

Legal Implications For Victims Of Telegram Fraud In The Jurisdiction Of The South Sumatra Polda

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Abstract

Digital fraud is the most common cybercrime and is a global problem. Cases of fraud committed by online media using Telegram accounts are increasing from year to year. The problem in this investigation is the legal implications for victims of criminal acts of wire fraud in the jurisdiction of the South Sumatra Regional Police. The research method used is a standard legal research method that uses secondary data resulting from library research. A study of the legal implications for legal protection for victims of wire fraud in the jurisdiction of the South Sumatra Regional Police shows that although the victims' rights have been fulfilled, the victims have not received complete justice. Victims are in a vulnerable position in providing legal protection by reporting a criminal incident, explaining who the perpetrator of the crime is, and/or providing evidence, both physical and non-evidence. Physical suffering and material and non-physical losses - material losses for law enforcement officers

Keywords: *legal implications; victims of criminal acts; telegram fraud; South Sumatra Regional Police*

INTRODUCTION

Digital fraud is the most common cybercrime and is a global problem. Digital fraud is often referred to as online fraud or cyber fraud. Digital fraud is used in this research because various frauds in Indonesia not only occur on the Internet and online, but also via mobile devices that are not connected to the Internet (Monica, 2013) .

There are various types of digital fraud, including phishing, lottery fraud, video fraud, identity theft, and scarware as well as fraud via electronic media (Talib & Rabani, 2023). Fraud that pretends to be a job offer (employment fraud) or investment (investment fraud). The various types of fraud include short messages (SMS), sending messages via chat applications, social media, email, telephone calls, and other social platforms including websites, marketplaces, and various other digital platforms which are conveyed to victims or potential victims through various channels.

Many of the data and research mentioned above show that digital fraud is a crime that really threatens Indonesian society in the digital era, not only causing economic and psychological losses but also personal data violations.(Dani et al., 2022). Various factors may

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influence the number and types of digital fraud incidents today. The first is the ability of media users to recognize, prevent and fight digital fraud. Second, law enforcement and prevention provisions are not strong enough. Third, content moderation and community standards on various digital platforms cannot be utilized optimally to prevent and eradicate digital fraud (Takanjian, 2016).

The Indonesian state in general is a rule of law state that has three basic principles, namely equality before the law, law enforcement that is consistent with the law, and the supremacy of the law. In addition, the criminal justice system is regulated by procedures coordinated by the Criminal Code (KUHP), which is the main basis for the various types of punishment imposed in Indonesia. Criminal acts are actions that are prohibited by law, and this prohibition is accompanied by threats (sanctions) of certain criminal acts if the prohibition is violated. (Herlyanty, 2021).

Before technology developed rapidly and the need for smartphones was still quite large, most people only used their cellphones for SMS (Short Message Service) and telephone calls. However, with the rapid advancement of technology, renowned companies are launching various types of mobile phones to attract users with the extraordinary features and specifications of these mobile phones. (Wahyudin, 2016). The increase in cell phone purchases certainly influences the growth of cell phone users, including cell phone users with the Android operating system. On the other hand, uncontrolled technological developments can have negative impacts that can have a negative impact on users, including loss of privacy, and other parties can take advantage of this opportunity to commit detrimental crimes. (Watulingas, 2015).

Telegram is an instant messenger application that is now widely used by most people to support long-distance communication activities with other users. Telegram is an instant messaging application that is widely used for communication when committing crimes such as fraud, hate speech and terrorism. This application can encrypt and store device information and user data in the device database or in the cloud (Sari & Firdaus, 2018).

The legal substance that regulates electronic crimes is currently regulated in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), therefore it is hoped that this law will be ratified. , information technology has become another area of crime tracking through electronic means (Barkatullah, 2007).

The reference to Article 35 combined with Article 51 paragraph (1) of the ITE Law states that "Every person intentionally and without right or against the law creates, makes, changes, deletes or destroys electronic information, electronics and/or electronic documents for the purposes of. Electronic information and/or electronic documents are treated as if the data were genuine, threatened with imprisonment for a maximum of 12 (twelve) years and/or a fine of a maximum of Rp. 12,000,000,000.00 (twelve billion rupiah). In general, the regulations regarding criminal acts of fraud are contained in Article 378 of the Criminal Code concerning Fraud. This article does not specifically regulate online fraud, but fraud in general (in its basic form) (Wahyudi, 2013).

