

## Law Enforcement of Criminal Acts of Fraud Through Electronic Media by The Electronic Information Technology Law (UU ITE) in the Jurisdiction of The Karangasem Resort Police

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### ABSTRACT

Crimes caused by the development and advancement of information technology and telecommunications are criminal acts of fraud through electronic media. Karangasem Resort Police Investigators in law enforcement against criminal acts of fraud through electronic media use a legal basis based on Article 28 paragraph (1) of the ITE Law. There is a conflict of legal norms in law enforcement against the crime of fraud specifically where Article 378 of the Criminal Code carries a penalty of only 4 years while the crime of fraud through electronic media by disseminating invalid or false news to cause losses is regulated in Article 28 paragraph (1) of the ITE Law which carries a penalty of up to 6 years. For this reason, police investigators if there is a criminal act of fraud through electronic media must be able to dig deeper into the criminal act of fraud, whether the article imposed is sufficient to use the Criminal Code or can be conjoined with the ITE Law. The obstacles faced by investigators of the Karangasem Resort Police are motivated by the fact that there are still few law enforcement officers who understand the ins and outs of information technology (internet), limited facilities and infrastructure, and lack of public legal awareness in efforts to overcome criminal acts of information technology

## **INTRODUCTION**

Crimes caused by the development and advancement of information technology and telecommunications are crimes related to internet applications, or in foreign terms often called cybercrime. The current case is fraud via the online shop. Initially, online shops are buying and selling activities through electronic systems, transactions are carried out with a predetermined payment system and goods will be sent through a delivery service.

In Indonesia, there are many online shop sites that are used to promote their sales, such as [www.Oxl.com](http://www.Oxl.com), [www.Berniaga.com](http://www.Berniaga.com), [www.Kaskus.com](http://www.Kaskus.com), [www.sanur.com](http://www.sanur.com), [www.tokolg.com](http://www.tokolg.com), [www.florist.com](http://www.florist.com), and so on. Although there are many online shop sites, the business is not easy to run, because there are various problems. One of them is the lack of trust of buyers, towards online shop sites because of the rampant fraud on certain online shop sites. However, because of the ease of creativity, many irresponsible parties take advantage of this opportunity for things that harm many people.

Along with the rapid development of information technology, certain people can also misuse the means of communication by utilizing electronic information technology to commit crimes. One of the negative impacts of electronic technology is the emergence of fraud through electronic media that has often occurred in society. These electronic media include the internet, smart phones, television, radio, and others. Traditional crimes are now transforming into cybercrime using the internet and other electronic devices.

Violation of the law in electronic transactions is also a very worrying phenomenon considering that carding, hacking, cracking and cybersquatting have become part of internet activities that have harmed many people making Indonesia highlighted internationally. This fact is a problem that is often difficult to solve, because in addition to unlawful acts committed by subjects who use sophisticated technological means and are difficult to trace their whereabouts and are often carried out from outside the territory of Indonesia or vice versa, the subject is in Indonesia which causes the proof to be more difficult than ordinary unlawful acts even though the perpetrator is caught.

Criminal fraud through electronic media requires special handling because the data used as evidence in criminal fraud is very easy to change and delete. Therefore, experts in the field of technology are needed to reveal electronic data or information used by fraudsters to be used as evidence in the trial process. The definition of fraud itself is the act of a person by deceitful series of lies, false names and false conditions with the intention of benefiting themselves without rights. A series of lies is an arrangement of false sentences arranged in such a way that it is a story of something that seems true. The problem is that criminal acts of fraud have become more sophisticated with the continued development of electronic media, of course the perpetrators do so by using sophisticated electronic media with social media networks such as Facebook, Instagram, WhatsApp and not infrequently also via sms or telephone. Snaring the perpetrators of fraud who commit their actions using electronic media is certainly not as easy as snaring fraud perpetrators who commit their actions directly without going through social media or electronic media because

law enforcement officials such as the police often have to hunt down these perpetrators outside the territory of Indonesia because the perpetrators carry out their actions through electronic media so that the perpetrators can commit these crimes from a very far distance. One of the areas where fraud is rampant by utilizing electronic media via cellular phones is Karangasem Regency, Bali.

