

ANALYSIS OF LAW ENFORCEMENT AGAINST FRAUD PERPETRATORS GOODS REPAIR SERVICES BASED ON THE CRIMINAL CODE AND CONSUMER PROTECTION ACT

Imam Savero Nasution ¹, Tri Reni Novita ²

^{1,2} Fakultas Hukum Universitas Muslim Nusantara Al Washliyah Medan

Email : muhammadhizbullah@umnaw.ac.id

ARTICLE INFO

History of the article:

Received: 03/10/2025

Corrected: 08/10/2025

Accepted : 30/10/2025

Published: 30/10/2025

Keywords:

Law Enforcement, Fraud, Goodse

ABSTRACT

Law enforcement against perpetrators of fraudulent electronic repair services can be carried out based on the Criminal Code (KUHP) and Law Number 8 of 1999 concerning Consumer Protection (UUPK), with the application of multiple articles if the elements of the crime are met. Based on the results of the research, it is known that the investigation regulations for suspects of fraudulent electronic repair services are in accordance with the provisions of Article 7 of the Criminal Procedure Code based on an Investigation Order, investigators have the authority in the process of carrying out the investigation. The occurrence of the crime of fraudulent electronic repair services was known because of a report. The suspect and evidence were taken to the Deli Tua Sector Police. Fraud investigations are based on a police report from the complainant or victim. Criminal investigations begin after the investigator issues an Investigation Warrant (Sprindik).

1. Introduction

Criminal law is the entire set of rules that determine what actions are permissible and what are not. Criminal law has two functions: a specific function and a general function. According to Adam Chazawi, the general function of criminal law is to regulate behavior and enforce rules in society. Meanwhile, the specific function of criminal law is to protect legal interests against actions that attempt to disrupt them, with sanctions in the form of criminal penalties that are coercive and binding. Essentially, the purpose of criminal law is to regulate criminal acts, which are unlawful acts that can result in the perpetrator being punished. These crimes are divided into several types. According to Musthafa Abdullah and Ruben Ahmad, the





types of criminal acts are "criminal acts and violations, formal and material crimes, intentional and unintentional crimes, and active and passive crimes."

Of these types, one type of criminal act and criminal offense is fraud. Fraud is a form of crime that is classified as a crime against another person's property. The definition of the crime of fraud from a legal perspective does not yet exist, except for what is formulated in the Criminal Code (KUHP). The formulation of fraud in the KUHP is not a definition but only to determine the elements of an act so that it can be said to be fraud and the perpetrator can be punished.³ Fraud according to Article 378 of the KUHP is as follows: "Anyone with the intention of benefiting themselves or another person unlawfully by using a false name or dignity (*hoednigheid*) falsely by deception, or a series of lies, inducing another person to hand over something to him, or to give a debt or write off a receivable, is punishable by fraud, with a maximum prison sentence of four years.

Based on the elements of the crime of fraud contained in the formulation of Article 378 of the Criminal Code above, Sugandhi put forward the definition of fraud that fraud is an act of someone with a series of lies, false names and false circumstances with the intention of benefiting oneself without any right. A series of lies is a series of false sentences arranged in such a way that it is a story of something that seems true.

After the Criminal Code was amended to become Law Number 1 of 2023 concerning the Criminal Code, the crime of fraud can be classified as a crime of fraudulent acts. This is because fraud is one of the fraudulent acts with the aim of benefiting oneself and harming others. As regulated in Article 492 of Law Number 1 of 2023 concerning the Criminal Code that: any person who with the intention of benefiting himself or another person unlawfully by using a false name or false position, using trickery or a chain of lies, moving people to hand over an item, giving debt, making a debt acknowledgment, or writing off receivables, shall be punished for fraud, with a maximum imprisonment of 4 (four) years or a maximum fine of category V.

Fraud crimes continue to evolve in line with the evolving needs of global society, technology, and information.⁵ This is because the evolving needs of global society, technology, and information impact changes and needs in society. Furthermore, these developments also alter societal behavior and human civilization, and spur the emergence of new methods and crimes through information technology.

2. Research Method

This research is descriptive in nature. Descriptive research aims to provide the most accurate data possible. This descriptive study begins with collecting data related to the discussion above, then organizing, analyzing, and interpreting the data to obtain a clear picture of the phenomenon being studied. In accordance with the research problems and objectives, the type of research used is normative legal





research. The type of research used in this study is normative legal research by examining library materials or secondary data materials which include books and legal norms contained in laws and regulations, legal principles, legal rules and legal systematics as well as reviewing statutory provisions, court decisions and other legal materials relevant to the formulation of the research

3. Results And Discussion

As a nation governed by the rule of law, Indonesia logically requires an institution capable of overseeing law enforcement. Not only is this capable of carrying out its duties, but it is also highly desirable in handling every criminal case to ensure optimal resolution.

