

Analysis Of The Impact Of Love Scam Fraud In The Digital Business World

Rizka Syafriana

Universitas Muhammadiyah Sumatera Utara, Medan, Indonesia

Email : rizkasyafriana@umsu.ac.id (Corresponding Author)

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Abstract

*The development of technology has changed the way humans interact, and communication in cyberspace has become an important part of everyday life. The internet became the main communication tool for the next ten years starting with the emergence of home computers in the early 1980s. Social networking sites allow users to actively participate in building their social networks, with the media provided to each individual. Since 2019, especially in Indonesia, online dating applications such as Tinder, Tantan, Bumble, and OkCupid have become popular. However, various forms of digital fraud such as love scams have emerged along with the advancement of this technology. This utilizes social networks to deceive victims by claiming a romantic relationship. The normative method is used in this study to analyze the various types of fraud carried out through digital media and the legal consequences resulting from love scams, especially those related to business transactions. Love scams often involve fraud by pretending to be in a romantic relationship to get money, or expand a business, the perpetrator takes advantage of the victim's feelings of wanting to help their partner. Article 378 of the Criminal Code, Article 28 paragraph (1), and Article 45 A paragraph (1) of the ITE Law regulate love scams, however, the differences in norms between these articles create legal uncertainty. However, the ITE Law can be used to prosecute online fraudsters, making it *lex specialis* in law enforcement.*

Keywords: Love Scam, digital technology

INTRODUCTION

Human life has been transformed by digital technology. Communication technology has changed the way people interact with each other. The virtual world or virtual reality emerged as a result of the presence of computers in homes in the early 1980s. As evidence, ten years later, the internet began to be known as a common communication tool. Social networking sites emerged as one of the new platforms for interaction where users could actively participate rather than just listen.

Each user feels like they have their own media, which shows that new media has the ability to build networks between individuals. According to Digital Trends, the four most popular dating apps in 2019 were Tinder, Tantan, Bumble, and OkCupid. However, in 2020, Tinder, Facebook Dating, eHarmony, Grindr, OkCupid, and Ship-Dating became popular again. In 2019–2020, online dating apps such as Tinder, OkCupid, and Bumble increased rapidly in Indonesia (E.J.Nomleni, 2023).

Social media usually refers to the use of electronic devices to create, share, exchange information, images, video communities, and social networks; these websites and applications allow users to participate in social networking and create and share content (Sallavaci, 2018).

Over time, users of technology, especially social media, are increasing and this has an impact on the development of crime, because it creates opportunities for irresponsible users to carry out actions that deviate from the norms and applicable laws and regulations. Deviant actions that can be carried out include destroying external media or called hacking, stealing member data on social networks, and fraud called deception which is intended to seek and obtain personal gain. Love fraud under the guise of or love fraud is one of the cyber crimes that is rampant and needs greater attention. In Indonesia, there are also many cases of love fraud, which have increased since 2011 and 60 percent of the victims are women. Love fraud usually uses a fake identity on social media to make cash and establish a more intimate relationship with the victim. The perpetrators in this love fraud only use the perception of a relationship to take advantage of the victim. Meanwhile, fraud is considered successful if the perpetrator can persuade the victim to fulfill his request. Profile formation, self-appearance, data manipulation, sexual harassment, and disclosure of secrets are some of the common tactics used by the perpetrators. Illegal acts carried out through various digital platforms are called romance scams, and the people who do them are called love scammers. Although social media has many benefits and helps people communicate and interact, they also have disadvantages that need to be considered. The truth of the content or information is not clear, the data shared will record the privacy of users, and personalization can cause filter bubbles for users (Kumalasari & Wijaya, 2024).

In general, ongoing economic problems in society are the cause of love fraud crimes. Economic factors will cause online crimes to emerge (Wijayanti & Hafidz, 2020). In Indonesia, weak law enforcement and supervision and lack of law enforcement have led to increasingly rampant love scam cases and more and more victims being deceived. There is no clear definition of the law that protects the crime of love scam. Therefore, only the Criminal Code (KUHP), especially Article 378 of the Criminal Code relating to fraud, and Law Number 19 of 2016 concerning Information and Electronic Transactions (UU ITE), in Article 28 paragraph (1). There is no specific law that regulates the crime of love scam, which has led to many cases, especially in Indonesia. Data on victims of love scams continues to increase, and only a few victims are willing to report (Bimantari, 2023).