ITE Law is the first law in the field of information, technology, and electronic transactions as a much-needed legislative product and has become a pioneer that lays the foundation of regulation in the field of information technology utilization and electronic transactions. One of the roles of the ITE Law in national law is that it has recognized electronic or digital evidence as valid evidence in court as specified in Article 5 of the ITE Law. This expands the provisions of Article 184 of the Criminal Procedure Code (KUHAP) regarding valid evidence in proving the criminal procedure process.

## LITERATURE REVIEW

Karangasem Resort Police Investigators in law enforcement against criminal acts of fraud through electronic media use a legal umbrella or legal basis, namely the ITE Law, which can be seen in Article 28 paragraph (1) which reads "Every person intentionally, and without the right to spread false and misleading news which results in consumer harm in Electronic Transactions". Law enforcement that is less strict and clear against perpetrators of fraud based on electronic transactions, often triggers this fraud crime. Where the Criminal Code (KUHP) and Law Number 19 of 2016 concerning information and electronic transactions provide legal sanctions against the perpetrators of this fraud crime. For cases like this, it will be enforced using these two articles, namely Article 378 of the Criminal Code, namely:

"Any person who, with intent to unlawfully benefit himself or another, by assuming a false name or false dignity, by deceit or by a series of falsehoods induces another person to deliver an object to him, or to give a debt or to cancel a debt, shall, being guilty of fraud, be punished by a maximum imprisonment of 4 years".

Fraud perpetrators through electronic media in Karangasem Regency have not been able to eradicate and are actually increasing, by expanding the fraud network. This is partly because the provision of sanctions to perpetrators of fraud through electronic media does not seem to have a deterrent effect on the perpetrators. The effectiveness of punishment is the extent to which the desired effect or effect occurs on the existence of punishment applied to overcome a situation, for example to overcome the eradication of criminal acts of fraud through electronic media. Actually, the punishment that can be charged to the perpetrator is quite high as stipulated in Article 45 Paragraph (2) of the ITE Law, namely imprisonment for a maximum of 6 (six) years and / or a maximum fine of Rp 1,000,000,000.00 (one billion rupiah), but it returns to the implementation and sanctions based on the Court's decision.

Based on the preliminary description above, the author formulates the problem as follows how the law enforcement of criminal acts of fraud through electronic media in accordance with the Electronic Information Technology Law

(ITE Law) in the jurisdiction of the Karangasem Resort Police and the obstacles faced by the Karangasem Resort Police in enforcing criminal acts of fraud through electronic media in accordance with the Electronic Information Technology Law (ITE Law).

## **METHODOLOGY**

The type of research in writing this thesis is to use normative legal writing methods, namely library legal research or legal research based on data, namely secondary data, law that examines document studies using laws and regulations, court decisions, legal theories, and opinions of scholars supported by case handling data that occurs and also through interviews with resource persons, namely Karangasem Resort Police Investigators.

## **RESULTS AND DISCUSSION**

### **Law Enforcement of Criminal Acts of Fraud through Electronic Media Following the Electronic Information Technology Law (ITE Law) in the Jurisdiction of the Karangasem Resort Police**

Law enforcement that is not firm and clear against the perpetrators of online business fraud often triggers this fraud crime to continue to occur and the author sees that the basis of these legal problems is only two rules, namely through Article 378 of the Criminal Code which states that "Anyone who, to unlawfully benefit himself or others, by using a false name or false dignity, by deceit or by a series of lies, moves another person to hand over an object to him or to give a debt or write off a debt, shall be punished for fraud with a maximum imprisonment of 4 years" and Article 28 Paragraph (1) of the Law on Electronic Transactions which states that "Every person intentionally, and without the right to spread false and misleading news that results in consumer harm in electronic transactions" which provides legal sanctions against the perpetrators of this fraud crime.

