

Criminological Analysis of Online Buying Fraud

Kairuddin Karim, Herman B, Muh. Akbar Fhad Syahril*

Faculty of Law, Institute of Social and Business Sciences Andi Sapada, Indonesia

Abstract

The rise of fraud in the network in the case of buying and selling is increasingly troubling the community so that departing from this it is deemed important to be explored, understood, and further researched. This research uses normative-empirical research which focuses more on the normative side. The results showed that the factors that influence the occurrence of criminal acts of fraud in the City of Parepare include lifestyle, economy, environment, technology, and desire or intention factors. The consumptive lifestyle factor is when someone who often lives in luxury will continue to have a higher level of need then they will do anything to fulfill their lifestyle and one way to fulfill their needs is to commit fraud. In addition, there are also economic factors where the lack of a source of income for a person, especially a young person, can be an incentive to violate applicable norms, especially criminal acts of fraud, where the younger generation must be the successor. the nation turns into criminals at a young age. In addition to the two factors that have been concluded, there are also environmental factors, technological factors, and the desire or intention factor in the era of globalization which can also be a reason or factor for someone to commit fraud.

ARTICLE INFO

*Correspondence:

Muh. Akbar Fhad Syahril
akbar9.a9@gmail.com
Faculty of Law, Institute
of Social and Business
Sciences Andi Sapada,
Indonesia

Keywords:

Buying and selling,
Criminological fraud,
In the network.

How to Cite:

Karim, K., Herman, B.,
Syahril, Muh. A.F. (2021)
Criminological Analysis
of Online Buying Fraud.
DME Journal of Law, 2(1),
10-16.
doi: 10.53361/DMEJL.
v2i01.0002

INTRODUCTION

Because the Unitary State of the Republic of Indonesia is a law-based state rather than a power-based state, the legal position must take precedence over all other considerations. Every act, without exception, must adhere to the rule of law (Article 1 paragraph (3) of the 1945 Constitution). This provision is reflected in the main ideas contained in (the fourth paragraph of the Preamble to the 1945 Constitution), which states that to form an Indonesian state government that protects the entire Indonesian nation and homeland, advances the general welfare, educates the nation's life, and participates in carrying out world order based on independence, eternal peace, and social justice based on Pancasila.

Efforts to reform criminal law are still being carried out, with one main goal, namely creating a codification of national criminal law to replace the codification of criminal law which is a colonial legacy, namely *Wetboek van Strafrecht voor Nederlands Indie* 1915 which is a derivative of the Netherlands in 1886, which came into force January 1, 1918. Legal development and legal reform efforts must be carried out in a directed and integrated manner. Codification and unification of legal fields and the preparation of new legislation are urgently needed.

This legal instrument in the form of legislation is very much needed to support development in various fields following the demands of development as well as the level of legal awareness and public views regarding the assessment of behavior. Advances in science and technology also influence the way of thinking, behaving, and acting. Changes in attitudes and views and orientation of the citizens of this community affect legal awareness and assessment of behavior. Whether the act is considered normal or even vice versa is a threat to social order. Acts that threaten social order or crime often utilize or use technology. This crime is a type of crime that is relatively new and dangerous for the welfare of society.

To anticipate the development of society about changes in crime, it is possible to plan efforts to make criminal law that accommodates all the dynamics of society. This is a policy issue, namely regarding the selection of facilities in regulating social life.

Criminology as a social science is still evolving and improving. This growth and development is due to the pattern of people's social lives, which continues to alter and differ from one area to another, as well as from one time or era to the next, causing the study of the problem of crime and irregularities to grow and grow. improvement in recognising, comprehending, and evaluating the substance of social problems that exist in society.

Talking about criminological theory is an attempt to understand and express various problems about crime and deviations that exist in society. Criminological theories become the basis that shows the direction to observers or researchers in determining what problems will be investigated and sought in criminal acts in society and their solutions. Currently, the crime of fraud is a crime that gets enough attention among the public. It is often reported in newspapers or magazines that a criminal act of fraud has occurred.

