Reading / Film)

Global development has a positive impact on the progress of a country, while for individuals, global development is a means to show that they are someone who is able to meet their daily needs during this global development period. Eddy Rifai¹⁰argues that advances in technology, especially social media, are a positive or negative means

⁶RidwanHasibuan, Ediwarman, *Asas-AsasKriminologi*, Penerbit USU Press, Medan, 1995, hal 25

⁷Hasilwawancaradengan Eddy Rifai, *DosenFakultasHukumUniversitas Lampung*, Rabu 10 April 2019

⁸Hasilwawancaradengan tri Widaryanto, penyidik polres kota salatiga, Kamis 21 Maret 2019

⁹HasilwawancaradenganPelaku, *TindakPidanaPenipuanandanPenggelapan*, Kamis 21 Maret 2019

¹⁰Hasilwawancaradengan Eddy Rifai, *DosenFakultasHukumUniversitas Lampung*, Rabu 10 April 2019

depending on the user. Social media also influences someone to do evil. Social media provides stimulation to a person's thoughts in social life. In fact, it is not uncommon for television shows to provide examples of committing motor vehicle theft, although basically these shows do not intend to provide an example. The thinking and perceptive power of each individual must also be different, therefore, television shows can give a bad impression to someone.

Even though it has been explained above regarding the factors that cause a person to commit criminal acts of fraud and embezzlement of motor vehicles, it does not rule out the emergence of new factors that are increasingly complex given the developments in all fields themselves. According to chaos theory, the factors that cause a person to commit a crime are the influence of small changes (economic conditions, physical conditions, social conditions, beliefs, etc.) that occur around the perpetrator. These small changes have an effect on a person's personality (the perpetrator) over time. If the person is consciously and can anticipate these small changes, then that person will be released from the bad effects brought about by those small changes. On the other hand, if a person cannot anticipate and without any readiness for these changes, then that person will continue to be dragged by the flow of changes and will give him the influence that allows him to do evil. The factors that have been mentioned above are the main influence of a person committing a crime, apart from these factors, it is necessary to know that there is something more fundamental to the occurrence of a crime, namely the opportunity.

Law Enforcement Factors The minimal number of sentences imposed on the perpetrators makes them not the perpetrators of vehicle theft motorized, so that the offender who has been released from his sentence is not afraid / does not hesitate to repeat the act of theft again. Based on data obtained by researchers from interviews with the police, there were several prisoners who turned out to have been in and out of prison more than 1 time in the same case, namely fraud and embezzlement. The less than optimal application of the criminal law makes the perpetrators feel free to commit criminal acts. Difficult to achieve justice for victims makes people gradually turn away or distrust the state as a protector of citizens' rights. People tend to do their own way to solve if a crime occurs in their environment, namely by using the judges themselves.

2. Crime Prevention Efforts to Fraud and Embezzlement Against Perpetrators Using False Identities through Social Media.

Efforts to control crime can mean creating certain conditions so that crime does not occur. Theoretically, there are three forms of countermeasures that can be taken to minimize the crime of fraud and embezzlement with perpetrators using false identities through social media in the City of Salatiga, namely, pre-emptive efforts, preventive efforts and repressive efforts.¹¹ Furthermore, the author will describe further the three efforts as follows.

a) Pre-emptive measures

Pre-emptive measures are initial efforts made by the police to prevent criminal acts from occurring. The efforts made in prevention of pre-emptive crime are instilling good values / norms so that these norms are internalized in a person. Initial efforts made by the police to prevent criminal acts, namely:

¹¹A.S. Alam, *Pengantar Kriminologi*, Makassar: Refleks, 2010, hlm. 79-80

- 1) An appeal from the authorities regarding legal sanctions if someone commits a crime of fraud and embezzlement.

- 2) Spiritual shower, such as often following religious lectures by religious leaders.

Eddy Rifai¹² is of the opinion that the initial efforts made to prevent fraud and embezzlement by using false identities were that the government had to provide jobs so that the community had no intention of committing these crimes despite the opportunity.

- 3) Preventive Efforts

Preventive measures are efforts that are carried out systematically, planned, integrated and directed towards the goal of preventing the crime from recurring or recurring. In this preventive effort, measures are also taken to narrow the space for movement, reduce and minimize its influence on other aspects of life.

Eddy Rifai¹³ stated that one of the efforts that can be made to prevent the occurrence of crimes of fraud and embezzlement using a false identity is to carry out extensive outreach activities to the public. In this extension activity, speakers from the police or practitioners and academics were presented. This counseling can provide knowledge on how to avoid and not become one of the victims of fraud and embezzlement crimes with perpetrators using false identities through social media.

Tri Widaryanto¹⁴ is of the opinion that the efforts made by preventive activities by the authorities in this case is the Salatiga Police Unit in order to minimize the occurrence of criminal acts of fraud and embezzlement that occur in the city of Salatiga. The prevention efforts taken by the Salatiga Police have several programs to minimize the crime of fraud and embezzlement with perpetrators using fake identities through social media, including:

- 4) Carry out socialization and counseling.

Efforts made in carrying out the socialization of public awareness on criminal acts of fraud and embezzlement, namely carrying out partoli and counseling in increasing public awareness to always be careful of criminal acts of fraud and embezzlement by providing information through printed media such as banners, newspapers and using radio so that they can provide information to the public that is useful for the community about various crimes such as fraud and embezzlement with perpetrators using false identities through social media in order to increase public self-awareness to be careful.

