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ANALYSIS OF PAYMENT FRAUD CRIMINAL ACTIONS IN USED CAR BUYING AND SALE TRANSACTIONS THROUGH FACEBOOK MARKETPLACE IN MEDAN CITY

by
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ABSTRACT

This study aims to analyze the modus operandi, the application of criminal law provisions, as well as obstacles and efforts to overcome the crime of payment fraud in used car buying and selling transactions through Facebook Marketplace in Medan City. This study uses an empirical legal method with a qualitative approach supported by a normative juridical approach. Data were obtained through interviews with investigators from Unit V Cyber Ditreskrimsus Polda Sumatera Utara and victims, as well as through documentation and observation studies. The results of the study indicate that the perpetrators used fake accounts and identities, manipulated photos and descriptions of vehicles, requested down payments or payments in full before the vehicles were inspected, utilized escrow accounts, and falsified vehicle ownership or guarantee status. The application of the law is based on Article 378 of the Criminal Code (KUHP) which is linked (juncto) with Article 28 paragraph (1) of the Electronic Information and Transactions Law. The main obstacles faced include differences in interpretation between fraud and default, difficulties in tracking the perpetrator's identity, limited access to cross-platform data, the complexity of electronic evidence, low digital literacy in the community, and the reluctance of victims to report. Mitigation efforts are carried out through education, cyber patrols, strengthening digital forensic capacity, collaboration with platform providers, law enforcement, and victim assistance. This study concludes that addressing online fraud requires cross-agency coordination, increased investigator capacity, and public literacy to ensure legal protection and certainty for victims are implemented effectively, consistently, and responsive to developments in information technology.

Keywords: *Fraud, Used Car Sales, Marketplace.*

ANALISIS TINDAK PIDANA PENIPUAN PEMBAYARAN DALAM TRANSAKSI JUAL BELI MOBIL BEKAS MELALUI MARKETPLACE FACEBOOK DI KOTA MEDAN

ABSTRAK

Penelitian ini bertujuan untuk menganalisis modus operandi, penerapan ketentuan hukum pidana, serta hambatan dan upaya penanggulangan tindak pidana penipuan pembayaran dalam transaksi

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jual beli mobil bekas melalui Facebook Marketplace di Kota Medan. Penelitian ini menggunakan metode hukum empiris dengan pendekatan kualitatif yang didukung pendekatan yuridis normatif. Data diperoleh melalui wawancara dengan penyidik Unit V Siber Ditreskrimsus Polda Sumatera Utara dan korban, serta melalui studi dokumentasi dan observasi. Hasil penelitian menunjukkan bahwa pelaku menggunakan akun dan identitas palsu, memanipulasi foto serta deskripsi kendaraan, meminta uang muka atau pelunasan sebelum kendaraan diperiksa, memanfaatkan rekening penampung, dan memalsukan status kepemilikan atau jaminan kendaraan. Penerapan hukum dilakukan berdasarkan Pasal 378 Kitab Undang-Undang Hukum Pidana (KUHP) yang dikaitkan (juncto) dengan Pasal 28 ayat (1) Undang-Undang Informasi dan Transaksi Elektronik. Kendala utama yang dihadapi meliputi perbedaan penafsiran antara penipuan dan wanprestasi, kesulitan pelacakan identitas pelaku, keterbatasan akses data lintas platform, kompleksitas pembuktian elektronik, rendahnya literasi digital masyarakat, serta keengganan korban untuk melapor. Upaya penanggulangan dilakukan melalui edukasi, patroli siber, penguatan kapasitas forensik digital, kerja sama dengan penyelenggara platform, penegakan hukum, dan pendampingan korban. Penelitian ini menyimpulkan bahwa penanganan penipuan daring memerlukan koordinasi lintas lembaga, peningkatan kapasitas penyidik, serta literasi masyarakat, agar perlindungan hukum dan kepastian bagi korban dapat diwujudkan secara efektif, konsisten, dan responsif terhadap perkembangan teknologi informasi.