Investigators before conducting an investigation electronic goods repair service fraud perpetrators Therefore, an investigation must first be carried out, which is a process or initial step that determines the entire process of resolving a criminal act that needs to be thoroughly investigated and investigated. Efforts to investigate and investigate a crime in concrete terms can be said to be an investigation assessed after the crime has occurred to obtain information about:

1. What criminal act was committed
2. When the action was taken
3. Where the action was performed
4. With what action was carried out
5. How the action is performed
6. Why the action was taken
7. Who is the perpetrator of this action.

Investigation is the initial step that determines the entire stage of criminal proceedings, so in seeking information as above, an investigator must comply with the provisions of the criminal procedure law in force in Indonesia, namely Law Number 8 of 1981 (KUHAP) because if the investigation stage is very important for the investigation process, it is very important for the subsequent criminal procedure process. If the investigation stage alone has committed many violations and errors outside the provisions of the applicable law, then automatically the next stage will be affected, which means that it is impossible for the judge's decision to be misled.

The importance of case investigation in the implementation of criminal procedure can be seen in its relationship to the provisions of the Criminal Procedure Code concerning the investigation, prosecution, and trial of cases. An investigator must conduct an orderly investigation and must always pay attention to the evidence available in the field.

An investigator must pay attention and investigate every fact in the field, no matter how small, because in line with the objectives of criminal procedural law, the task of





investigating a case is to "seek material truth." Indeed, in investigating a criminal case, absolute material truth can never be obtained 100% because only God knows. However, by paying attention to every argument and fact, no matter how small, evidence related to a criminal case can be sought as much as possible so that an investigation can approach the truth that a crime has been committed and who the perpetrators are.

After the investigator has completed the investigation, the results of the investigation are reported and described in detail and if the results of the investigation are deemed to provide sufficient initial evidence to carry out an investigation, the Deli Tua Sector Police will carry out further handling by taking action.

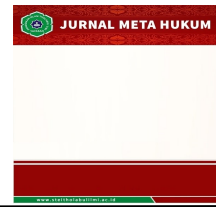
During the enforcement phase, investigators from the Deli Tua Police Sector begin taking legal action that directly impacts human rights, including restrictions and even potential violations of human rights. This phase is implemented after investigators from the Deli Tua Police Sector are convinced that a crime has occurred. electronic repair service fraud and to clarify everything about the crime. electronic repair service fraud This belief was based on the results of previous investigations and there was sufficient preliminary evidence that a crime had occurred and that someone could be blamed as the perpetrator.

Investigations are regulated in Article 1 point 1 of the Criminal Procedure Code, namely the police officers of the Republic of Indonesia or certain civil servants who are given special authority by law to conduct investigations. Article 1 point 2 of the Criminal Procedure Code, namely in Chapter I regarding General Explanation, namely: "Investigation is a series of investigator actions in the case and according to the method regulated in this law to search for and collect evidence with which the evidence makes clear about the crime that occurred and to find the suspect."

The Criminal Procedure Code further regulates investigators in Article 6, which provides limitations on investigative officials in criminal proceedings. The limitations of officials in the investigation stage are National Police investigators and civil state investigators. A police officer can be given the position of investigator, but must meet the rank requirements as stated in Article 6 paragraph (2) of the Criminal Procedure Code. According to the explanation of Article 6 paragraph 2, the positions and ranks regulated in Government Regulations are aligned and balanced with the positions and ranks of public prosecutors and general court judges. The Government Regulation that regulates the issue of investigator ranks is in the form of PP Number 27 of 1983.

The starting point of the examination before the investigator is the suspect because from the suspect information is obtained about the criminal incident being examined. Although the suspect is the starting point for the examination, the suspect should not be viewed as an object of examination (inquisitor). The suspect





must be placed in the position of a human being who has dignity and respect and must be assessed as a subject, not as an object. The criminal act of the suspect who is the object of examination, according to Article 8 of Law No. 48 of 2009 concerning Judicial Power, the suspect must be considered innocent in accordance with the legal principle of "presumption of innocence" until a court decision is obtained that has permanent legal force.

