

JURIDICAL ANALYSIS OF THE CRIME OF ONLINE STORE FRAUD IN INDONESIA

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Abstract

The growth of technology has increased the buying and selling of commodities virtually. However, the lack of physical stores makes it impossible for potential buyers to evaluate the quality of their commodities or facilities. This in turn encourages the emergence of virtual shopping scams by perpetrators. This paper mainly tries to evaluate the extent of online shopping fraud in Online Store Fraud Crimes in Indonesia by using a normative juridical approach, which uses secondary data. Fraud in cybercrime requires the victim to develop a statement of the actuality of the crime to police officers. The report must be accompanied by primary evidence in electrical information or methods of publication of electronic information and data. From there, to verify the actuality of a particular type of fraud, an investigation is carried out. The procedural law related to the ITE Law in Indonesia is regulated in article 42 which states that investigations into cybercrimes are carried out against the criminal procedure provisions in the ITE Law. Finally the essay finds that the Criminal Code of virtual fraud is regulated on Electronic Data and Transactions in Law number 19 of 2016.

Keyword : *Scams, Online Stores, Indonesia, Cybercrime*

Abstrak

Perkembangan teknologi telah meningkatkan jual beli komoditas secara virtual. Namun, kurangnya toko fisik membuat calon pembeli tidak dapat mengevaluasi kualitas komoditas atau fasilitas mereka. Hal ini pada gilirannya mendorong munculnya penipuan belanja virtual oleh pelaku. Tulisan ini terutama mencoba untuk mengevaluasi sejauh mana penipuan belanja online dalam Kejahatan Penipuan Toko Online di Indonesia dengan menggunakan pendekatan yuridis normatif, yang menggunakan data sekunder. Penipuan dalam kejahatan dunia

maya mengharuskan korban untuk mengembangkan pernyataan tentang aktualitas kejahatan kepada petugas polisi. Laporan tersebut harus disertai dengan bukti utama dalam informasi kelistrikan atau metode publikasi informasi dan data elektronik. Dari sana, untuk memverifikasi aktualitas jenis penipuan tertentu, penyelidikan dilakukan. Hukum acara terkait UU ITE di Indonesia diatur dalam pasal 42 yang menyatakan bahwa penyidikan kejahatan siber dilakukan terhadap ketentuan acara pidana dalam UU ITE. Akhirnya esai menemukan bahwa KUHP penipuan virtual diatur tentang Data dan Transaksi Elektronik dalam Undang-Undang Nomor 19 Tahun 2016.

Kata Kunci: *Penipuan, Toko Online, Indonesia, Cybercrime*

Introduction

The development of science and technology was stimulated after World War II (two). Military needs that must be met, among others, in the fields of weapons, communications and intelligence, have triggered cooperation between the military and academics such as universities and research institutes to develop specific technologies and sciences. After the world war ended, the technology and knowledge were released to the public so as to encourage radical changes in various fields to enter the current era of globalization ¹

The rapid and rapid development of computer technology has resulted in a multifunctional internet. This development brings humans to the threshold of the fourth revolution in the history of human thought when viewed from the construction of human knowledge which is characterized by a borderless way of thinking.

Globalization is synonymous with advances in information and communication technology which is developing very rapidly and rapidly. Developments in information and communication technology have caused the world to become borderless, causing significant and very fast social changes. Advances in information and communication technology have made it easier for people to receive and provide

¹ J Sitompul, *Cyberspace Cybercrimes Cyberlaw : Tinjauan Aspek Hukum Pidana*, (Jakarta: Tatanusa, 2012), p....

information to others. the wider community, so that people can easily communicate without the limitations of distance and time.

Globalization has developed sophisticated and cutting-edge technologies, which significantly impact the formation of countries. Newer technologies and data are easily accessible precisely because of globalization and the existence of the internet. This accessibility causes priorities to change, such as culture, economy, security, and even law. Humans are becoming increasingly independent from technology such as smartphones, laptops, and the internet² Typically, this reliance on progress is due to a desire to increase the value of life by adopting technology and data available in all areas of life, namely business, banking, healthcare, and education.

Along with the development of information and communication technology, the public is required to be able to follow every development that occurs. new interactions, new jobs, and an endless world of business networks. Social changes that occur due to the development of information and communication technology have created a new phenomenon in society today, where the change from conventional communication to communication via the internet (online) has also changed the pattern of wider community interactions such as business interactions, economic interactions, social interactions. social and cultural interactions.