Kata Kunci: *Tindak Pidana Penipuan, Jual Beli Mobil Bekas, Marketplace.*

INTRODUCTION

The rapid development of information and communication technology in the era of globalization has brought significant changes to various aspects of human life, including trade. Advances in internet technology have given rise to a new trade model known as electronic commerce (e-commerce), which allows the buying and selling of goods and services to be conducted online without the constraints of time and space (Panggabean et al., 2024). Indonesia, as one of the countries with the largest number of internet users in Southeast Asia, has also felt the impact of this development. Data from the Indonesian Internet Service Providers Association shows that the number of internet users in Indonesia continues to increase year after year, which directly drives the growth of online trade transactions, one of which is through Facebook Marketplace (Association of Indonesian Internet Service Providers [APJII], 2023). Facebook Marketplace is a feature provided by the social media platform Facebook that allows its users to buy and sell various types of goods, including motor vehicles, especially used cars. Ease of access, wide reach, and no registration fees make this platform popular with the public, including in Medan City. However, this convenience also opens up

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opportunities for irresponsible parties to commit illegal acts, one of which is fraud (Wibawa, Ardhya, & Hadi, 2025). The modus operandi used by perpetrators is increasingly diverse and sophisticated, ranging from identity forgery, manipulation of vehicle photos and conditions, requests for down payments under the pretext of a deposit, to selling vehicles that turn out to be fiduciary guarantees or have invalid documents (Tuju, Ramadani, & Nasution, 2025).

The crime of fraud is regulated in Article 378 of the Criminal Code (KUHP), which states that anyone who with the intention of unlawfully benefiting themselves or others, by using a false name or dignity, trickery, or a series of lies, induces another person to hand over an item, grant a loan, or write off a debt, is threatened with a maximum prison sentence of four years. Criminal acts committed through electronic means can also be subject to sanctions based on Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law).

Medan, the capital of North Sumatra Province and one of the largest metropolitan areas in Indonesia, boasts a high level of public mobility and demand for motorized vehicles, resulting in a highly active used car market, including through digital platforms. As online used car transactions increase, fraud cases related to these transactions have also increased and become a serious concern for law enforcement. The complexity of law enforcement against this crime arises from various factors, including the difficulty of identifying perpetrators who often use fake accounts, jurisdictional issues that cross territorial boundaries, the complexity of proving due to the lack of physical evidence, and low public legal awareness regarding online transactions. Another issue that arises in practice is the blurring of the boundaries between breach of contract in the civil law realm and fraud in the criminal law realm. The fundamental difference between the two lies in the initial intention of the perpetrator: in breach of contract, the parties generally have good intentions when the agreement is made but obligations are not fulfilled due to certain circumstances, whereas in fraud, from the outset, the perpetrator has had malicious intent (mens rea) to not fulfill obligations and consciously uses deception to gain an advantage (Suparidho & Muhammad, 2025). Accurately distinguishing between these two concepts is crucial for law enforcement officials to ensure that case handling is not misqualified. Based on the above description, this study aims to analyze in depth: (1) the modus

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operandi of payment fraud in used car buying and selling transactions through Facebook Marketplace in Medan City; (2) the application of criminal law provisions to the perpetrators of these crimes; and (3) obstacles and mitigation efforts carried out by law enforcement officers. This study is expected to provide a comprehensive picture of the phenomenon of online fraud in the motor vehicle buying and selling sector, as well as serve as input for the development of criminal law in Indonesia in dealing with the ever-growing cybercrime.

RESEARCH METHODS

This study uses empirical legal research (empirical juridical), namely research that examines the implementation of positive legal provisions in factual terms in legal events that occur in society (Creswell & Poth, 2018). The approach used is a qualitative approach that aims to gain an in-depth understanding of the crime of payment fraud in used car sales transactions through the Facebook Marketplace, supported by a normative juridical approach through a study of applicable laws and regulations, especially the Criminal Code and the ITE Law. The research was conducted in Medan City, North Sumatra Province, with research locations covering the Medan City Police Resort and the Special Criminal Investigation Directorate (Ditreskrimsus) of the North Sumatra Regional Police, specifically the Cyber Sub-Directorate V which handles information technology-based crimes and electronic transactions. Primary data were obtained through semi-structured interviews with investigators from the Cyber Unit V of the Ditreskrimsus of the North Sumatra Regional Police and victims of fraud, while secondary data were obtained from primary legal materials (the Criminal Code, the ITE Law, and related regulations), secondary legal materials (books, scientific journals, and previous research results), and tertiary legal materials.

The selection of informants used purposive sampling, a deliberate selection of informants based on their competence and relevance to the research problem. Data collection techniques were conducted through interviews, documentation studies of case files and laws and regulations, and non-participant observation of used car buying and selling activities on Facebook Marketplace. Data analysis was conducted qualitatively through the stages of data reduction, data presentation, and conclusion drawing. While data validity was guaranteed through source triangulation, technical triangulation, and

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member checking (Flick, 2018).