If you look back in history, you'll notice that this type of crime has existed for a long time or can be classified as a type of classic crime that will always follow the evolution of human culture; it will always exist and develop, even if it isn't very different from before. This type of fraud occurs not just in large

cities, where culture, consciousness, and legal knowledge are more advanced, but also in rural communities, where traditional values and customs still prevail.

As it is known that in today's social development, many fraud crimes occur, especially among the economically weak community. In an act of criminalization of crime which is increasingly widespread in recent times, especially in the field of fraud, a correlation of crimes has emerged. Correlation is one of the statistical techniques used to find the relationship between two or more variables that are quantitative. The relationship between the two variables can occur because of a cause-and-effect relationship or by chance. Two variables are said to be correlated if changes in one variable will be followed by changes in the other variable regularly in the same or opposite directions. Correlation is useful for measuring the strength of the relationship between two variables (sometimes more than two variables) with a certain scale.

The crime of fraud is one of the crimes or crimes against property. In a broad sense, this crime is often called *bedrog*. In the Criminal Code, *bedrog* is regulated in chapter XXV articles 378 to 395. Within the range of these articles, *bedrog* then turns into more specific forms of fraud. Fraud Forms, Elements, and Legal Consequences. In addition, specifically regarding crimes through electronic media, it is also regulated in the Electronic Information and Transaction Law.

Like cases of fraud that occur in the community, fraudsters try to find ways to attract victims to the products being sold. When the victim is interested and buys the product they need, this is where the fraudsters start to act. During the buying process, fraudsters lure their victims by promising bonuses or lower prices than the standard price, to make them more interested. At that time, the victim seemed to be unconscious and immediately sent money to the fraudster.

In this modern era, we are given the convenience, of course, with many benefits that can be obtained from current technological advances. The use of information technology has also experienced rapid development, such as in the field of communication.

Nowadays communication is becoming a complex thing that can change human behavior.

One of the fraudulent crimes committed is by using online media. This mode is often used to sell goods that have no truth. This mode is in the name of a product that is needed by the community as an attraction. The item never existed. Based on this background, it is important to know and analyze what factors cause the occurrence of criminal acts of online buying and selling fraud.

RESEARCH METHODS

The type of research used in this research is normative and empirical research, namely legal research that combines normative legal research and empirical legal research. In this type of research, the researcher researches by combining the two types of research mentioned above in a study. This research focuses more on the normative aspects of research. In this combination study, we focus more on the normative type, where we focus on the literature study. This research is supported by a case approach. In the empirical type, we only conducted interviews with a few who had been involved in the related case that the author studied. The obstacles we faced in carrying out this research were only the limited time constraint for us as the research team, we were also constrained in terms of reading media, for example, the literature that we read and found, which we studied and analyzed which we then made material for. then we formulate it in the results of research and discussion

RESULTS OF RESEARCH AND DISCUSSION

Factors That Cause Fraud Fraud in The Network

As we know that, from an etymological point of view, criminology is the study of crime. The term criminology was first used by Raffaele Garofalo in 1885 as a criminologist. Around the same time, the French anthropologist P. Topinard (1830-1911) also used the French term criminology for the same purpose as Garofalo, literally from the words "crimen"

meaning crime or criminal and "logos" meaning science, hence criminology. can mean the science of crime or crime. The author expresses the views of several prominent legal scholars, such as the view of Wood argues that the term criminology includes the entirety of knowledge gained based on theory or experience, which is related to evil deeds and criminals, including the reaction of the public to evil deeds and criminals.

M. P. Vrij defines criminology as the study of evil, first studying evil itself, then the causes and consequences of it. W.A. Bonger explained that criminology is a science that determines the factors that are the cause of crime and criminals.