Indonesia as a country with a large population, cannot be separated from the influence of advances in information and communication technology, even Indonesia is considered as one of the largest centers of internet media users (online media). According to the 2016 APJII (Indonesian Internet Service Provider Association) survey, internet users in Indonesia reached 132.7 million or around 51.5% of the total population of Indonesia of 256.2 million.

² Karo, R.K. and Sebastian, A., "Juridical Analysis on the Criminal Act of Online Shop Fraud in Indonesia", *Lentera Hukum*, 6 (2019), p.1.

Advances in information and communication technology today make it easier for people to provide and receive information. People can easily communicate without any boundaries of distance, space and time. Along with the development of technology, the community is also required to be able to follow every development that is happening. The development of technology today is not only for the sake of establishing communication and socializing, but also leads to an unlimited world business network. The business network in question is trading activities on-line via the internet.

The acceleration of advances in information and communication technology, especially online media, is felt to provide many benefits and conveniences for its users, such as in terms of security, convenience, and speed. As a simple example, online media is used as a means of supporting in booking tickets, hotels, paying telephone bills, electricity, buying and selling and so on which has made consumers more comfortable and safe in carrying out their activities.

Trading activities by utilizing internet media are known as electronic commerce, or e-commerce for short . Meanwhile, Suhariyanto argues that E-Commerce is business activities involving consumers, manufactures, service providers, and intermediary traders using computer networks . E-Commerce can also be understood as a process of buying and selling goods and services carried out through a computer network, namely the internet. At this time it is undeniable that buying and selling on-line can streamline and streamline time so that someone can make buying and selling transactions with everyone anywhere and anytime. Moreover, the transaction is carried out without any face-to-face contact between the parties and they base the sale and purchase transaction on mutual trust so that buying and selling that occurs between the parties is carried out electronically (on-line) through the internet network.

Trading activities using the internet or online media or what we often call e-commerce (electronic commerce) are part of changing patterns of community interaction. E-Commerce is a process of buying and selling goods and services online or through a computer network, namely the internet. Online trading has a positive impact on meeting

human needs, this is because online trading can streamline and streamline time, which means that a person can make buying and selling transactions with anyone anywhere and anytime without having face-to-face between the parties, they base the sale transaction on The purchase agreement is based on mutual trust, so that the sale and purchase agreement that occurs between the parties is carried out electronically.

Through online buying and selling, all the habits used in conventional transactions are reduced, this is because online buying and selling actors are provided with the convenience of being able to freely fulfill their wishes by collecting and comparing information on the desired goods and services. online transactions are a current trend and an inseparable need for some people. The rapid development and advancement of information technology has led to changes in human life activities in various fields which have directly affected the birth of new forms of legal action.

The development of internet technology and law are two elements that influence each other and both also affect society. Heidegger argues that on the one hand technology can be seen as a means to achieve certain goals. On the other hand, technology can also be seen as a human activity. Basically, every technology is developed to meet certain needs and through that technology is provided with benefits and services for humans, including increasing work efficiency and effectiveness³

However, although these advances have had a positive impact on people's lives, it is likely that these technological innovations can cause various types of crimes such as cybercrimes, which cause convection crimes. Undoubtedly, the occurrence of cyber crimes committed in Indonesia is rampant because cyber crime investigations are difficult to carry out. It is anonymous and carried out by anyone regardless of their location⁴. On the other hand, online shopping entices customers because of its accessibility, and relativity to lower

³ J Sitompul, *Cyberspace Cybercrimes Cyberlaw : ...*, p. 5

⁴ Karo, R.K. and Sebastian, A., "Juridical Analysis on the Criminal Act of Online Shop Fraud in Indonesia....", p 50.

prices, one should always be aware of the risks associated with these types of transactions such as online shopping scams. In contrast to regular trading, and purchase transactions, online purchases can be made simply without the need to purchase a substantial product or service. Various products can be purchased virtually, namely clothing, doctor consultations through social media platforms such as Whatsapp, and Facebook.

There are various kinds of fraud in the real world, but in the virtual world there is no escape from a case of fraud. The perpetrators of these frauds use their tactics by selling various types of attractive goods to bind potential buyers, because the prices are very cheap and far from the market price, which in the end after the money is sent, the goods that have been ordered cannot be received.

The characteristics of the Cybercrime world are more universal, even though they have a special characteristic, namely crimes committed by people who control the use of the internet and its applications. Cybercrime is a form of crime that uses the internet and computers as tools or ways to commit criminal acts. criminal forms that use the internet and computers or other electronic devices as tools. Another definition states that cyber crime is a term that refers to criminal activities with computers or with other electronic devices that can be connected to the internet network.