Love scams are directly related to business law in Indonesia through various legal aspects, such as fraud, consumer protection, electronic transaction law, and document forgery. The Indonesian government already has various regulations to deal with this, but the biggest challenge is law enforcement in cases involving perpetrators spread across various regions, often using international digital platforms. Factors such as anonymity in the digital world,

increasingly sophisticated technology that facilitates cybercrime, social inequality that encourages people to commit cybercrime, financial incentives, and the lack of adequate regulation and law enforcement in many countries are some of the causes of the increase in cybercrime incidents.

Love scammers start to show signs that lead to scamming behavior slowly, such as asking for help in the form of material and victim labor. Love scam crimes are rampant because of the easy access for perpetrators to commit love scams and the ease of victims' trust in the perpetrators with the romantic seduction issued by the perpetrators of love scam crimes. People who are not yet married or who are lonely try to find a partner using social media, this is an opportunity for perpetrators of love scam crimes to launch their actions and seek their own profit. Love scam crimes are generally caused by economic problems that are currently occurring in the midst of people's lives. With the existence of economic factors, there will be urgent needs for someone so that crimes occur in cyberspace.

Love Scam perpetrators deceive their victims by using characters that are not themselves, after successfully deceiving the victim, they pretend to find a partner, and persuade the victim to do business and make a deposit of a certain amount of money, so that an online store can be created. So it can be said that this Love Scam is an online fraud crime involving someone's romance on social media, these perpetrators take advantage of the emotional closeness of their victims with fake identities to get a certain amount of money, either with money transfer applications or non-traditional methods such as cryptocurrencies. Prevention of love scam cases in Indonesia is still relatively weak, law enforcement and supervision are still not optimal, which results in love scam cases becoming more rampant and more and more victims being deceived by the coaxing of love scam perpetrators. The absence of a standard definition of statutory regulations against love scam crimes means that legal protection uses the Criminal Code (KUHP), especially Article 378 of the Criminal Code concerning fraud and Law Number 1 of 2024 concerning Information and Electronic Transactions (UU ITE), the absence of special legislation regarding this love scam is a weak point for the many cases that occur, especially in Indonesia.

METHOD RESEARCH

This research uses normative research methods, which is a technique used to collect and record data in the form of primary and secondary data which is used by researchers for the purpose of compiling and then analysing factors related to the main problem that the truth data will be obtained to strengthen research. This research was carried out by collecting various legal literature, including written works, books, journals and data in accordance with the desired field of study. Through these collection of literature, an in-depth study can be carried out that it can solve the issue in this research. In carried out the analysis, several interpretations are used: a) Grammatical interpretation, namely looking for meaning using text, using grammar; b) Historical interpretation, namely analysing the history of the formation of laws and regulations; c) Systematic interpretation, namely looking for correlations between the enactment of one law and another.

DISCUSSION

1. Love Scam Involving Business Activities in Cyberspace

Love scams are a native form of cybercrime, and their growth has been influenced by the global revolution in cybercrime. In cyberspace, cybercrime can be defined as an attempt to enter

or use computer facilities and networks illegally. In cyberspace, computer crime is defined as "any unlawful or illegal act that requires sophisticated computer knowledge to commit, investigate, or prosecute," according to research conducted by the United States Department of Justice. Because of the internet or cyberspace, romance scam crimes occur in cyberspace (Mansur, 2011).

In Indonesia, romance scam is a widespread cybercrime phenomenon, attracting the attention of a group of people to establish a virtual community to accommodate reports from victims and share information about romance scams. The perpetrators will influence the victims as their targets in various ways, such as the romantic treatment they give to the victims and playing with their emotions, growing the victim's trust in the perpetrators. Romance scam, also known as love scam, is a type of fraud in which someone uses the attractiveness and desire of another person to find a partner or life partner. The perpetrators of fake love crimes only pretend to love the victim because their goal is only to extort money from the victim. The perpetrators most often use Facebook and Instagram as social media to reach victims. However, a small number of perpetrators also use the online dating application Tantan, but this is also due to the victim's own desire to find a partner who fits their criteria. However, the perpetrators also contact sources through social media to attract attention.

Some characteristics of Love Scam such as, The desire to communicate indirectly, such as through social media. Always avoid video calls, phone calls, and face-to-face meetings. Passionate about expressing love and inviting to a higher level. In emergency situations, they always argue that they need money. Forcing people to ask for money or invest for a specific purpose. Those are the characteristics of fake love that must be watched out for. To avoid love scams, social media users must know how to avoid them too.

