



LEGAL ASPECTS OF THE CRIMINAL ACTS OF ONLINE ARISAN FRAUD FROM THE PERSPECTIVE OF LAW NUMBER 1 OF 2024 CONCERNING INFORMATION AND ELECTRONIC TRANSACTIONS

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ABSTRACT

The recent cases of fraud are becoming increasingly disturbing. One form of fraud is actionCriminal law regarding arisan fraud. Legal protection for arisan members against fraudulent acts using online arisan methods. This can be done by reporting it to the authorities, such as the police, and using civil channels to claim compensation. Online arisan perpetrators who fail to fulfill their promises can be subject to criminal sanctions for embezzlement (Article 372 of the Criminal Code) and/or fraud (Article 378 of the Criminal Code), as well as provisions in the ITE Law for using electronic media. Victims have the right to recover their losses through restitution or compensation, medical services, and legal assistance. Law enforcement against perpetrators of fraud using the online arisan method threatened with Article 28 paragraph (1) of the ITE Law, namely a maximum prison sentence of six years and/or a maximum fine of IDR 1,000,000,000 (one billion rupiah) in accordance with the provisions contained in Article 45 A paragraph (1) of the ITE Law. There are two differences between the Criminal Code and the ITE Law, namely in the formulation of Article 28 paragraph (1) of the ITE Law, there is no requirement for an element of benefiting oneself or others as regulated in Article 378 of the Criminal Code regarding fraud

1. Introduction

Online arisan is an activity carried out together in a group, where members collect money or goods of equal value within a certain time period, which is carried out or played in cyberspace using social media as an intermediary. From this arisan activity, obligations will also arise for each person who joins the arisan. In the past, arisan activities were carried out face to face to carry out the arisan activities as a form of fulfilling the rights and obligations that have been agreed upon. However, with the development of the times, arisan can be done online by using social media as an intermediary in carrying out the arisan.

Managing online arisan (raising groups) that have the potential to trigger



criminal activity is made easier by the arisan system. This opportunity is available thanks to the online arisan owner, who directly supervises members. If the person in charge of the virtual gathering hopes to profit from it, there is also a high risk of fraud and embezzlement when using online arisan.

Online arisan fraud is a type of online crime. Online fraud is a form of crime that uses information technology to commit its crimes. Online fraud results in losses for victims, and therefore, such fraud cases are regulated by the Criminal Code and the ITE Law.

Criminal acts based on Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions are criminal acts of online fraud, Article 28 paragraph (1) states "Any person who intentionally and without the right to spread false and misleading news that results in consumer losses in Electronic Transactions". Other crimes that fall into this category include criminal activities related to Electronic Information and Transactions.

Evidence of crime contained in Article 28 paragraph 1 of the ITE Law in the form of electronic data in the form of sound, images, maps, designs, photos, exchanges, electronic data, telegrams, telex, telecopy, or similar communications, letters, signs, numbers, access codes, symbols, or perforations that have been processed and have meaning or can be understood by people who can decipher them, all of which are considered to be based on electronic information, namely acts carried out using computers, computer networks, and/or other electronic media, referred to as electronic transactions

2. Research Method

This research is descriptive in nature. Descriptive research aims to provide the most accurate data possible. In this study, the author will describe the legal protections for arisan members against fraudulent activities using online arisan schemes. The type of research used is the normative juridical method. The normative juridical approach method is research conducted by examining library materials which are secondary data such as legislation

3. Results And Discussion

Specifically, criminal acts related to Electronic Information and Transactions have been regulated through Law Number 1 of 2024 concerning Electronic Information and Transactions concerning the Second Amendment to Law



Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law).

The ITE Law does not specifically explain fraud, this can be seen from the absence of the use of the proposition 'fraud' in its articles. The regulation regarding the prohibition on the dissemination of false news that results in consumer losses is classified in Article 28 paragraph (1) which tends to be very close to the dimensions of criminal acts of fraud and consumer protection..”

The crime of fraud is closely related to consumer protection. The protection provided by Article 28 paragraph (1) of the ITE Law only applies to the injured party who has the status of a consumer. If the person who suffers the loss does not have the status of a consumer or is outside the relationship between producer and consumer, Article 28 paragraph (1) of the ITE Law cannot be applied..

According to Hendrik S, there is no direct relationship between the ITE Law and Law No. 8 of 1999 concerning Consumer Protection (the Consumer Protection Law). The Consumer Protection Law specifically regulates the obligations and prohibitions for businesses in protecting consumer rights. The prohibitions and criminal penalties stipulated in the Consumer Protection Law are not directly related to fraud. This article is useful when businesses fail to fulfill "administrative" obligations and violate prohibitions, thus subjecting them to criminal penalties stipulated in the Consumer Protection Law.