Law enforcement against criminal acts of fraud based on electronic media is apparently still based on existing positive law (Criminal Code and Laws that specifically regulate this matter), but in its implementation, the use of these legal rules is still not optimal because based on the data submitted previously, it has increased. Therefore, the author wants to explore more deeply the legal rules that can ensnare perpetrators of electronic media-based fraud. According to Jimly Asshidique's opinion, in criminal law regarding fraud, there are two points of view that can certainly be considered, namely according to the linguistic sense and according to the juridical sense. In the linguistic sense, the basic word of fraud is "tipu" which is "a dishonest act or word (lie, fake, etc.) with the intention of misleading, outsmarting, or making a profit; kecohoh". Meanwhile, fraud is the process, method, act of deceiving; the case of deceiving.

Furthermore, in a juridical sense, the notion of fraud is included in the formulation of criminal offenses in the Criminal Code, however, the formulation of fraud in the Criminal Code is not a definition but only to determine the elements of an act so that it can be said to be fraud and the perpetrator can be punished. Article 378 states: "Any person who, with intent to benefit himself or another person unlawfully, by means of a false name or false character, or by

means of deceit or false words, induces another person to deliver an object or to enter into a debt agreement or to cancel a debt, shall, being guilty of fraud, be punished by a maximum imprisonment of four years".

The Criminal Investigation Unit of the Karangasem Resort Police said that Article 28 paragraph (1) of the ITE Law reads "every person intentionally, and without the right to spread false and misleading news that results in consumer harm in Electronic Transactions" then if you look at the crime of fraud based on electronic media, currently the handling is sometimes still difficult in terms of proof if police investigators are still only guided by articles in the Criminal Code. Fraud that occurs in the cyber world today can be done in various ways, ranging from simple to complex. Fraud in a simple way, for example by sending false news or acting as another person illegally and committing fraud via the internet, while the complex ones can be seen from the way the perpetrators work in groups or have a network. In view of this, the regulation of criminal acts of fraud in the Criminal Code will find limitations in accommodating sanctions or penalties for such acts.

Based on the interview with Aipda I Kadek Mujiadita, in law enforcement against cases of fraud through electronic media, when determining a person to be declared as a perpetrator of online fraud, at least all elements of the crime must be fulfilled and the purpose of the act can be proven that it was intentionally carried out with a state of awareness of the reproach of the act by the Law. Although the elements of Article 378 of the Criminal Code are all fulfilled, there are elements of the crime of online fraud that are not fulfilled in the regulation of Article 378 of the Criminal Code, namely:

Not fulfilling the element of the main media used in committing the crime of online fraud, namely electronic media, which has not been recognized in the Criminal Code or the Criminal Procedure Code;

Different methods of fraud between conventional fraud and online fraud; and There are limitations in the Criminal Code, namely that it cannot impose criminal liability on legal subjects in the form of legal entities (corporations) that commit criminal acts of online fraud.

Therefore, to provide legal certainty and carry out law enforcement against e-commerce-based fraud, as a guideline and legal umbrella, the Karangasem Resort Police Investigators use Law Number 19 of 2016 concerning Electronic Information and Transactions and amended by Law Number 1 of 2024 concerning electronic information and transactions (ITE Law), but if there is a level of difficulty in conducting investigation and investigation efforts, the Criminal Unit of the Karangasem Resort Police will coordinate intensely with the Special Crimes Directorate of the Bali Regional Police which oversees the handling of cyber crime and electronic media.

Against criminal acts of fraud through electronic media, ITE Law Number 1 of 2024 in the provisions of Article 45A paragraph 1 which reads: Every person who intentionally distributes and / or transmits Electronic Information and / or Electronic Documents containing false notifications or misleading information that results in material losses for consumers in Electronic Transactions as referred to in Article 28 paragraph (1) shall be punished with a maximum imprisonment

of 6 (six) years and / or a maximum fine of Rp.1,000,000,000.00 (one billion rupiah).

Meanwhile, the threat of punishment in the criminal act of fraud or false news mentioned above with the threat of punishment in Article 378 concerning criminal acts of fraud which reads: Whoever, with the intent to unlawfully benefit himself or another, by using a false name or false dignity, by deception, or a series of lies, moves another person to hand over something to him, or to give a debt or write off a debt, shall be punished for fraud with a maximum imprisonment of 4 years.