The legal provisions for investigating criminal acts are regulated in the Criminal Procedure Code, which stipulates that when examining a suspect, an investigator must pay attention to the applicable information and may not act outside of that information. One of these provisions concerns the suspect's rights during the examination. Articles 14, 15, and 32 of the Criminal Procedure Code contain the words suspect, defendant, and convict in each position of the suspect during the examination process.

Investigators in conducting examinations of suspects have methods that apply according to the Criminal Procedure Code, these procedures are:

1. In accordance with Articles 52 and 117 of the Criminal Procedure Code, the answers or information provided by the suspect to the investigator are given without pressure from anyone and in any form. The suspect in providing information must be free and may not be forced in any way, whether physical pressure with acts of violence and abuse, or by pressure from the investigator or from outside parties. Regarding the guarantee of the implementation of Articles 52 and 117 of the Criminal Procedure Code, there are no sanctions. The only guarantee for the enforcement of the provisions of Articles 52 and 117 of the Criminal Procedure Code is through a Pretrial, in the form of filing a lawsuit for compensation on the grounds that the examinations have been carried out without a reason based on law.

1. The investigator carefully records all of the suspect's statements. The investigator carefully records all of the suspect's statements regarding what he or she has actually done in connection with the criminal act for which he or she is suspected, in accordance with the words used by the suspect. The suspect's statement must be recorded and the suspect's agreement and confirmation regarding the truth and content of the minutes must be sought. If the suspect has agreed, the suspect and the investigator each sign the minutes. If the suspect does not want to sign, the investigator makes a note in the form of an explanation or statement about it and states the reasons why the suspect does not want to sign.

2. Article 119 of the Criminal Procedure Code states that if the suspect to be questioned is located outside the investigator's jurisdiction, the investigator concerned can assign the questioning to the investigator with authority in the suspect's area of residence.





3. If a suspect does not appear before the investigator, then according to the provisions of Article 113 of the Criminal Procedure Code, the examination can be conducted at the suspect's residence by the investigator himself coming to conduct the examination at the suspect's residence. This is done if the suspect cannot appear at the examination location determined by the investigator for a proper and reasonable reason. A proper and reasonable reason here means there must be a statement from the suspect that he is willing to be examined at his residence, because without a statement of willingness, the assumption arises that the examination is as if coercion. To avoid this, it is better to have a statement of willingness, either stated in writing or verbally, which is conveyed by the suspect to the investigator when the investigator visits the suspect at his residence.

The starting point of the examination before the investigator is the suspect because it is from the suspect that information is obtained about the criminal incident being investigated. However, even though the suspect is the starting point for the examination, the suspect should not be viewed as an object of examination (inquisitor). The suspect must be placed in the position of a human being who has dignity and respect and must be assessed as a subject, not as an object. The criminal act of the suspect that is the object of examination, according to Article 8 of Law Number 48 of 2009 concerning Judicial Power, states that the suspect must be considered innocent in accordance with the legal principle of "presumption of innocence" until a court decision is obtained that has permanent legal force.

Examination process at the investigation stage against the perpetrators of fraudulent electronic goods repair services carried out by asking about the physical and mental condition of the person being examined and their willingness to be questioned at that time, after the person being examined states that they are physically and mentally healthy and willing to be examined at that time, then the police who arrested them are asked when and where the arrest was made, what the suspect did, and who their friends were who participated in the arrest, then continue with questions about who the suspect is and what evidence was obtained from the suspect. Then continue with how the investigator knows the suspect.

The suspect was asked whether he had provided or presented a legal advisor during the examination and whether he had ever been convicted. He was then asked what caused him to undergo the examination at that time. The suspect was also asked about the chronology of the arrest and at the end of the investigation process was asked whether there were any witnesses who could mitigate the case and was asked whether there was any coercion or intimidation in providing testimony and whether all the statements were true. Finally, the minutes of the examination were stopped and read again by the examiner, after being investigated, it was then signed and closed and signed on the day and date by the investigator.



The investigation conducted by investigators focuses on matters related to legal issues. The investigator's starting point for the investigation is the suspect. It is from him that information regarding the criminal incident being investigated is obtained. However, even though the suspect is the starting point for the investigation, the principle of acquisitiveness must be applied to him. The suspect must be placed in the position of a human being with dignity. The criminal act he committed is the object of the investigation. The investigation is directed towards the guilt of the criminal act committed by the suspect. The suspect must be presumed innocent, in accordance with the legal principle of the "presumption of innocence" until a final and binding court decision is reached.