2. Legal Impact on Love Scam Perpetrators and Victims

In the case of love scams, laws are often inconsistent, and many victims are reluctant to report because of shame. Specific laws are needed to control love scams, improve digital literacy, and have a better complaint system. These steps are expected to improve legal protection and better handle love scam cases. Love Scam is a digital fraud that uses romantic relationships to steal money or personal data. Along with the revolution of cybercrime around the world, this phenomenon is growing rapidly. This is one type of crime that falls into the category of cybercrime, which usually includes violations of the law by utilizing computer technology. The factors causing Love scams can be divided into internal and external factors. Internal factors include individual characteristics such as emotional instability, loneliness, the need for instant gratification, and lack of knowledge about online fraud. Individuals with emotional instability or loneliness tend to seek relationships that can be manipulated by scammers, while lack of knowledge about online fraud makes them more vulnerable to becoming victims of online fraud.

Romance scam victims are one of the victims of fraud that occurs via the internet. Therefore, the rights of romance scam victims must be protected by law, and they must be considered the same person in the eyes of the law, or what is known as equality before the law. Because the perpetrators of romance scams create fake accounts with fake identities on online dating sites that meet the elements of "intentionally and without rights or against the law", this element shows the existence of mens rea (evil intent) from the perpetrators of romance scams in creating fake accounts or identities on online dating sites. As a result, perpetrators of romance scams can be charged with Article 35 in conjunction with Article 51 of the ITE Law. In this case, the ITE Law does not clearly regulate protection for victims of romance scam crimes. The ITE Law more indirectly regulates the rights of victims to be able to prosecute someone who has committed a crime. The victim's right to criminal punishment for people who have committed this crime is related to the purpose of the punishment itself, namely to prevent future

crimes, there are two rules regarding the crime of romance scam, namely Article 378 of the Criminal Code and Article 35 in conjunction with Article 51 paragraph (1) of the ITE Law, regarding the policy that can be applied to the perpetrator, it is entirely up to the investigator to determine which Article will be imposed on the perpetrator, here it requires the astuteness of the investigator handling it. However, it is also possible that the investigator can use both articles simultaneously or a term commonly called layered articles, if the elements of the two articles are met. However, the absence of a special law dealing with love scams can also provide law enforcement with the opportunity to interpret and apply the law more flexibly based on general principles, such as analogies of similar cases or principles that apply to uphold justice. However, there are still doubts, especially for love scam perpetrators and victims who do not have clear legal rules about what they should do. An important step that must be taken by government and private institutions is legal protection for Love Scam victims to provide security, fulfillment of rights, and a good quality of life in accordance with Human Rights. Law Number 31 of 2014 concerning Protection of Witnesses and Victims. Victims have the right to be protected from fraud and extortion by the perpetrators. The government and related institutions are responsible for ensuring that the rights of love scam victims are properly protected and respected by implementing the principles of this legal protection, which includes the right to safety, security, privacy, and justice in the legal process.

Legal protection is protection that protects human rights that are harmed by others. Legal protection provides protection to society so that everyone can enjoy the rights granted by law. Solid legal protection can realize legal objectives such as order, security, tranquility, welfare, peace, truth, and justice. Law enforcement must consider the following four elements to protect human interests:(Ishaq, 2009)

- a. Legal beliefs (Rechtssicherheit)
- b. Legal benefits (Zweckmassigkeit)
- c. Legal justice (Gerechtigkeit)
- d. Legal guarantee (Doelmatigkeit).

One of the three basic values of law states that legal certainty can be equated with the principle of law. Court decisions or verdicts must be in accordance with the law because judges must judge based on applicable law. In addition, decisions must be objective, impartial, and fair. Because an ideal decision has a sense of justice and legal certainty that is proportional and even. In his book entitled legal protection for the Indonesian people, Philip M. Hadjon said that legal protection can be divided into two categories: preventive and repressive legal protection:

- a. Preventive Legal Efforts, Efforts to stop violations of the law or crime by taking preventive measures. The most important preventive legal protection is to prevent crimes before they occur by providing information, education, and sanctions that encourage people to avoid unlawful acts. Another goal of preventive legal protection is to create a safe environment and increase legal awareness in the community. Some preventive steps that can be taken to reduce love scam crimes are to increase public awareness and promote related socialization to increase public understanding of love scam crimes. The goal is to inform people about how to find fraud under the guise of romance through social media, warning signs, and how to protect themselves. In addition, do not easily trust people we just met, especially through social media, because we do not have an accurate understanding of their goals.
- b. Repressive Legal Efforts, Legal action taken after a crime or violation of the law has occurred Repressive legal protection emphasizes more on how to deal with violations that have occurred. Enforcing the law, prosecuting perpetrators of crimes, and providing sanctions appropriate to their actions are the main objectives of repressive legal protection. The principle of legal protection against government action comes

from the idea of recognizing and protecting human rights. The objectives of the rule of law can be linked to the recognition and protection of human rights.