Nonetheless, cybercrimes are crimes committed electronically, and the following are categorized as cybercrimes: fraud, defamation, identity theft, and skimming. Therefore, technological developments have resulted in the sale and purchase of goods and services online.⁵ The absence of a physical store prohibits potential buyers from thoroughly investigating the value of the commodities and services they purchase, leading to the emergence of online store fraud. Prior to the enactment of Law Number II of 2008 concerning Electricity Data and

⁵ Lutfiyana, A, "Online Buying and Selling Fraud in Indonesia and Its Criminal Law Enforcement", *Law Research Review Quarterly*, 7(1), (2021), p.53-68

Transactions, ; The law passed for cyber crime is the Indonesian Criminal Code, which considers cyber crime as a convection violation.

One type of crime by utilizing online media is fraud. Online fraud referred to in e-commerce is online fraud that uses the internet for business and trade purposes so that it no longer relies on real, conventional company businesses.⁶ Online fraud is in principle the same as conventional fraud, the difference is only in the means of action, namely using electronic systems (computers, internet, telecommunication devices). So legally, online fraud can be treated the same as a conventional offense regulated in the Criminal Code (KUHP). The presence of online media in principle provides many benefits and conveniences to meet human needs, but the presence of online media is used negatively as a means to commit crimes with various purposes, one of which is to gain profit.

Fraud perpetrators through the internet, usually more intended to benefit themselves. In this case the advantage in question is to increase wealth from what already exists to be even more. And most perpetrators of online fraud crimes are carried out by using other people's accounts as their own protection when carrying out these actions and easily tricking their victims, for example by offering goods at low prices and falsifying the brand of the merchandise so that consumers are tempted. at a relatively low price.

A fraudulent crime committed by other people (humans) through electronic media using internet services within the scope of online business is a crime that is very common today. Most of the victims are women, which is because of the many forms of goods offered in this online media, ranging from bags, clothes, makeup tools

⁶ Sitompul, A. *Pengenalan Mengenai Masalah Hukum di Cyberspace* (Bandung: Citra Aditya Bakti 2001), p 15.

and other tools related to the needs of women's lives in decorating themselves to make them look more trendy. from friends around him.⁷

This is what causes the emergence of criminal acts of fraud in online media that are happening a lot at this time. Crimes that occur can only be committed by people who master and understand information technology, so they use it to commit fraud crimes. And this is what makes many victims of fraud where the victims do not understand and master information technology so it is very difficult to hold them accountable for the criminal acts that happened to them. Criminal acts of fraud committed in online media are regulated in Law Number 19 of 2016 concerning Information and Electronic Transactions.

Various modes of fraud through online media are constantly happening and most criminals are getting more and more ways to carry out their actions. One of them is by creating fake web sites with this site, where these items are circulated at prices that vary according to their various forms at relatively easy-to-affordable prices with the aim and purpose of making buyers interested in the prices offered. . In addition, there are also those who commit online business fraud crimes by sacrificing other people's account numbers to make money transfer transactions from the prices of goods sold.

The crime of fraud committed by someone using the internet or better known as fraud under the guise of an online business is one type of crime that is already rampant today. Internet users who are so wide open opportunities for irresponsible parties to carry out actions that can harm others.

The factors that cause someone to commit a criminal act of fraud with an online business are as follows:

1. Economic Factor

⁷ Pomounda, I, "Perlindungan Hukum Bagi Korban Penipuan Melalui Media elektronik Suatu Pendekatan Viktimologi". *Jurnal Ilmu Hukum Legal Opinion*, Vol. 3 No. 4 April, 16 (2015), p 50

Economic factors are factors related to what a person does to get a satisfactory income. If a person in terms of his life who lives a mediocre life in a low economic sense, he will be more likely to commit an act that violates the applicable legal rules, in which that person will commit negative actions, be it stealing, killing, and even committing fraudulent crimes. which in its action looks for victims who can be easily seduced or persuaded.

One of the causes of a person committing a crime is the low level of education he has. Due to the low level of education obtained, it will be difficult to get a suitable job, especially in today's era where the world of work is very difficult to find. This has an impact on causing the labor market to be unable to absorb the expertise it has due to the low level of education it has.

So that it makes people who cannot work for reasons of low education make that person unemployed. In the absence of activities to do and difficulties in fulfilling daily needs, the person is compelled to find shortcuts to get everything he wants in a way that is contrary to the rule of law.