Article 4 of the Regulation of the Chief of the Republic of Indonesia National Police Number 14 of 2012 concerning the Management of Criminal Investigations states that the basis for conducting an investigation is:

1. Police report/complaint;
2. Task order letter;
3. Investigation report (LHP);
4. Investigation warrant; and
5. Letter of Notification of Commencement of Investigation (SPDP).

The investigation process according to Article 1 number 2 of the Regulation of the Chief of the Republic of Indonesia National Police Number 14 of 2012 concerning Management of Criminal Investigations is a series of investigators' actions in terms of and according to the methods regulated in the law to search for and collect evidence with which the evidence makes clear about the crime that occurred and in order to find the suspect, however, Polri investigators cannot immediately carry out investigative activities as they wish, but there are also limitations that must be followed by the investigator so as not to violate human rights considering that the investigator's power in carrying out the series of actions is too great. The limitations of the investigator's activities are contained in the Regulation of the Chief of the Republic of Indonesia National Police Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of Duties of the Republic of Indonesia National Police.

Investigators/investigators after receiving a report or complaint about the occurrence of a criminal incident in the form of a criminal act of fraud in electronic goods repair services, fraud in electronic goods repair services, then as a continuation of the act carried out by a person, if the investigator has strong suspicions accompanied by sufficient initial evidence, the investigator can arrest the suspect.

Investigators use coercive means in the form of arrest and detention. This means that before making a decision to arrest/detain, investigators must have sufficient





preliminary evidence and a strong suspicion that the suspect has committed a crime.

Arrests cannot be made arbitrarily, as this would violate human rights. To arrest someone, investigators must issue an arrest warrant, including the reasons for the arrest and a brief description of the nature of the alleged crime. Without an arrest warrant, a suspect can resist the officer. An arrest warrant is only issued if there is a strong suspicion that a crime has occurred, along with sufficient preliminary evidence.

Evidence in criminal procedure law is crucial in the trial process of criminal cases in court to convince the judge of the truth of the arguments presented. Evidence plays a crucial role in the trial process. Evidence is considered crucial in criminal procedure law because what is sought in the trial of a criminal case is material truth, which is the goal of criminal procedure law itself. To find the truth in a case, evidence is the primary method used by judges to determine whether or not the defendant committed the alleged act or to obtain the basis for issuing a verdict in resolving a case. Therefore, judges must be careful, precise, and mature in assessing and considering the issue of evidence.

4. Conclusion

The investigation into the suspected electronic repair fraud suspect complies with Article 7 of the Criminal Procedure Code. Investigators have the authority to conduct the investigation based on an Investigation Warrant. The electronic repair fraud was discovered through a report. The suspect and evidence were taken to the Deli Tua Police Department.

The implementation of the investigation against the suspect of fraud in the electronic goods repair service is an effort to obtain information through evidence and materials, in order to obtain a conviction on the truth of the alleged criminal act and to be able to determine whether or not there is any fault on the part of the suspect. For the purposes of this proof, it is very necessary to have the presence of objects related to a crime such as the means of transportation used to commit illegal beef smuggling.

Forms of obstacles in conducting investigations against suspects in electronic goods repair service fraud is lack of witness participation in providing information in the investigation process, human resources of investigators or assistant investigators and witnesses cannot reveal criminal events and the existing evidence is incomplete



References

- Adam Chazawi, 2022, Criminal Law Lessons, Jakarta: Raja Grafindo.
- Andi Hamzah, 2015. Introduction to Criminal Procedure Law. Jakarta: Ghalia Indonesia.
- Bambang Sunggono, 2018, Legal Research Methodology, Jakarta: Raja Grafindo Persada
- GW Bawengan. 2017. Criminal Case Investigation and Interrogation Techniques, Jakarta: Pradnya Paramita.
- Leden Marpaung. 2022. Elements of Punishable Acts (Crimes). Jakarta: Sinar Grafika.
- Musthafa Abdullah and Ruben Ahmad, 2023, The Essence of Criminal Law, Jakarta: Ghalia Indonesia.
- PAF Lamintang. 2020, Fundamentals of Indonesian Criminal Law. Bandung: Citra Aditya Bhakti
- R. Atang Renoemihardja. 2023. Criminal Procedure Law, Comparative Study Between Old Criminal Procedure Law (HIR) and New Criminal Procedure Law (KUHP). Tarsito: Bandung.
- Roni Hantijo Soemitro, 2018, Legal Research Methodology and Jurimetrics, Jakarta: Ghalia Indonesia.
- Soerjono Soekanto, 2014, Introduction to Legal Research, Jakarta: University of Indonesia
- Sugandhi, 2020, Criminal Code and its Explanation, Surabaya: National Enterprise.