Article 378 of the Criminal Code concerning Fraud regulates the act of using a false name or reputation, cheating or lying to transfer something of value to benefit oneself or another person. So enforcing criminal law through applications on Android is still a matter of debate. So starting from the description above, the author will research and discuss the legal consequences for victims of criminal acts of fraud via telegram in the South Sumatra Regional Police Legal Area. (Rahmanto, 2019).

RESEARCH METHOD

Legal research is a scientific activity that is based on certain methods, systematics and thinking, and is intended to be studied by analyzing one or more specific legal phenomena (Purwati, 2020). In this research, the approach used is normative juridical or doctrinal, legal research carried out by examining library materials or secondary data as basic material for research by conducting searches on regulations related to the issues discussed. (Benuf, 2020).

DISCUSS AND ANALYSIS

Victimology examines topics about victims, such as the role of victims in the occurrence of criminal acts, the relationship between the perpetrator and the victim, the vulnerable position of the victim and the role of the victim in the criminal justice system. (Rifky, 2017). The aims of victimology are: Analyzing various aspects related to victims; Attempt to provide an explanation of the causes of victimization; and Developing a system of action to reduce human suffering. According to JE Sahetapy, the scope of victimology includes how a person (can) become a victim determined by a victimity that is not always related to crime, including victims of accidents and natural disasters apart from victims of crime and abuse of power. (Yuanita, 2022).

The importance of the definition of victim given in the discussion of this research is simply to help in clearly determining the boundaries meant by this definition so that a common point of view is obtained. The victim of a crime does not always have to be an individual or an individual, but can also be a group of people, a community or a legal entity (Novita Eleanora, nd). In certain crimes, the victims can also come from other forms of life such as plants, animals or ecosystems. In accordance with what was conveyed by Arief Gosita, according to Koran, they are those who suffer physically and spiritually as a result of the actions of other people who seek to fulfill their own or other people's interests which conflict with the interests of the human rights of the injured party. (Fios, 2012).

Muladi stated that victims are people who, individually or collectively, have suffered losses, including physical or mental losses, emotional, economic, or substantial interference with his fundamental rights, through acts or commissions that violate the criminal laws of each State, including abuse of power (Waluyadi, 2018).

Legal protection for victims of criminal acts in criminal justice practice has not yet received full place and attention in the Criminal Code and the Criminal Procedure Code. In fact, it cannot be denied that the birth of the KUHAP can be said academically to be the most fundamental change in the field of criminal procedural law, because the KUHAP contains new legal principles, such as recognizing the rights of suspects/defendants in criminal procedural law. (Santoyo, 2008).

Reforms in the field of criminal procedural law have brought a new atmosphere in criminal law enforcement, but in daily legal practice they face a dilemma, namely how to grow or increase public confidence in the law and the criminal justice system, so that people seeking justice truly feel the need. a sense of justice, feeling protected and feeling safe and secure. However, the KUHAP turns out to be more in nature Offender Oriented and far from any hope of protection for the victims included in it (Amrani, 2019). Bearing in mind that the victim's rights are only limited to being present at trial as a victim witness. Meanwhile, protection is more focused on violators (suspects/defendants) only and is not balanced with the importance of attention to the protection of crime victims (victim oriented), resulting in a situation where justice is not realized for the parties and public trust in the criminal justice system will decrease. and will give rise to public distrust of the law and the criminal justice system (Adiansyah & Eko Soponyono, 2019).

Victims of criminal acts, who are basically the parties who experience the most physical, psychological and material suffering, do not receive greater attention than suspects/defendants, victims of criminal acts have very limited rights under the Criminal Procedure Code, when compared with the rights of suspects. /defendant in the Criminal Procedure Code. This was stated by Andi Hamza, who said that the Criminal Procedure Code regulates the rights of suspects/defendants more than the rights of victims of criminal acts (Prabowo, 2021).

The very limited disregard for the interests of victims regulated in the Criminal Procedure Code is not in accordance with the principles of administering the rule of law in Indonesia, where the state is obliged to protect all parties, including the interests of members of society who are victims of a criminal act. The fate of victims of criminal acts is likened to experiencing a disaster and the criminal justice system does not care about the fate of people who suffer because of the disaster (Sania, 2023).