With the development of the era of globalization where technology is growing and communication tools such as laptops, gadgets are no longer common in all circles of society, in addition to having positive things to add insight globally, these tools also have negative impacts, such as the development of modes of communication. fraud mode. Recently, there has also been an increasing number of frauds using telecommunication tools used to deceive other people who do not necessarily know people, who are not close together in the same area.

In the application of laws and regulations in the field of electronic transactions through Law Number 11 of 2008 concerning Electronic Information and Transactions, from the time this law was promulgated until now, it is proven that the application of this law is effective against the law, which cannot be separated. from a law enforcement issue which is a process that involves many things.

The author will describe the fraud crimes that occurred in the City of Parepare in the last three years, starting from 2017 to 2019. Especially in the City of Parepare, it can be said that it is already familiar in the community. Why is it said to be familiar because this crime has existed several years ago and still exists today? The crimes committed are not like crimes in general but use various methods or modes such as online fraud crimes. This online scam can be done using Facebook, Instagram, WhatsApp, and the like.

The number of fraud crimes through online media from 2017 to 2020 was 37 cases and all of them have been resolved. This indicates how serious

the police are in tackling criminal acts of crime, especially fraud through online media, especially in the City of Parepare.

Several factors cause someone to commit fraud in the City of Parepare, among others, consumptive lifestyle factors, economic factors, environmental factors, and technological factors. The author will continue to discuss the four factors above according to information from several police investigators. There are main factors for the occurrence of fraud in the City of Parepare.

- **Consumptive Lifestyle Factors**, the most important factor in today's fraudulent crime in the era of globalization or also called modern times is the lifestyle factor, why can it be said like that, because more and more people are prestigious about their lifestyle. Because of this fraud, most of the people are able or sufficient, although there are also from the lower classes, even if only a few. Fraudsters who are said to be capable are people who have a lot of wealth, lots of shares, and so on, while those who are said to be below are those who have a below-average economy in the sense that they do not have abundant wealth, even their daily needs are still difficult to fulfill. People who like to live in luxury will continue to increase their level of need, this is where they commit fraud crimes because fraud is getting easier nowadays. For example, the existence of modern technology such as telecommunications equipment. According to one of the investigators in the interview, said that the problem of this fraudulent crime is of various ages but most of those who do it are teenagers, while if the perpetrators are children, they are only subordinates or subordinates.
- **Economic factors** can be said to be one of the factors in the occurrence of fraud in the City of Parepare. The needs of life in urban areas, especially the City of Parepare, are very complex, and not all communities/individuals can fulfill them, so some individuals then decide to commit acts that are contrary to community norms, namely in this case committing fraud. In the author's interview with one of the Satuan Reskrim members, especially the Parepare City Police Tipidter Unit, he said that the crime of fraud in

the City of Parepare was mostly carried out by people who did not have a permanent job or were unemployed, these circumstances encouraged the perpetrators to commit these crimes.

- **Family Environmental Factors**, one of the factors that influence the occurrence of fraudulent crimes in the City of Parepare is environmental factors, where there is no control from the community and families against the perpetrators so that perpetrators often associate with people who often commit crimes, especially fraud crimes. In the author's interview with people who have been perpetrators of fraud crimes with the initials SF and JF in Parepare City at his residence.

I learned about this mode from his friend, who is JF as well as the perpetrator. SY was acquainted with JF from childhood. JF has long committed these crimes in various areas, not only on the island of Sulawesi but also outside the island of Sulawesi. At first, SY was just curious about the job, so SY copied the file containing the fraud mode, then SY tried to do the job using a gadget mode at a low price below the standard selling price in general through a buying and selling application in the City of Parepare. There was also an interview with members of the Criminal investigation unit, especially the Tipidter Unit of the Parepare Police regarding the fraudulent mode of online trading. So, events like this are even more sophisticated and neater because on average they use fake accounts such as the account number he uses is the ID card of the person he is paying for and he makes an account using someone else's name when the police conduct an investigation into the case that occurred on behalf of The ID card didn't know anything, it turned out that the person who had the ID was only given 50 thousand by the perpetrator to be copied and an account made by the perpetrator. Things like this are happening more and more in the future.