2. Environmental Factors

Environmental factors are things related to where a person lives. The relationship between the environment and the economy are two things that cannot be separated. This is because someone who does not have a job or activity to earn money (unemployment), then that person will definitely need other people to help him in his daily life.

In general, the perpetrators do not have any knowledge, and the work finally makes them start learning from people who have or have committed a cyber crime, who still have family or friendship relationships, because they come from the same place or environment. And usually it is in this environment that a person begins to form his true character which if someone in his environment is friends with good people it will be good, but vice versa if he is friends with bad people the results will be bad.

A person who is not initially a lawbreaker, as a result of associating with these people who are more likely to be driven by their environment and will become people who are included in the law enforcement group. And in general, someone who commits a crime tends to be caused by factors in his social environment.

Therefore, this paper aims to evaluate the extent of virtual store fraud in Indonesian policies and regulations and legal implementation measures developed by the Indonesian police to prevent virtual store fraud. In addition, this paper will show appropriate Indonesian policies controlling virtual shopping fraud and obtain information on countermeasures taken by officials to permanently prevent online store fraud. In addition, this paper uses a normative policy research approach, which is generally considered an investigation of doctrinal rules, and uses secondary information such as books and journals⁸.

Method

This paper uses a normative legal research approach, which utilizes written legal journals, books, articles, and legal principles to conduct a juridical examination of unlawful acts of Online Store Fraud in Indonesia. To calculate it, electricity transactions are carried out online and managed through electricity facilities⁹. However, the Criminal Code does not recognize electronic evidence as acceptable. He only acknowledges the evidence that can be accepted as referred to in article 184; that is, the only valid evidence is the testimony of witnesses, experts, and the accused.

There is a growing push to admit electronic evidence in court due to the rampant cybercrimes of globalization and modernization¹⁰.

⁸ Christallago, M., Respati, Y.N. and Karo-Karo, R., "The Implementation of the Polluter Pays Principle for Mining Companies in Marine Pollution Recovery", *Law Review*, 20(2), (2020) p.194-225.

⁹ Peltier-Rivest, D., "A model for preventing corruption", *Journal of Financial Crime*, (2018), p 55

¹⁰ Jingga, F. and Limantara, N., "The development of Indonesia's small-medium enterprise (SME) rating and Review portal", *International Journal of Multimedia and Ubiquitous Engineering*, 10(3), (2015), p.211-218.

Therefore, the effectiveness of the law on information and electronic transactions, UU ITE in Indonesia, tries to offer a basis for recognizing electronic evidence. Precisely in article five paragraph one of the ITE Law, electronic data or printouts are acceptable evidence. The general provisions of article 1 paragraph 4 of the ITE Law state that electronic data is a collection of electronic data, including but not limited to writing, sound, images, telex, or perforations that have been processed to give meaning to people who are qualified to understand them.

In addition, because cyber attackers violate people's space and try to damage the clarity of their pages, consumers who visit certain pages will be annoyed and desperate to use the site for a long time. Undoubtedly, the understanding that social media platforms are widespread with credit card fraud is increasing widely, which has become a weakness for electronic commerce. Fortunately, Indonesia's Electronic Information and Transactions Law (UU ITE) has developed the foundation for electronic transactions and information and communication innovation. Prior to its promulgation, there were no definite rules governing electronic transactions. In addition, electronic evidence is considered permissible, making it difficult to verify and impeach cyber criminals¹¹. The Indonesian government has made efforts to build legal certainty for justice, has had a tremendous impact on the establishment of cyber crime law enforcement because currently electronic evidence is acceptable in the criminal justice system¹². For this reason, there are clear legal protections for victims of cybercriminals and legal ties to perpetrators of these cyber-related crimes.

However, electronic data and documents need to meet formal requirements to be considered as legal evidence in court. The official regulation is that all electrical data and documents do not necessarily

¹¹ Siregar, S.V. and Tenoyo, B., "Fraud awareness survey of private sector in Indonesia", *Journal of Financial Crime*, (2015), p 15

¹² Ashore, M. and Said, S., "The impact of perceived risk on consumer purchase intention in Indonesia; a social commerce study", *In Proceeding of the International Conference on Accounting, Management, Economics and Social Sciences*, (2016), p 25

need to be made by law or in a notarial deed as written in article five paragraph four. On the other hand, in order to be accepted in court, electronic data and documents must be available, reliable, safe, verifiable, and reliable, as stated in article 16 of the ITE Law¹³. The digital forensic process is an excellent tool that helps to regulate whether electrical data or documents can be accepted as digital evidence in court or not. Usually, the notion of cybercrime is not so different from predictable crime. Together they consist of behavior that causes a violation of policy principles and is offset by state approval.