Victims of criminal acts are not only a causal factor, but in the dimension of criminal law, victims have a very important position and role in revealing and discovering the material truth regarding a criminal act. Almost all criminal cases processed by investigators are based on victim participation in the form of providing reports, statements and testimony, so that without the victim's assistance the criminal justice system will be hampered and not run as it should. In other words, if the existence of the victim is ignored, it will have a negative influence on the course of the criminal justice process, so it is not impossible that the victim will look for alternative solutions outside the existing criminal justice system and perhaps this will be done through illegal means. (Yuliartini, 2015). Therefore, the victim's attitude and support for the running of the criminal justice system will greatly depend on the justice system's attitude and services towards the victim. The greater the support and attention provided by the justice system, the greater the victim's support in administering the criminal justice system. For this reason, it is necessary to build a positive attitude and trust among victims in the abilities of law enforcement officers, which in turn will determine the amount of attention victims pay to the course of criminal justice. (Sriwidodo, 2020).

One form of protection for society that must be carried out by the state is to provide legal protection through the judicial process or what is known as the criminal justice system (criminal justice system), if a criminal act occurs. One of the parties who really needs protection in a criminal act is the victim of a criminal act. The important role of victims in being given attention and protection stems from the idea that the victim is the party who is harmed in the occurrence of a criminal act, so they must receive attention and services in order to provide protection for their interests. (Prastyo, 2019).

The Legal Consequences of the legal protection of victims of criminal acts of fraud via telegram in the Legal Area of the South Sumatra Regional Police have resulted in the victim's rights being fulfilled but not yet receiving full justice because the victim is placed in a weak position in terms of providing legal protection to him, since the victim reported the occurrence of a criminal act and show who the perpetrator of the crime is and/or by handing over evidence including physical and non-physical suffering as well as material and non-material losses to law enforcement officials. With the victim reporting the criminal incident above, in the event of a further investigation process, the victim does not have access to obtain a photocopy of the police report archive. Minutes of examination of victims/reporters and witnesses, investigation warrants, prosecution warrants, case files handed over to the public prosecutor, handing over of suspects and evidence to the public prosecutor, handing over indictments to the district court, criminal charges and charges and court decisions country' (Mulyeni et al., 2022). Moreover, to obtain compensation for the suffering and losses experienced by the victim until it has permanent legal force.

The existence of a fair trial is a basic demand and principle of universal human rights and a characteristic of a democratic state. The smoothness and success of a judicial process,

especially criminal justice, will depend on the evidence that is successfully presented in court, one of the determining pieces of evidence is the testimony of witnesses and victims. In the trial process for a criminal case, the victim occupies an important position in being able to reveal the criminal incident, but so far legislators and law enforcers have generally only focused on the perpetrators of criminal acts in terms of how to find more appropriate ways/methods of imposing sanctions. , firm and fair so that perpetrators of criminal acts feel deterred/prevent people from committing criminal acts. The importance of paying attention to the perpetrators of criminal acts means that the interests of victims of criminal acts of fraudulent investment fraud are often neglected, because so far the presence of victims in the criminal justice process, especially at the inquiry and inquiry stage, appears to have received little place, attention and legal protection. As a victim of a crime, he has rights like other humans(Hasmiah Hamid, 2022).

The laws and regulations currently in force (*ius constitutum*) provide protection for victims of criminal acts, providing more protection that is abstract or indirect. This is because criminal acts according to criminal legislation are not seen as acts that attack/violate the legal interests of a person (victim) personally and concretely, but are only seen as violations/abstracto legal order. This results in the witness system and its criminal responsibility not being focused on direct and concrete victim protection, but only indirect and abstract victim protection. So criminal responsibility for the perpetrator is not responsibility for direct and concrete losses/suffering of the victim, but is more focused on personal/individual responsibility.(Bambang Satriya, 2011).

There is a reality in practice that cannot be denied that the interests and rights of perpetrators of criminal acts in the Criminal Procedure Code are more visible and prioritized than the interests and rights of the victims of crime themselves. This can be seen in the Criminal Procedure Code, where from the beginning of the examination process the rights of perpetrators of criminal acts are protected, namely the right to obtain legal assistance, receive good treatment, torture is not justified, the right to provide information without pressure and coercion and others, while the rights Victims are not accommodated at all by the Criminal Procedure Code, so it is clear to the naked eye that the protection for victims is less than optimal(Purwaningsih, 2022).

Conclusion

The legal impact of legal protection for victims of wire fraud crimes in the jurisdiction of the South Sumatra Regional Police is still unclear, because the victim is in a vulnerable position even though his rights have been fulfilled, but he has not received any decision. Victims are required to report the occurrence of a crime, explain who the perpetrator of the crime is, and/or provide evidence to law enforcement officials, including physical and non-material suffering, material and non-material losses.

Suggestion

The author urges the public to be more careful and careful when carrying out electronic transactions, not to easily believe or be tempted by the prospect of large profits, and to understand electronic transactions better. I hope that the public needs to be sensitive to this.

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