The special law (*Lex Specialist Derogat Lex Generale*), namely the ITE Law, can at least serve as a guideline and legal basis for members of the public in conducting activities in the cyber world. In addition, the ITE Law also has links to several articles regulated in the Criminal Code which aim to facilitate the resolution of a case and because the threat of punishment is greater, so that it can create a deterrent effect on perpetrators of fraud through electronic media. Thus, of course we as social media users who almost every day are never separated from electronic media either for work or just entertainment must be more vigilant and careful of crimes in the cyber world in order to minimize the increase in victims or cases of criminal fraud through electronic media.

In overcoming crime with the aim of overcoming criminal acts of fraud through electronic media by the Karangasem Resort Police is certainly inseparable from the realization of community security and order. Based on the author's interview and discussion with Briпка I Putu Gede Sudarma, as Banit 4 of the Criminal Investigation Unit of the Karangasem Resort Police, cases of criminal fraud through electronic media that occurred in the jurisdiction of Karangasem Bali, prove that this criminal fraud is very dangerous and very quickly causes massive losses to its victims, such as the chronology of the case that occurred in Karangasem Regency on December 24, 2023, namely the loss of tens of millions of money in an account belonging to Ni Komang Julianjani (24) a resident of Sibetan Village, Bebandem District, which at the beginning Julianjani (victim) received a call from someone who was unknown and claimed to be an agent from Shopee, the person / perpetrator told Julianjani that she was entitled to a shopping voucher worth Rp 2. 000.000. Then the victim was asked to go to the ATM to send money before the shopping voucher was disbursed. The voucher, he said, would be sent directly to Julianjani's account. When convinced by the unknown person, the victim Julianjani believed in following the directions of the perpetrator and the victim Juliani finally went to the nearest ATM by following instructions via telephone to transfer some money, after the money was transferred to the ATM.

Table 1. The Following is a Data Table of Cases of Criminal Acts of Fraud Through Electronic Media Handled by Unit 4 Satreskrim of The Gianyar Resort Police, From 2023 to 2024

<b>N O</b>	<b>NO DUMAS/LP</b>	<b>IDENTITAS PELAPOR/KORBAN</b>	<b>TEMPAT DAN WAKTU KEJADIAN</b>	<b>KRONOLOGIS SINGKAT</b>	<b>JUMLAH KERUGIAN</b>	<b>PERKEMBANGAN KASUS</b>	<b>MEDIA PENIPUAN</b>
1	DUMAS Tanggal 16 April 2023	PUTU AGUS SUPARJAYA DE JAGI	Wilayah Hukum Polres Karangas em	Pelapor membeli dispenser seharga tiga ratus ribu rupiah setelah uang di transfer barang tak kunjung datang, dan di suruh menunggu selama 10 Menit kemudian disuruh untuk menscand barcod namun setelah menscand uang yang di atm terpotong sebesar Rp. 78.297.000	RP. 78.297.000 (tujuh puluh delapan juta dua ratus sembilan puluh tujuh rupiah)	Lidik	Tiktok
2	Dumas tanggal 7 April 2023	I KOMANG ARI SUMARTAWAN, S.H.	Wilayah Hukum Polres Karangas em	Penghinaan melalui media sosial Facebook	-	Lidik	Facebook
3	Dumas tanggal 11 April 2023	I WAYAN WARTAMA	Wilayah Hukum Polres Karangas em	Fidusia	-	Lidik	-
4	Dumas tanggal 15 April 2023	NI PUTU WIWIK YULISTIARI	Wilayah Hukum Polres Karangas e	Membeli tabung melalui chat whatsapp namun membeli 6 tabung oksigen seharga Rp. 15.000.000,- (lima belas juta rupiah)	Rp. 15.000.000 0,- (lima belas juta rupiah)	lidik	-