Technological Factors, the factor that supports the occurrence of fraud is technology. The development of technology today makes it very easy to carry out activities, both negative and positive. For example, in fraudulent crimes with the mode of selling gadgets at low prices below the standard selling price in general, through buying and selling applications,



only armed with a laptop or device, network and flash disks whose data has been prepared, the perpetrators can carry out fraudulent crimes. In the author's interview with the perpetrator who also committed fraud with the mode of selling cheap gadgets, SY, said that I made this mode using only my laptop and network. Then I copied the title and photos of other people's sales, then made words that could lure buyers and included a number that buyer could contact so that it was easy to carry out the fraudulent action. After that, I asked for a ready sign for the delivery of the goods ordered by the buyer. After 1 (one) day, I contacted the buyer again to pay off the ordered goods because the boss did not want to send the goods when the payment had not been paid. After the payment is sent via bank account transfer, that's where I always deactivate the phone number and the account. The results of the author's interview with sources who have been perpetrators of online fraud with the initials RA, said that the factors that led to committing this fraud were committing fraud: Desire Factors, Residential Environmental Factors, Economic Factors.

Further discussed about the three factors above according to the initials RA:

The desire factor, the first factor is the desire factor. Everyone must have a sense of desire or intention in him to do something around him both positive and negative results. According to RA in the interview: "There was a sense of desire for me to try to commit this crime because I saw a friend get a lot of results from the work."

Residential Environmental Factors, the second factor is environmental factors. In the environment around us, there are so many actions, both positive and negative. So, if we are in an environment where we do positive actions every day, we will slowly follow those positive actions. For example, when you are in an environment where people are religious, you will slowly follow the influence of that environment, and vice versa when you are in an environment that always does negative things, you will slowly follow it. For example, when we live in an environment where the average population commits crimes, we must slowly commit crimes as well. According to an interview with RA: "The reason I did this fraud is that around where I live there are many who do this

fraudulent work, such as friends and other closest people."

Economic factors, the third factor is the economic factor. Economic problems tend to make someone do any work to fulfill their daily needs, whether it is positive or negative work.

According to an interview with RA that this economic problem also caused me to commit a crime, because of the lack of daily income and lack of job opportunities to meet the pressing needs of daily life so that I did this fraudulent job. initials SU. Said that the factors that made me commit fraud: Weak Faith Factors, Low Education Factors, Opportunity Factors, and Family Environmental Factors. Furthermore, the author will discuss the above factors according to SU:

Factors Weak Faith, weak faith in a person can lead to crimes that violate the law. But if someone's faith is strong then they will not commit evil acts because they are aware of the existence of God and also realize that there are angels by their side who always record the good deeds and bad deeds in every human being.

Factors Low Education, as a result of low education, is very influential in committing crimes. Because of low education, people find it difficult to find work so there is a lot of unemployment, slowing economic development, bad habits from the community, and so on.

Opportunity Factor, as for the opportunity referred to here is a condition that allows (provides opportunities) or conditions that are very supportive for the occurrence of a crime. Opportunity factors can occur in the victim, such as the lack of parental attention to their child, this is because parents are busy working.

Environmental Factors, the family factor in question is the lack of attention to household members and the high desire to achieve something in the family without paying attention to existing conditions. According to (SU) in an interview that I committed this crime because my wife was very extravagant without seeing her only mediocre income, having debts everywhere. So, I think it's better to find a job that quickly earns a lot of money to cover debts and family needs so I commit fraud.

Based on the description above the author connects the factors obtained in the field with the following theories.