In addition, the extensive use of technology has encouraged people to follow the contemporary trends of the modern internet, which often leads to cybercrimes¹⁴. Prior to the development of the electronic information and transaction law in Indonesia, cyber crimes were tried under the Criminal Code which offers a wider range of crimes. The ITE Law does not explicitly regulate fraud; However, based on article 28 of the first paragraph, the policy regulates criminal acts related to electronic transactions that are detrimental to customers¹⁵. Article 28 of the first paragraph of the ITE Law states that anyone who knowingly and without rights spreads false and misleading data that results in customer losses in electronic transactions shall be punished with imprisonment for a maximum of six years and a fine of a maximum of Rp. 1,000,000,000¹⁶ This is because fraud carried out through electronic transactions offers false and misleading data and is a motivation to benefit oneself while causing harm to innocent victims.

Results

¹³ Koto, I., "Cyber Crime According to the ITE Law", *International Journal Reglement & Society (IJS)*, 2(2), (2021), p.103-110.

¹⁴ Koto, I., "Cyber Crime According to the ITE Law", ... p.103-110.

¹⁵ Martha, A.E., *Gratification and Fraud in Health Care Services From Indonesian Criminal Law*.

¹⁶ Chen, L., Razani, F.Z., Roosmalati, M. and Eusy, W.Y., "Attitudes Toward Online Shopping In Asian Emerging Markets: A Comparison On The Younger Generations In China And Indonesia", *Journal of China Marketing*, 6(2), (2017), p.24.

The activity of buying and selling transactions is something that is often done by everyone, especially in today's increasingly sophisticated era, buying and selling transactions can be done online, either as an activity to sell an item or as an activity to purchase goods without having the consumer go to the place of the item. sold by only looking at the motif or type of item you want to buy by looking at the picture of the item you want to buy. However, without realizing it, the existence of an online business can also have a negative impact, namely by the mode of elements under the guise of online business by committing criminal acts of fraud against their victims.

This online fraud crime is carried out by offering goods at relatively cheap prices on the market so that it can attract the attention of everyone to want to buy the goods being traded. Fraud committed by someone using the internet media or directed at online-based fraud is something that is so rampant that is happening at this time in people's daily lives. Internet users who are increasingly in demand can also open up opportunities for criminal acts that they cause, one of which is caused by the existence of fraudulent crimes committed.

This online-based fraudulent crime usually has several ways, one of which is account hijacking, which is account hijacking carried out by perpetrators who hijack accounts that are considered profitable for themselves such as one of the well-known social media accounts. So that with the existence of the account, the perpetrators of the crime will use the account to offer merchandise that is traded in cyberspace. And this is what makes people interested in buying these goods and it is considered the authenticity of the quality of the goods, even to the extent that some are willing to directly transfer their money to the account that hijacked the account.

Criminal law is the rules that apply and are enforced in the community to regulate all actions that are not in accordance with the written or unwritten rules contained in the ratification. In principle, in general there are two understandings of criminal law, namely the so-called *ius poenaledanius puniend*. *Ius poenale* is an objective definition of criminal law. This criminal law in its meaning is legal rules that bind

to a certain change that fulfills certain conditions for an effect in the form of a criminal.

E-commerce-based fraud is in principle the same as fraud in conventional ways. It's just that the difference lies in the evidence or means of action, namely using electronic systems (computers, internet, telecommunications equipment). Therefore, law enforcement regarding the criminal act of fraud should still be accommodated by the Criminal Code through article 378, and to strengthen the legal basis it can also be accommodated through Article 28 paragraph (1) of Law Number 19 of 2016 concerning Information and Electronic Transactions. As a special law (*Lex Specialist Derogat Lex Generale*), the ITE Law can at least be a guide and legal basis for community members in their activities in the cyber world. In addition, the ITE Law also has links to several articles regulated in the Criminal Code which aims to facilitate the settlement of a case. Considering the challenges and demands on the development of global communication, the law is expected to serve as a *ius constituendum*, namely legislation that is accommodating to developments and anticipatory to problems, including the negative impact of advances in information technology that has a broad impact on society¹⁷.