				<i>namun setelah di transfer tabung tak kunjung datang</i>			
5	<i>Dumas tanggal 18 April 2023</i>	<i>MADE BAYU RIATA BUDI</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Tipu online terkait dengan pembelian burung murai batu</i>	-	<i>Lidik</i>	<i>Facebook</i>
6	<i>Dumas tanggal 2 Mei 2023</i>	<i>I WAYAN SUKADANA</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Pengancaman melalui media sosial terkait dengan vidio Asusila</i>	-	<i>Lidik</i>	-
7	<i>Dumas tanggal 5 Mei 2023</i>	<i>NI PUTU SRI MULIA NINMGSIH</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Telah mendapatkan giveaway sebesar Rp. 20.000.000 namun setelah ditransfer sejumlah yang diminta uang tidak kunjung datang</i>	-	<i>Lidik</i>	<i>Facebook</i>
8	<i>Dumas tanggal 8 Mei 2023</i>	<i>KD SUTISNA HADI MAHAYANA</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Telah melakukan pembelian shockbeker melalui facebook selanjutnya melalui WA namun setelah uang ditransfer barang tidak datang</i>	-	<i>Lidik</i>	<i>Facebook</i>
9	<i>Dumas tanggal 24 Mei 2023</i>	<i>NI KOMANG JULIANJANI</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Korban mendapat informasi dari shopee namun setelah di ikuti arahan dari shopee</i>	<i>Rp. 21.913.000 (dua puluh satu juta sembilan ratus tiga</i>	<i>Lidik</i>	<i>Shopee</i>

				<i>korban tak kunjung mendapat hadiah</i>	<i>belas ribu rupiah)</i>		
10	<i>Dumas tanggal 13 Juni 2023</i>	<i>NI KADEK ARTI SATRIANI</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Korban mendapat informasi menerima hadiah dari shopee namun setelah di top up hadiah tak kunjung datang</i>	<i>Rp. 87.892.000 9delapan puluh tujuh juta delapan ratus sembilan puluh dua rupiah)</i>	<i>Lidik</i>	<i>Shopee</i>
11	<i>Dumas tanggal 15 Juni 2023</i>	<i>NI NYOMAN LATRI</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Penipuan melalui media sosial whatsapp</i>	-	<i>Lidik</i>	<i>Whatsapp</i>
12	<i>Dumas 20 Juni 2023</i>	<i>NI KOMANG REDIASIH</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Pencemaran nama baiuk melalui Facebook</i>	-	<i>Lidik</i>	<i>Facebook</i>
13	<i>Dumas tanggal 24 Juli 2023</i>	<i>PUTU YUDI TAMA JAYA</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Penipuan online</i>	<i>Rp. 27.000.000 0 (dua puluh tujuh juta rupiah)</i>	<i>Lidik</i>	-
14	<i>Dumas tanggal 5 Agustus 2023</i>	<i>IGST BAGUS DWI PUTRA</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Penipuan online</i>	-	<i>Lidik</i>	-
15	<i>Dumas tanggal 9 Agustus 2023</i>	<i>I GEDE PATRIA DEMOINA</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Penipuan online</i>	-	<i>Lidik</i>	-
16	<i>Dumas tanggal 18 Agustus 2023</i>	<i>SANG KT KEMBARYA DI</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Pencemaran nama baik</i>	-	<i>Lidik</i>	-
17	<i>Dumas tanggal 20 Desember 2023</i>	<i>NURUL IHSAN</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Korban mendapatkan informasi ditawarkan pekerjaan kemudian korban disuruh mentransfer setelah itu uang hilang</i>	<i>Rp. 20.554.000 0 (dua puluh juta rupiah lima ratus lima puluh empat</i>	<i>Lidik</i>	<i>Whatsapp</i>

				dan korban tidak mendapatkan kabar	ribu rupiah)		
18	Dumas tanggal 6 Januari 2024	I NENGAH SINAH SAPUTRA	Wilayah Hukum Polres Karangas em	Penipuan online melalui Whatsapp	-	Lidik	Whatsapp
19	Dumas tanggal 17 April 2024	I WAYAN PANDE WIDIANA	Wilayah Hukum Polres Karangas em	Penipuan melalui media sosial whatsapp	Rp. 13.900.000 (tiga belas juta sembilan ratus ribu rupiah)	Lidik	Whatsapp
20	Dumas tanggal 29 April 2024	NI NEGAH NADINING	Wilayah Hukum Polres Karangas em	Penipuan melalui Link Brimo	Rp. 168.000.000 (seratus enam puluh delapan juta rupiah)	Lidik	Brimo
21	Dumas tanggal 20 Mei 2024	ABDUL KADIR	Wilayah Hukum Polres Karangas em	Adanya pelaku yang melakukan penipuan melalui media social WhatsApp dengan cara mengaku bernama FAISAL yang mengatakan akan memberikan sumbangan ke YAYASAN HABIB ALI ALYDRUS terkait pembebasan lahan makam HABIB ALI ALYDRUS kepada korban kemudian setelah mentransfer mengaku telah menstrasfer	Rp. 18.000.000 (delapan belas juta rupiah)	Lidik	Whatsapp