RESEARCH RESULTS AND DISCUSSION

1. Modus Operandi of Payment Fraud Crimes

Interviews with investigators from the North Sumatra Regional Police's Cyber Unit V Directorate of Special Criminal Investigation showed that the modus operandi of payment fraud in used car sales transactions via Facebook Marketplace in Medan City has a relatively similar pattern between cases, but continues to evolve according to the level of public awareness. The first pattern is the use of fake accounts and identities, either accounts deliberately created with unrealistic data or accounts taken over by others, which are generally deactivated immediately after the victim makes payment (Wibisono & Mahanani, 2023). The second pattern is the manipulation of vehicle photos and descriptions, where perpetrators display photos of vehicles in good condition at prices far below market value to attract potential buyers, even though the photos are generally downloaded from legitimate sales advertisements from other parties (Tuju, Ramadani, & Nasution, 2025).

The third, most dominant pattern, is the request for a down payment or even full payment before the vehicle is handed over or inspected directly by the prospective buyer, on the grounds that the vehicle is out of town, accompanied by psychological pressure in the form of claims of the existence of other prospective buyers (Sandi, 2025). The fourth pattern is the use of escrow accounts (fake accounts) in the name of another party who is not the vehicle owner or the actual perpetrator, in order to make it difficult to track the flow of funds (Muhtar et al., 2024). The fifth pattern is falsification of documents and vehicle guarantee status, where the vehicle being offered turns out to have fiduciary guarantee status at a financing institution or has invalid ownership documents (Wibawa, Ardhya, & Hadi, 2025).

As a concrete illustration, one of the victims in this study, Rudi Hermawan (name changed), saw an advertisement for a used MPV car for sale at a price approximately 20% below market value. After intensive communication via Facebook and WhatsApp messaging, the perpetrator, who identified himself as "Bang Rian," convinced the victim that the car was located outside Medan and therefore could not be inspected in person. He then requested a down payment of Rp15,000,000.00 be

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transferred to an account in the name of another party. After payment was made, the perpetrator could not be contacted again and deleted the account used for the advertisement (Hermawan, personal interview, July 6, 2026). This chronology illustrates a combination of product information manipulation, time pressure, and the exploitation of the gap in physical presence in online transactions.

Table 1. Recapitulation of the Modus Operandi of Payment Fraud Crimes in Used Car Buying and Selling Transactions via Facebook Marketplace

No.	Modus Operandi	The perpetrator's goal	Impact on Victims
1	Use of fake accounts/identities	Avoid identity tracking	It is difficult to track the perpetrator
2	Manipulation of vehicle photos and descriptions	Attracting potential buyers	Expectations do not match the facts
3	Request for down payment/payment in advance	Obtain funds before goods are inspected	Direct material loss
4	Use of escrow accounts	Obscuring the flow of funds	Early blocking is difficult to do
5	Forgery of documents/guarantee status	Ensure the validity of the vehicle	Further legal risks for victims

Source: Research Results, 2026

The elements of the crime of fraud as regulated in Article 378 of the Criminal Code include the act of unlawfully benefiting oneself or another person, the use of a false name or dignity, trickery or a series of lies, which induce another person to hand over an item. The modus operandi found in this study, specifically the use of false identities and manipulation of vehicle information, have factually fulfilled these elements so that legally it can be qualified as a crime of fraud, not just a breach of contract in ordinary civil relations. This study also found another variation in the form of fraud cases that continued to the stage of transferring vehicles with problematic legal status, namely vehicles that had been delivered to the victim but were known to have the status of fiduciary guarantees that had not been paid off, thus giving rise to the potential for further legal losses in the form of vehicle repossession by financing institutions (Marpaung, personal interview, July 6, 2026). A comparison of the two types of cases shows that the modus operandi is not singular, but varies between fraud without delivery of goods at all (non-delivery fraud) and fraud through delivery of legally defective goods (defective legal title fraud), both of which fulfill the elements of deception and a series of lies in

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Article 378 of the Criminal Code.

This study also identified factors contributing to the recurrence of this crime, which can be classified into factors from the perpetrator, victim, and system/platform perspectives. From the perpetrator's perspective, the primary driving factor is the economic motive for instant profit, supported by the perceived relatively low risk of being caught because identities can be hidden behind fake accounts. From the victim's perspective, the dominant factors are the lure of below-market prices, lack of caution in verifying sellers' identities, and limited time to meet in person. From the system perspective, the lack of user identity verification mechanisms on Facebook Marketplace and the suboptimal transaction security features such as the escrow system also open up loopholes for perpetrators (Sandi, 2025).