Furthermore, related to obstacles in law enforcement against criminal acts based on E-Commerce, there are still five factors that influence law enforcement, namely first, the legal factor itself where there are still rules that have not specifically explained the crime of fraud based on e-commerce, second, factors law enforcers, where there are still law enforcement officers who do not understand the existing rules so that in their implementation there are still multiple interpretations, the three factors of facilities and infrastructure that support law enforcement that can help uncover the crime, the four community factors where there is still a lack of public awareness to provide information or reports on the problems faced and the public's

¹⁷ Alkhairi, P., Purba, L.P., Eryzha, A., Windarto, A.P. and Wanto, A., August. "The Analysis of the ELECTREE II Algorithm in Determining the Doubts of the Community Doing Business Online", *Journal of Physics: Conference Series (Vol. 1255, No. 1, p. 012010)*. IOP Publishing, (2019).

reluctance to proceed in court; and cultural factors where the higher the culture and the more modern a nation is, the more modern the crime is in its form, nature and method of execution.

The crime of online fraud is included in the Illegal Contents crime group in the study of misuse of information technology in the form of Computer Related Fraud. Illegal contents is a crime by entering data or information into the Internet about something that is not true, unethical, and can be considered unlawful or disturbing public order. Computer Related Fraud is defined as fraud or is a fraud created for personal gain or to harm others.

Online fraud is fraud using computer facilities in the form of violations committed by modifying data or computer systems. Criminalization of fraudulent acts through computers is necessary if the act results in a direct economic benefit, or causes the loss of property rights of others. The economic profit is obtained by the perpetrator illegally, both for his own benefit and for the benefit of others. The term loss of property rights has a broad meaning, which includes the loss of money, tangible or intangible goods that have economic value. In other words, it is stated that online fraud is a crime in which the perpetrator develops a form of fraud by using internet elements to take property belonging to other people, or any interests, inheritance or rights with false statements, either by providing misleading information or by hiding factual information.

Bruce D. Mandelblit defines online fraud or internet-based fraud by referring to the type of fraud that uses internet media such as chat rooms, emails, message boards, or websites to conduct fraudulent transactions with the media of financial institutions such as banks or other financial institutions. other institutions that have a certain relationship. From Bruce's understanding, it means that online fraud is fraud by using internet services or internet access software to deceive victims with the aim of taking advantage of them.

Undoubtedly, online shopping scams are extensively endemic on social media platforms. Primarily, there is an increasing number of individuals who want to fulfill their needs simply and effectively. On the

other hand, some people have bad intentions and try to seek their own gain at the expense of the loss of others, including carrying out fraudulent activities. There are many methods of online store fraud, including simple to difficult methods. Even though virtual shop scams are carried out virtually, the actions against victims are real and dangerous. Fraud in online stores utilizes computers, smartphones, and the internet, so it is categorized as unauthorized access and computer-related fraud by spreading false and deceptive content¹⁸. The Criminal Code for Virtual Stores in Indonesia stipulates that illegal access is done intentionally and access to computer systems is without rights. Thus, a person acts by attacking security measures, obtaining computer information or other dishonest intentions, or about computers connected to other computer systems.

Correspondingly, computer-related fraud is also connected to online stores. When a commercialized commodity is described differently from the original commodity, or even the legitimacy of the virtual shop itself is false. This kind of reckless behavior is detrimental to customers, because the vendor cannot fulfill its obligations in providing the specified product. Usually, when an agreement is to trade and buy a commodity, all the privileges and obligations develop from the transactional agreement¹⁹. Sellers who market and offer their commodities through the internet must provide true and correct data about the commodities being commercialized and have an obligation to deliver these commodities to customers.

On the other hand, obligations develop from transactional agreements. Traders who market and sell their commodities via the internet must offer true and correct data about the commodities being commercialized and have an obligation to send these commodities to customers²⁰. In addition, merchants have the right to obtain payment

¹⁸ Sefitrios, S. and Chandra, T.Y., "The Process and Performance of Combating Cyber Crimes In Indonesia, *SALAM: Jurnal Sosial dan Budaya Syar-i*, 8(4), (2021), p.973.

¹⁹ Djanggih, H., "The Phenomenon Of Cyber Crimes Which Impact Children As Victims In Indonesia", *Yurika*, 33(2), (2018), p. 212 - 231.

²⁰ Djanggih, H., "The Phenomenon Of Cyber Crimes Which Impact Children As Victims In Indonesia...", p.212

for the sale of their commodities and the right to protect their products. When it comes to buyers, they have to make payments for the goods they buy, which they buy from merchants at a set price, and the role of disclosing data honestly such as their phone details, their names, and their addresses for the products to be sold. safely delivered to them.