				<i>lebih kemudian kelebihan transferya minta dikembali n</i>			
22	<i>Dumas tanggal 17 April 2024</i>	<i>I WAYAN PANDE WIDIANA</i>	<i>Wilayah Hukum Polres Karangas em</i>	<i>Adanya seseorang yang mengaku bernama Dr. Epis Panssiim yang bekerja dikejaksaan Karangasem dan meminta korban untuk mengisi acara dan korban meminta DP kepada dr. Epis Panssiim kemudian dr. Epis Panssiim mengaku sudah mentrasfer uang tersebut dan bahkan lebih kemudian dr. Epis Panssiim meminta yang lebihnya untuk ditransfer balik kemudian setelah mentransfer korban curiga dan benar telah kena tipu kemudian melaporkan nya ke pihak berwajib</i>	<i>Rp. 13.000.00 0 (tiga belas juta rupiah)</i>	<i>Lidik</i>	<i>Whatsapp</i>

23	Tanggal 121 Mei 2024	NI NYOMAN NANIK YANTI	Wilayah Hukum Polres Karangas em	Telah terjadi dugaan tindak pidana KDRT yang dilakukan oleh suami korban	-	Lidik	-
24	Tanggal 128 Mei 2024	I GUSTI AYU INTAN PURNAMIA SIH	Wilayah Hukum Polres Karangas em	Adanya iklan penjualan pulsa dan paket murah kemudian korban membeli dan mentransfer uang namun setelah mentransfer pulsa tak kunjung dikirim kemudian minta uang dikembali n namun disuruh transfer lagi hingga korban sadar telah kena tipu	Rp. 4.947.900 (empat juta sembilan ratus empat puluh tujuh sembilan ratus rupiah)	Lidik	Facebook
25	Tanggal 12 Juni 2024	I GEDE AGUS INDRA PRADIKA	Wilayah Hukum Polres Karangas em	Adanya pejualan motor di market place dan korban merasa tertarik kemudian berlanjut ke Whatsapp dan terjadi kesepakatan	Rp. 30.708.00 0 (tiga puluh juta tujuh ratus delapan ribu rupiah)	Lidik	Whatsapp

				<i>deal namun setelah uang ditransfer dibbilang masih pengiriman dan di cek di J&amp;T nomor resi tidak ada kemudian korban merasa tertipu dan melaporkan ke pihak berwajib</i>			
26	<i>Tangga 1 14 Maret 2024</i>	<i>I KADEK AGUS MIARA</i>	<i>Wilayah hukum Polres Karangasem</i>	<i>Dugaan tindak pidana penyebaran Video porno yang diduga dilakukan oleh CANDRA Als. KONSER di Br. Dinas Kusumajaya, Desa Ababi, Kec. Abang, Kab. Karangasem</i>	-	<i>Lidik</i>	<i>Whatsapp</i>

**Obstacles Faced by the Karangasem Resort Police in Enforcing the Crime of Fraud through Electronic Media in Accordance with the Electronic Information Technology Law (ITE Law)**

Law enforcement in Indonesia is currently still experiencing various difficulties in dealing with the outbreak of cybercrime. Based on research from the author, the obstacles faced by investigators of the Karangasem Resort Police are motivated by the fact that there are still few law enforcement officers who understand the ins and outs of information technology (internet), limited facilities and infrastructure, and lack of public legal awareness in efforts to overcome information technology crimes, besides that 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 stuttering technology (gaptek) this is due to the fact that there are still many law enforcement institutions in the regions that have not been supported by internet networks".