2. Application of Criminal Law Provisions to Perpetrators

The application of criminal law provisions against perpetrators of fraudulent payments in used car sales transactions through Facebook Marketplace is based on Article 378 of the Criminal Code concerning the crime of fraud, which in its implementation is linked (juncto) with Article 28 paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, considering that the act was carried out using electronic means (Republic of Indonesia, 2024). The case handling process within the North Sumatra Regional Police generally goes through the stages of receiving police reports, investigations, inquiries, case titles to assess the sufficiency of evidence in accordance with Article 184 of the Criminal Procedure Code (KUHAP), determining suspects accompanied by coercive measures, to filing and transferring the case to the Public Prosecutor (Marpaung, personal interview, July 6, 2026).

Table 2. Stages of the Investigation Process for Payment Fraud Crimes in Used Car Buying and Selling Transactions via Facebook Marketplace

No.	Stages	Main Activities	Legal basis
1	Report Receipt	Recording of Police Report (LP) and initial evidence	Article 108 of the Criminal Procedure Code
2	Investigation	Initial information gathering and account tracing	Article 1 number 5 of the Criminal Procedure Code
3	Investigation	Issuance of SPDP, examination of witnesses, collection of evidence	Article 1 number 2 of the Criminal Procedure Code

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4	Case Title	Evaluation of the sufficiency of evidence	Article 184 of the Criminal Procedure Code
5	Determination of Suspect	Determination of legal status and coercive measures	Article 1 number 14 of the Criminal Procedure Code
6	Filing (P-21)	Transfer of files to the Public Prosecutor	Article 8 of the Criminal Procedure Code

Source: Research Results, 2026

Referring to the case experienced by Rudi Hermawan, the elements of Article 378 of the Criminal Code can be described as follows: first, the element "with the intention of unlawfully benefiting oneself or another person" is fulfilled through obtaining a down payment without handing over the vehicle; second, the element "using a false name or false dignity" is fulfilled through the use of the identity "Bang Rian" which cannot be verified; third, the element "trickery or a series of lies" is fulfilled through false information regarding the condition and location of the vehicle; and fourth, the element "moving another person to hand over something" is fulfilled through the victim's act of transferring money based on the belief formed by the perpetrator. Investigators also applied Article 28 paragraph (1) of the ITE Law regarding the prohibition on spreading false and misleading news that results in consumer losses in electronic transactions, considering that the entire transaction process is carried out via electronic means.

The evidentiary aspect is a crucial point in the application of criminal law to this type of case, considering that the available evidence is mostly electronic evidence such as screenshots of conversations, bank transfer history, and location data of social media account activity. This electronic evidence must meet the validity requirements as stipulated in Articles 5 and 6 of the ITE Law and Article 184 of the Criminal Procedure Code, which in practice requires a digital forensic process to ensure the authenticity and integrity of the data (Jannah & Nugraha, 2023). In terms of criminal threats, Article 378 of the Criminal Code stipulates a maximum prison sentence of four years, while if also charged with Article 45A paragraph (1) of the ITE Law, the perpetrator can be threatened with a maximum prison sentence of six years and/or a maximum fine of one billion rupiah. The perpetrator's criminal liability also takes into account the element of fault (mens rea), namely the existence of intent (dolus) to commit deception from the start of the transaction, which clearly distinguishes it from breach of contract, where bad faith from the start of the transaction generally

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cannot be proven (Hidayat, 2023).

3. Obstacles and Mitigation Efforts

This study identified three categories of obstacles in handling payment fraud in used car transactions via Facebook Marketplace. Legal obstacles relate to differences in interpretation between fraud and breach of contract in civil relations, requiring in-depth review of reports to determine the legal qualifications of the incident. Technical obstacles include the difficulty of tracing the true identity of perpetrators using fake accounts, prepaid phone numbers without valid registration, and escrow accounts in the name of other parties, plus limited access to data for digital platform users based overseas (Muhtar et al., 2024). Non-technical obstacles include low digital literacy and public caution in online transactions, as well as the reluctance of some victims to report due to embarrassment, perceived small losses, or a lack of understanding of cybercrime reporting procedures.