- 5) Prevention

Prevention, namely guidance from an early age, from school age and learning in the presence of legal risks for acts like this and every time he commits a crime it can have an impact or effect on the family even though he committed the crime only one person but the risk or impact on the good name of the parents and his extended family, concerning the group or society around him.

- 6) Law enforcement efforts

¹²Hasilwawancara dengan Eddy Rifai, *Dosen Fakultas Hukum Universitas Lampung*, Rabu 10 April 2019

¹³Hasilwawancara dengan Eddy Rifai, *Dosen Fakultas Hukum Universitas Lampung*, Rabu 10 April 2019

¹⁴Hasilwawancara dengan Tri Widaryanto, *Penyidik Polres Kota Salatiga*, Kamis 21 Maret 2019

With the existence of this crime, the police's main task is to enforce criminal law related to acts that violate the law so whoever does what the legal risk is like this, and the threat of punishment is higher. In relation to jurisprudence, namely the decisions of previous judges when deciding on a case with many incidents of crime, penalties emerge that can be burdensome for the perpetrators of criminals.

7) Take an approach

The approach taken here is related to family such as religion, namely regarding the lawfulness of the actions carried out, the results of fortune that have been arranged by God Almighty. So no matter how much we try to earn money when it is not our luck, the police provide insights like this.

8) Dor to dorsystem

Police (Babin kamtibnas), namely their daily duties attached to the community, such as coming to every resident's house, community leaders and places of worship. The police have a visiting program, namely one or more days, the police visit residents' homes and provide messages such as parental approaches to their children should be able to create closeness so that nothing is hidden, one day the child has a problem, it's better to vent. to their parents rather than confide in others. For example, there is a woman who has a problem and she confides in other people but that person is not good (evil), with this the bad person seduces with the freedom of the world like getting drunk on the street,

9) Friend program

The police have a target that every day they have to make new friends at least one person or more by providing their police identity as well as their cellphone number. When people have a problem, they can confide in the police about how to solve it and what the legal consequences are.

10) Social media

This effort can be done as a form of prevention efforts for fraud and embezzlement by using a false identity. This appeal can be done as visual, audio, or audio visual. For example: appeals via radio, television media, internet media and can also be through print media. So the police here are to accommodate every public complaint regarding the problems at hand.

11) Repressive Efforts

One of the ways to tackle crime, especially fraud and embezzlement crimes with perpetrators using false identities through social media is to take legal actions against the perpetrators of these crimes within the limits of fairness provided by law. Apart from preventive actions that can be taken by the police, repressive actions can also be taken by the police in overcoming fraud cases. These countermeasures are in the form of means of imposing sanctions or punishments for fraud and embezzlement perpetrators using false identities through social media, namely to provide a deterrent effect. This is the duty of law enforcers, namely cooperation between the police, prosecutors and courts in providing sanctions and imposing sentences:

- a. The investigation stage is the initial stage carried out by the investigator to look for evidence that is required to prove and know the reasons for the occurrence of it are not criminal to determine the form of the police

report to be made. When a series of investigations has been completed and it is declared proven then an action stage is carried out.

- b. The prosecution stage, which is the stage of arresting the suspect and confiscating evidence.
- c. The arrest was made after the police determined with certainty who the suspect or the perpetrator of the criminal act of fraud and embezzlement using a false identity had embezzled 1 (one) motorized vehicle.
- d. Examination stages, where here examining witnesses and victims of criminal acts of fraud and embezzlement of 1 (one) motor vehicle unit.
- e. The stages of completing the case file, namely the stages to complete evidence.

The police, in upholding the law, in terms of the main problem, the crime occurs and can create a sense of justice for victims and perpetrators, benefit society and provide a deterrent effect from actions or consequences of their actions that harm society, such as fraud and embezzlement with perpetrators using false identities through social media.

These are the efforts that law enforcement officials in the City of Salatiga can make in preventing and overcoming crimes of fraud and embezzlement by perpetrators using fake identities through social media. These preventive efforts will not run smoothly without awareness from the community of these crimes of fraud and embezzlement. For this reason, it is hoped that good cooperation between law enforcement officials and the public in tackling fraud and embezzlement crimes with perpetrators using fake identities.

D. Conclusion

In closing this thesis the authors draw the following conclusions:

1. The factors that cause the perpetrator to commit fraud and embezzlement crimes with the perpetrator using a false identity through social media based on the research that the author has conducted, can be classified into two, namely internal factors, namely: fad or trial and error and educational factors. External factors, namely: economic factors, religious factors, environmental factors, global development factors and law enforcement factors.
2. The efforts made by the Salatiga Resort Police to prevent and tackle the crime of fraud and embezzlement by perpetrators using false identities through social media in the City of Salatiga, namely by making pre-emptive, preventive and repressive efforts. Preventive measures are the initial efforts made by the police to prevent crimes from occurring. Preventive efforts are a follow-up to pre-emptive efforts which are still at the level of prevention, such as conducting counseling, prevention, law enforcement, approaching, bam to bam systems, friendship programs and providing appeals through social media before the crime occurs. Repressive measures are efforts made after the occurrence of a criminal act or crime whose action is in the form of an investigation,

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