Another thing based on the author's discussion and interview with Aipda I Kadek Mujiadita, other obstacles that are usually experienced by investigators

in handling cases of criminal acts of fraud through electronic media are as follows:

1. Digital Evidence

The search for digital evidence is something that is still difficult to do, because it requires adequate skills and infrastructure to obtain this evidence, especially at the regional police level such as the Polres and Polsek levels.

2. Difference of Opinion

Differences of opinion that occur among law enforcement officials in terms of interpreting cybercrime that occurs with the application of articles by the public, investigators, prosecutors, and judges will affect the resolution of the case, thus causing legal uncertainty for victims seeking justice.

3. Ability of Investigators

In general, some investigators are still lacking in terms of quantity and quality in handling criminal acts of fraud through electronic media, so 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, especially in remote rural communities in the jurisdiction of Karangasem, to report cybercrime cases to the police is still very minimal. Some people feel that it is not a problem because they only lost a small amount of money, so they are reluctant to report. They also assume that if taken to court, it will require more funds than the losses suffered.

Another obstacle that is most influential in the process of investigation and investigation is the multi-interpretation of several articles in the Criminal Code with the Information and Technology Law for Police investigators so that in its implementation one article is needed specifically regulating criminal acts of fraud through electronic media. Because it must be understood that the ability of police investigators today is no longer equated with the ability of police investigators in the past. Police investigators are currently required to keep up with the times and the development of existing technology so that developing crimes can also be minimized. In addition, the understanding of the articles in the existing positive law should be taken seriously by police investigators so that there are no more multiple interpretations in implementing the articles against perpetrators of criminal acts of fraud through electronic media. The infrastructure factor is also felt to be one of the weak factors in law enforcement against the crime of fraud. For example, the computer facilities available today only function limited to administrative activities, while electronic media-based crimes are carried out using computers that are networked and have a high and complicated technological capacity so that police investigators are still difficult to track, detect or compensate for the activities of these criminals.

The last obstacle is the cultural factor which is allegedly also the cause of the weakness of police investigators in handling criminal acts of fraud through electronic media, especially against people in rural areas. It can be understood that culture is a way of life that develops, and is shared by groups of people, and is passed down from generation to generation. Culture is also an inseparable part of humans so that most humans are more likely to consider it as a genetic

inheritance. When people try to communicate with people of different cultures, and better adapt to the differences, it proves that culture can be learned. The current law may not be able to answer the cultural problems of a society that is changing and developing now or in the future, so it is necessary to change or create new laws to answer these problems.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Conclusion**

Based on the discussion that has been described, the conclusions in this study can be drawn as follows:

1. Law enforcement against criminal acts of fraud is specifically regulated in Article 378 of the Criminal Code with a penalty of only 4 years while criminal acts of fraud through electronic media by disseminating invalid or false news to cause losses are regulated in Article 28 paragraph 1 of the ITE Law with a penalty of up to 6 years. For this reason, police investigators if there is a criminal act of fraud through electronic media must be able to dig deeper into the criminal act of fraud, whether the article imposed is sufficient to use the Criminal Code or can be conjoined with the ITE Law. Then the application of criminal sanctions can be subject to multiple articles if the elements have been fulfilled, then law enforcement can use both articles if the elements of the criminal act have been fulfilled and can impose criminal penalties on the perpetrator.
2. The obstacles faced by investigators of the Karangasem Resort Police are motivated by the fact that there are still few law enforcement officers who understand the ins and outs of information technology (internet), limited facilities and infrastructure, and lack of public legal awareness in efforts to overcome information technology crimes, besides that 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 stuttering technology.

### **Recommendations**

Based on the description above, there are several things that researchers can suggest as follows:

1. The Police, especially the Karangasem Resort Police, must be more intensive in providing socialization of the dangers and modes of fraud through electronic media and providing maximum service, to rural areas where there are still many rural communities who understand electronic social media.
2. The application of sanctions for criminal acts of fraud through electronic media must be by applicable laws and regulations and cooperation is needed with related parties to eliminate inhibiting factors.

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