Table 3. Recapitulation of Obstacles and Efforts to Overcome Criminal Acts of Payment Fraud in Used Car Buying and Selling Transactions via Facebook Marketplace

No.	Types of Obstacles	Form of Obstacle	Prevention Efforts
1	Juridical	Ambiguity of boundaries between fraud and default	Deepening of legal facts through case title
2	Technical	Fake identities, holding accounts, cross-border data	Digital forensics, coordination with PPATK and platform organizers
3	Non-Technical	Low digital literacy, victims' reluctance to report	Education, outreach, and victim support

Source: Research Results, 2026

These three categories of obstacles are interrelated. Technical obstacles, such as the difficulty of tracing the perpetrator's identity, become increasingly complex if not balanced by legal certainty regarding the qualification of an act as a crime. Similarly, non-technical obstacles, such as low public awareness of reporting, contribute to lengthening the time between the occurrence of a crime and the commencement of law enforcement, thus giving perpetrators greater opportunities to eliminate digital traces. As a preventative measure, the North Sumatra Regional Police, through Sub-Directorate V Cyber, actively conducts outreach and education to the public regarding online fraud methods, including through official police social media and in collaboration with educational institutions. They also conduct cyber patrols to monitor suspicious activity on digital platforms. Repressive efforts are

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carried out through firm law enforcement against identified perpetrators, coordination with the National Police's Cyber Crime Directorate for cross-border cases, requests for blocking of accounts and social media accounts, and communication with digital platform operators to expedite the takedown of content or accounts proven to be used for fraud (Marpaung, personal interview, July 6, 2026). In addition, investigators also provide assistance to victims in the reporting and examination process, including understanding victims' rights in the criminal justice process (Amalia & Isnawati, 2024).

4. Relevance of Findings to Previous Research

Sandi's (2025) research on legal protection against fraudulent sales of goods through Facebook Marketplace shows that fraud is generally carried out through fake identities, manipulation of photos and information of goods, unreasonable price offers, and requests for advance payment. The research has similarities with this research because both examine fraud through Facebook Marketplace, but differs in the focus of the object: Sandi's research discusses fraudulent sales of goods in general with an emphasis on legal protection for victims, while this research specifically examines payment fraud in used car sales transactions in Medan City, including the modus operandi, application of criminal law, and efforts to overcome it. Amalia and Isnawati's (2024) research shows that legal protection for victims of Marketplace transaction fraud can be carried out preventively through education and repressively through law enforcement, although protection for victims is considered less than optimal, especially in recovering losses. Meanwhile, Muhtar et al.'s (2024) research confirms that law enforcement against online fraud faces obstacles in the form of difficulties in tracing the perpetrator's identity and the complexity of electronic evidence, which is reinforced by the findings of Jannah and Nugraha (2023) that electronic information and documents can be valid evidence as long as their authenticity and integrity can be accounted for through digital forensic examination. The striking difference between this study and previous studies lies in the more specific object of study, namely used car sales transactions with relatively large values, as well as findings regarding variations in the modus operandi in the form of fraud that continues to the stage of transferring vehicles with fiduciary guarantee status, which has not been discussed specifically in previous studies on Marketplace fraud in general.

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CONCLUSION

The modus operandi for payment fraud in used car sales transactions via Facebook Marketplace in Medan City involves the use of fake accounts and identities, manipulation of vehicle photos and descriptions, requests for down payments or full payment at the beginning of the transaction without a physical meeting, the use of escrow accounts, and falsification of vehicle ownership or collateral. These methods exploit trust gaps and limited verification in online transactions to induce victims to make hasty payments. The application of criminal law provisions to the perpetrator is based on Article 378 of the Criminal Code concerning fraud, linked (juncto) with Article 28 paragraph (1) of the ITE Law concerning the dissemination of false and misleading news that results in consumer losses in electronic transactions. The law enforcement process is carried out through the stages of receiving reports, investigations, inquiries, case titles, determining suspects, to filing and transferring the case to the Public Prosecutor, with the main obstacle being the aspect of electronic evidence which requires an adequate digital forensic process.

Obstacles to combating this crime include legal barriers in the form of differing interpretations of fraud and breach of contract, technical barriers in the form of difficulties in tracking the identity of perpetrators and limited access to data across platforms and countries, and non-technical barriers in the form of low digital literacy among the public and the reluctance of some victims to report. Mitigation efforts include preventive measures through education and cyber patrols, repressive measures through law enforcement and collaboration with digital platform operators, and assistance for victims during the legal process. Effectively handling online fraud requires cross-agency coordination, increased capacity of investigators in the field of digital forensics, strengthening identity verification mechanisms on digital platforms, and continuously improving legal and digital literacy among the public.

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