Online fraud falls under the category of illegal content crimes, which involve the misuse of information technology. Illegal content involves the entry of false information or data onto the internet. Furthermore, the information presented is unethical and can be considered unlawful or disruptive to public order.

Online fraud refers to a type of fraud that uses internet media such as chat rooms, e-mail messages, or websites to conduct fraudulent transactions with financial institutions, such as banks or other related institutions. This indicates that online fraud involves the use of software and internet access to deceive victims for personal gain.

The ITE Law does not directly regulate the crime of online fraud. In this case, there is no proposition of 'fraud' in its articles. There is a regulation regarding the prohibition of spreading false news that results in consumer losses, namely in Article 28 paragraph (1) of the ITE Law which states that "any person who intentionally, and without the right to spread false and misleading news that results in consumer losses in electronic transactions." This paragraph, although it does not specifically explain fraud, is very thick with the dimensions of the crime of fraud and consumer protection.



Judging from the grouping of the articles in the ITE Law, Article 28 paragraph (1) is juxtaposed with paragraph (2) which regulates the dissemination of hate speech content against certain SARA, which if seen from its nature is a protection of public order. It is highly likely that paragraph (1) is also related to the protection of public order, but clarity on this matter is not found in the academic text of the formation of the ITE Law, which makes the results of the analysis hypothetical in nature, which may require separate research to solve it.

However, this does not mean that Article 28 paragraph (1) of the ITE Law cannot be applied when the injured party is an individual consumer. This is because the application of the article can be used as an interpretative method that does not only refer to the will of the legislator, but also so as not to violate the rules of interpreting criminal law.

The elements contained in Article 28 paragraph (1) of the UTE Law are identical and have several similarities with the conventional crime of fraud regulated in Article 378 of the Criminal Code and have special characteristics, namely the recognition of evidence, electronic media and the expansion of jurisdiction in the ITE Law. The relationship between Article 28 paragraph (1) of the ITE Law and Article 378 of the Criminal Code is seen from the elements that regulate actions against the article.

The provisions of Article 28 paragraph (1) of the UTE Law are also in line with Law Number 8 of 1999 concerning Consumer Protection. The relationship between the two aims to increase consumer awareness and independence in protecting themselves and create a consumer protection system by providing legal certainty and openness of information as well as access to obtain information.

In Article 28 paragraph (1) of the ITE Law, the consumer referred to is the final consumer as also referred to in Article 1 point 2 of the Consumer Protection Law that every person who uses goods and/or services available in society, whether for the benefit of themselves, their families, other people or other creatures and not traded. This refers to that Article 28 paragraph (1) of the ITE Law is not intended for intermediary consumers (resellers, retailers, suppliers) or consumers who use a product as part of the process of another product. Article 28 paragraph (1) of the ITE Law is a material offense, which means that consumer losses in online transactions can be a prohibited result of deliberate and unintentional acts of spreading false and misleading news.

These online fraudulent schemes are carried out using social media platforms like Twitter, Instagram, and Facebook, as well as through SMS (Short Message Service). The methods used by perpetrators of online fraudulent giveaways on





social media platforms are increasingly diverse, difficult to distinguish from genuine giveaways and difficult to detect.

Computer technology, supported by the internet, makes it possible for individuals to commit sophisticated fraud and convince victims of fraud. Regulations are needed to protect the public using the internet from potential disruptions, including fraud. Article 378 of the Criminal Code (KUHP) provides for the criminal act of fraud. Article 378 of the Criminal Code can be used to prosecute or indict perpetrators of the crime. However, according to Budi Suhariyanto, Article 378 of the Criminal Code, which regulates fraud, does not cover acts occurring online.

In addition to the Criminal Code which contains regulations related to fraud, there are also regulations that specifically regulate cyber crime, namely the ITE Law, which discusses matters related to electronic information, electronic transactions, and also regulates prohibited matters related to cyberspace along with the criminal threats.

The spread of fake news and misleading is a synonymous word with fraud. The act of spreading fake news and misleading is regulated in Article 28 paragraph (1) of Law Number 1 of 2024 concerning Information and Electronic Transactions concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions, this article is an article that accommodates or an article that handles fraudulent acts carried out via the internet. This cannot be separated from the elements contained in Article 28 paragraph (1) of the ITE Law and the elements contained in Article 378 of the Criminal Code. Article 28 paragraph (1) of Chapter VII of the ITE Law states that: "Any person who intentionally and without the right spreads fake and misleading news that results in consumer losses in Electronic Transactions."