Consumptive Lifestyle Factors, consumptive behavior is defined as a tendency to consume goods excessively without various considerations, where people only see from the side of pleasure and prioritize priorities over needs. On the side of life, humans will not be separated from various kinds of needs, we can see this from everyday life regarding how individuals meet their needs in various ways. Some meet their needs properly, but some fulfill their needs excessively, and it is not uncommon for humans to do things in an unhealthy and instant way by taking advantage of the opportunity to become one of the easy targets which eventually triggers the birth of criminal behavior.

Economic factors, the occurrence of crime as a result of economic inequality that occurs in society. Economic inequality that occurs for example as a result of the dense population of an area due to urbanization, results in a lot of unemployment in the area. The number of unemployed This causes people to tend to look for ways to maintain their lives, including committing crimes.

Environmental factors, a person commits a crime because it is influenced by factors around him / environment, both the family environment, economy, social, culture, defense of security including defense with the outside world, as well as technological inventions. Trade also posits that: People become evil because of influence. Based on Trade's opinion, someone commits a crime because the person imitates the circumstances around him."

Technological Factors, Dikdik M. Arief Mansur and listaris Gultom. Information and communication technology has changed the behavior and lives of people globally and caused the world to be borderless, as well as causing changes in various fields of life. The development of information technology has given birth to a variety of services in the field of technology and communication with various facilities, in this case, the internet is part of these technological advances, which provide convenience in interacting without

having to deal directly with each other. Advances and developments in technology, especially telecommunications, multimedia, and information technology (telematics) will ultimately change the organizational structure and social relations.

Factors Weak faith, weak faith in Allah, and the last day or the day of vengeance, they assume that all their actions will never be held accountable before Allah in the future. People who have weak faith are very easy to commit crimes that cause them to fall into unlawful acts.

Based on the results of the author's interviews with sources both from the police and the public who have been involved in fraud cases. So, the author can conclude that from several factors that have been started between the police and the community there are similarities such as environmental and economic factors. The other factors mentioned by the three speakers are consumptive lifestyle factors, technology, weak faith, desire, opportunity, and low education. So, according to the author's analysis, when all these factors are present, the perpetrator easily commits a crime. According to the author, there is a very influential factor, namely, the faith factor when faith is weak then the crime can occur, but when faith is strong even though all the factors described above are fulfilled, crime will not occur. Why is it so high in faith that it will not be easy to be influenced to commit crimes? Because always remember that there is a God who sees, there are angels who record bad and good, remembering that accountability for actions at the end of the day is very cruel.

CONCLUSION

With the occurrence of criminal acts, especially fraud, it is hoped that the government and law enforcement officers should go directly to the field to conduct legal counseling regarding the rampant fraud that dares to use telecommunications equipment. Besides that, it is hoped that the regulations must reaffirm the regulations regarding ITE, besides that Law enforcement agencies should be more strict in law enforcement and more focused on investigating citizens who still often commit fraud using telecommunication tools.



SUGGESTION

To reduce the occurrence of criminal acts, especially online fraud, the government and law enforcement officials should go directly into the field to conduct legal counseling to combat the rise of online fraud using telecommunications tools, especially in the city of Parepare. Law enforcement authorities should further strengthen law enforcement and focus more on investigating citizens who still often commit online fraud using these telecommunications tools.

REFERENCES

- Alam A. S, *Pengantar Krimonologi* (2010).
Dikdik M. A. Mansyur dan Elisatris Gultom, *Cyber Law: Aspek Hukum Teknologi Informasi* (2005).
Indah S. U, *Aliran dan teori Dalam Krimonologi* (2012).
Syahril, M. A. F., Published Privacy Rights via Short Messages. *Amsir Law Journal*, 3(1), 11-19 (2021).
Nyoman Serikat Putra Jaya, *Relevansi Hukum Pidana Adat Dalam Pembaharuan Hukum Pidana Nasional* (2005).
Topo Santoso, Eva Achjani Zulfa, *Kriminologi* (2011).
Undang-undang Dasar Negara Republik Indonesia Tahun 1945
Undang-Undang Informasi Dan Transaksi Elektronik (ITE)