Preventive and repressive legal protection work together. While law enforcement actions are taken to ensure justice and restore losses that occur, preventive efforts can help reduce the number of violations of the law (preventive). Legal certainty is needed by law enforcement, which protects the just from arbitrary actions. The public expects legal certainty because the community will be orderly, safe, and peaceful. The government and the private sector must protect Love Scam victims by providing legal protection to victims to gain control, security, fulfillment, and satisfaction in life in accordance with human rights. The public must be careful when using social media because the most common crimes are sexual harassment, fraud, and murder. Another type of fake love crime is where the perpetrator only wants to take advantage of the victim to ask for money by pretending to be the victim's partner. The perpetrator even asks for photos or videos of the victim with body parts that should not be seen, which will be collected by the perpetrator. Worse still, the perpetrator threatens to spread photos or videos of the victim if the victim does not want to send money.

In Article 45 paragraph (1) of the ITE Law "Any person who intentionally and without the right distributes, transmits, and/or makes accessible electronic information and/or electronic documents that have content that violates morality as referred to in Article 27 paragraph (1) shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000 (one billion rupiah)". The Criminal Code and the ITE Law provide legal protection to victims of love scam crimes. The term "love scam" is not recognized in the Criminal Code (KUHP), only recognizing the act of fraud, which is regulated in Article 378 of the Criminal Code. The factors causing Love Scam can be divided into internal and external factors. Internal factors include individual characteristics such as emotional instability, loneliness, the need for instant gratification, and lack of knowledge about online fraud. Individuals with emotional instability or loneliness tend to seek relationships that can be manipulated by scammers, while a lack of knowledge about online fraud makes them more vulnerable to becoming victims of online fraud.

External factors include social, economic, and environmental situations that influence a person's susceptibility to fraud. Love scams are also more likely due to social pressure, economic instability, and exposure to technology and social media. These factors correlate with each other and can increase the likelihood of a person committing fraud, including love scams. Therefore, it is important to understand these factors and take appropriate precautions to protect yourself from fraud and deception. Criminal acts related to love scams that occur on the internet do not occur without the presence of important components that cause love scams to occur. The lack of strict regulations that maintain the security and privacy of users on online dating platforms is a major component that influences. One of the factors that allows love scams is the inability to accurately determine the identity of users. In addition, the lack of public awareness of the dangers of love scams also contributes to the increased likelihood of such fraud occurring in cyberspace. In addition to these factors, weaknesses in the law enforcement process and disruption of information technology system security also worsen the situation, allowing love scam perpetrators to operate easily and without difficulty.

Legal uncertainty can arise because law enforcement in love scam cases has not been regulated by a specific law regarding love scams. However, the absence of a specific law regulating love scams can also provide law enforcers with the opportunity to interpret and apply the law in accordance with general principles, to allow law enforcement to be carried out more systematically and fairly for all parties involved.

Conclusion

Love scam is a fraudulent modus operandi disguised as romance through a website, either as a boyfriend or as a life partner. In Indonesian criminal law, the crime of love scam is

regulated by two articles, namely Article 378 of the Criminal Code (KUHP) and the Law on Information and Electronic Transactions. However, the legal basis for the crime of love scam is Article 28 paragraph (1) in conjunction with Article 45 A paragraph (1) of the ITE Law. However, Article 378 of the Criminal Code applies to fraud without using electronic media. Legal uncertainty arises due to the conflict of norms between Article 378 of the Criminal Code and Article 28 paragraph (1) of the ITE Law. Although Article 28 paragraph (1) of the ITE Law does not explicitly regulate criminal fraud, the ITE Law can be used as *lex specialis* to prosecute online fraudsters.

Love scammers turn love and loneliness into profitable commodities beyond the awareness of potential victims. Fraudsters have promoted loneliness and love on the internet. Because love is blind, victims are willing to give because they give and fulfill the desires of their loved ones. Furthermore, transactions occur where people exchange their attention and love for a sum of money, usually a large amount, up to tens of millions of rupiah to help people who commit love scams overcome their life difficulties or with the motive of starting a new business. To better address this complex online crime, more specific and comprehensive laws are needed on love scams. In addition, increased collaboration between the government and society is essential, such as the formation of special investigation teams and increased cross-border collaboration to prosecute perpetrators who work in various places.

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