Article 28 paragraph (1) of the ITE Law concerning the act of spreading false and misleading news via the internet, contains elements. The elements contained therein as put forward by Adami Chazawi and Ardi Ferdian are:

1. Error: intentionally;
2. Unlawful: without rights;
3. Actions: false and misleading news;
4. Object: information;
5. Constitutive Effect: results in consumer losses in electronic transactions.

Article 28 paragraph (1) of the ITE Law does not clearly regulate the crime of fraud itself but is related to the emergence of consumer losses which states, in the right to spread false and misleading news which results in consumer losses in electronic transactions. The words false and misleading news and in Article 28 paragraph (1) of the ITE Law can be equated with the words trickery or a series



of lies as elements of the crime in Article 378 of the Criminal Code. In other words, Article 28 paragraph (1) of the ITE Law is an extension of the crime of conventional fraud or the crime of fraud that occurs in society which is regulated in Article 378 of the Criminal Code.

The elements of online fraud according to Article 28 of the ITE Law are:

1. Any person intentionally and without right.

Regarding this element, it is necessary to examine the element of deliberate action, whether it actually contains malicious intent. Spreading false and misleading news using words and meanings requires both elements to be met for criminal prosecution: spreading false news (not in accordance with the actual facts/circumstances) and misleading (causing someone to have a wrong/erroneous view). If the false news does not cause someone to have a wrong view, then criminal prosecution cannot be carried out.

2. Causes consumer losses in electronic transactions.

This element requires that the false and misleading news result in consumer harm. This means that criminal penalties cannot be imposed if no consumer harm occurs in the electronic transaction.

The formulation of Article 28 paragraph (1) of the ITE Law which uses the sentence spreading invalid/false news, which is actually similar to the provisions in Article 390 of the Criminal Code, although with a slightly different formulation, it can be concluded that parties who aim to benefit themselves or other parties by breaking the applicable law, by broadcasting false news, and causing the price of goods and services to become unclear, will be imprisoned for a maximum of two years and eight months.

The sentence of spreading false news and also the losses caused are regulated more specifically. When compared, these regulations have similarities, namely that they can cause losses to consumers. However, the formulation of Article 28 paragraph (1) of the ITE Law does not require the element of benefiting oneself or another party as regulated in Article 378 of the Criminal Code regarding fraud. In accordance with the elements that have been fulfilled in the provisions of Article 28 paragraph (1) of the ITE Law and Article 378 of the Criminal Code, law enforcement officials can impose multiple articles on perpetrators of fraud who have fulfilled the requirements of both articles.

Online fraud is basically similar to conventional fraud, and the only difference is the means of committing it, namely using electronic systems (computers, the internet, telecommunications devices). Legal regulations regarding this criminal act of fraud are still limited to the use of the Criminal Code and based on the ITE Law. Law enforcement officers often experience difficulties and obstacles in ensnaring perpetrators of fraud. This criminal act of fraud can be prosecuted





under Article 378 of the Criminal Code as a criminal act of fraud or Article 28 paragraph (1) of the ITE Law concerning regulations regarding the dissemination of false and misleading news that is detrimental to consumers. Or it can be prosecuted under both articles at once, namely, Article 378 of the Criminal Code in conjunction with Article 28 paragraph (1) and Article 45 paragraph (2) U of the ITE Law which regulates fraud and ITE crimes

4. Conclusion

Legal regulations for online-based fraud crimes from the perspective of Law Number 1 of 2024 concerning Electronic Information and Transactions regulated in Article 28 paragraph (1) and generally regulated in Article 378 of the Criminal Code. As a special law, the ITE Law serves as a guideline and legal basis for members of the public in carrying out activities in the online world.

Legal protection for arisan members from criminal acts of fraud using the online arisan method This can be done by reporting it to the authorities, such as the police, and using civil channels to seek compensation. Online arisan operators who fail to fulfill their promises can be subject to criminal sanctions for embezzlement (Article 372 of the Criminal Code) and/or fraud (Article 378 of the Criminal Code).

Law enforcement against perpetrators of criminal acts of fraud using the online arisan method threatened with Article 28 paragraph (1) of the ITE Law, namely a maximum prison sentence of six years and/or a maximum fine of IDR 1,000,000,000 (one billion rupiah) in accordance with the provisions contained in Article 45 A paragraph (1) of the ITE Law

References

- Adami Chazawi, Criminal Law Lessons Part 2. RajaGrafindo Persada, Jakarta, 2012.
- Adami Chazawi and Ardi Ferdian.. Information Crime and Electronic Transactions. Media Nusa Creative, Malang, 2015.
- Agus Raharjo, Cyber Crime: Understanding and Efforts to Prevent Technology-Based Crime, Citra Aditya Bakti, Bandung, 2022.
- Andi Hamzah. *Certain Offenses (Speciale Delicten) in the Criminal Code*, Sinar Grafika, Jakarta, 2015