Finally, if buyers and sellers carry out their roles as required in online transactions, online fraud and convection will be overcome. Because online fraud can be prosecuted in accordance with article 138 of the Indonesian Criminal Code and article 28 paragraph one of the ITE Law.²¹

Discussion

Law enforcement in Indonesia is currently experiencing difficulties in dealing with the spread of cybercrime. This can be reflected in the increasing number of e-commerce-based crimes. Sumadi said that the obstacles in law enforcement were "backed by the lack of law enforcement officers who understand the ins and outs of information technology (internet), limited facilities and infrastructure, and lack of legal awareness of the community in their efforts to countermeasures against criminal acts of information technology". Furthermore, it was said that "in addition, law enforcement officers in the regions are not ready to anticipate the rise of this crime because there are still many law enforcement officers who are technologically savvy (untechnical) this is due to the large number of law enforcement institutions in the regions that have not been supported by Internet Network.

²¹ Naro, W., Syatar, A., Amiruddin, M.M., Haq, I., Abubakar, A. and Risal, C., Shariah, "Assessment Toward the Prosecution of Cybercrime in Indonesia", *International Journal*, 9, (2020), .p.573.

Meanwhile Perkasa, Nyoman and Bambang explained based on the results of research related to obstacles in law enforcement against e-commerce-based fraud, including²² (Perkasa, P, & Turisno, 2016):

1. Digital Evidence

The search for digital evidence is still difficult to do, because it requires adequate capabilities and infrastructure to obtain such evidence.

2. Differences of Opinion

Differences of opinion that occur between law enforcement officers in terms of interpreting cybercrime that occur with the application of articles by the community, investigators, public prosecutors, and judges will affect the settlement of the case, thus creating legal uncertainty for victims seeking justice.

3. Investigator Ability

In general, police investigators are still lacking in number and quality. Therefore, training is needed to educate police investigators to be able to understand and master the modus operandi of cybercrime perpetrators

4. Public Awareness and Attention

Public awareness and attention to reporting cybercrime cases to the police is still very minimal. Some people feel that it is okay because they only lost a small amount of money, so they are reluctant to report it. They also think that if it is brought to court, it will require more funds than the losses suffered. Even though the public should still report to

²² Perkasa, R. E., P, N. S., & Turisno, B. E, "Perlindungan Hukum Pidana Terhadap Konsumen Dalam Transaksi Jual/Beli Online Di Indonesia", *Diponegoro Law Journal*, No. 4, (2016), p. 1.

the police if cybercrime occurs in order to help law enforcement to eradicate the perpetrators who have been roaming in cyberspace

According to the ITE Law, victims of online shop fraud must file lawsuits in court. They can charge virtual store providers as co-defendants and merchants as first defendants. In addition, virtual store providers must offer compensation for providing these sales services.²³ Victims of online fraud can attach evidence such as evidence of dialogue, electronic mail, screenshots of payments on their mobile phones, and electronic media which are legal evidence according to procedural law in Indonesia. All sellers as business actors have an obligation to have the right faith in running a business, to offer honest, transparent, and correct data about the condition and guarantee of goods, and to develop accounts for use, repair, and maintenance.²⁴

Moreover, even if virtual store providers make a statement or rebuttal that they are not responsible for any data transactions, they still have civil responsibilities under Law number eight of 1999 in Indonesia. Some of the countermeasures carried out by the apparatus are prevention and prosecution²⁵. The Police's preventive actions include socialization and community development by the National Police's Community and Community Development Unit.

Socialization about cybercrime should aim to provide the public with information about electronic transactions and the appropriate steps to implement before they are associated with electronic transactions. Likewise, the repressive actions taken by the investigator of a case, which can lead to the prosecution of a crime. Therefore, the Indonesian government should also provide socialization that will help promote the slogan 'buyer beware' to prevent fraudulent crimes from

²³ Naro, W., Syatar, A., Amiruddin, M.M., Haq, I., Abubakar, A. and Risal, C., Shariah, "Assessment Toward the Prosecution of Cybercrime in Indonesia...", p.573.

²⁴ Wulandari, Y., Husein, R. and Pulungan, A.H., "Types of Speech Functions Used by Online Shopping Frauds", *Linguistik Terapan*, 17(3), (2020), p.291-300.

²⁵ Achmad, Y. and Mukti Fajar, N.D., *Dualisme Penelitian Hukum Normatif & Empiris*, (Yogyakarta: , Pustaka Pelajar, 2015), p. 35

occurring in the factual world²⁶. The slogan 'buyer beware' helps protect and educate society as a whole in conducting virtual transactions, which consists of exercising full attention to the legality of transactions.

Oftentimes, fraud in cybercrimes requires the victim to develop a statement of the actuality of the crime to police officers. The report must be accompanied by primary evidence in electrical information or methods of publication of electronic information and data. From there, to verify the actuality of a particular type of fraud, an investigation is carried out. The procedural law related to the ITE Law in Indonesia is regulated in article 42 which states that investigations into cybercrimes are carried out against the criminal procedure provisions in the ITE Law²⁷ This burdens the entire policy, namely the criminal procedural law, and is still valid in the event of a violation of the ITE Law concerning the provisions of criminal procedure. Therefore, the ITE Law requires being a 'lex specialist, where the provisions in the ITE Law will apply because it has more precise directions under the scope of data innovation and virtual business.²⁸

Conclusion

²⁶ Ekasari, R., Agustya, D., Yucha, N., Arif, D., Retnowati, D., Mandasari, A.A., Ratnasari, E., Yusmiati, S.N.H. and Lestari, L.P., "Effect of Price, Product Quality, and Service Quality on Customer Satisfaction on Online Product Purchases", *In Journal of Physics: Conference Series (Vol. 1175, No. 1)*, IOP Publishing, (2019), p. 012287

²⁷ Arifiyadi, T., Cara Penyidik Melacak Pelaku Penipuan dalam Jual Beli Online. Hukumonline. com. <http://www.hukumonline.com/klinik/detail/lt4f814bf6c2ca4/penipuan-bisnisjual-beli-online>, 2018.

²⁸ Wulandari, Y., *Speech Functions Used by Online Shopping Frauds on Instagram*, Doctoral dissertation, (UNIMED Libraries, 2021, p 55

With roughly 132.7 million active internet users out of a population of 256.2 million, Indonesia undoubtedly represents not only a vast opportunity for the development of e-commerce but also cybercrimes and all kinds of internet fraud and scam. With the increased use of new technologies in a multi-channel environment, potential cybersecurity risks are also increasing. Digitalization has transformed the environment in which consumer products and retail businesses operate in many positive ways, as e-commerce enables almost instantaneous buying and selling of a wide range of products from all four corners of the world. Although ecommerce promotes increased volume of retail business – retailers being able to speed up their business operations with a larger pool of buyers, it brings about an increased risk of fraudulent activity harming both the sellers and the buyers. It is important to continue to monitor and assess the integrity of transactions to determine which strategies and processes are truly effective, while ensuring that problematic activities and groups are targeted. In Indonesia, many if not all of the perpetrators of cybercrimes, internet frauds and internet scam suffer economic hardship while some other are victims of the unstable environment they live in. To boost the fight against this phenomenon, legislation on cybercrime and internet fraud should be provided for in Article 378 of the Criminal Code, and Article 28 paragraph (1) of Law No. 19/2016 on Information and Electronic Transactions. As a special law (*Lex Specialist Derogat Lex Generale*), the ITE Law can at least be a guide and legal basis for online shoppers and internet users. Further, several points are described in this conclusion, namely:

1. Online trading transaction has changed and continue to impact the course of law in developing appropriate and relevant legal framework covering the promising economic growth of the digital economy or e-commerce
2. The eminent challenge of digital economy and e-commerce development based upon the operating of sophisticated ICT platform trigger the potential increase of cybercrimes worldwide, in which most the international community have different legal system to deal with.
3. In Indonesia national legal system, the issue of cybercrime has not been adequately addressed if the enactment of Law Number II of 2008 on Information and Electronic Transaction is not

- complemented by a more comprehensive cyber law that covers wide range of issue from data privacy, e-commerce malpractice, predatory pricing, skimming, misuse of electronic authority (ie; e-signature, e-entity etc), online fraud, ill-shipment of online product, etc;
4. On the specific e-commerce product, the future legal ruling – to avoid systematic and potential cyber fraud, should underline the necessity of providing proper regulations on fake online product, as much as descriptive online product, assurances towards the advertised and described online product with the received product by the consumers, the development of online consumer's service as we seen in offline retailer and, as well as the standardization of online product packaging and etc.
 5. The current common practice of cybercrime in form of online fraud, is not anymore a single handed cybercrime crime but has been evolved into more complex cybercrime such as the breach of data privacy of online consumers, including by affecting some sort of national security of a state or more.

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