

Disclosure Of Criminal Acts Of Fraud Using Social Engineering Mode Committed By Subdit V Cyber Directorate of Special Criminal Investigation South Sumatera Regional Police

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Abstract

In the current era of globalization, technological progress is progressing very rapidly. We can find out information about events in other parts of the world just by accessing news via the Internet. The research method used is an empirical juridical method. What the author studied was the obstacles faced by Sub-Directorate V Cyber Ditres Crimsus Polda South Sumatra in uncovering criminal acts of fraud using social engineering. Results: From the explanation above, it is clear that crime is influenced by the social conditions of society, which can indirectly cause or encourage crime.

Keywords: *disclosure; South Sumatra Regional Police; criminal act; social engineering; subdit v cyber ditreskrimsus*

INTRODUCTION

In the current era of globalization, technological progress is progressing very rapidly. We can find out information about events in other parts of the world just by accessing news via the Internet. This cutting-edge technology has a huge impact on human life (Rosana, 2010). As technology advances, it becomes easier for humans to communicate long distances. In addition, technological advances affect the speed of information dissemination throughout the world. Technological advances play a very important role in daily human activities (Setiawan, 2017).

The effect is huge. Depending on how one uses it, it can have positive or negative impacts. This advanced technology will have a positive impact if used correctly to improve the quality of life. However, if misused, this sophisticated technology can certainly have negative impacts and be used as a means to commit crimes or harm other people (Literature Ongko, 2021).

The rapid development of digital technology has brought changes to all aspects of human life. Including the use of digital wallets in various daily activities. Digital wallets make it easier for users to carry cash anywhere because there are various features that can be used for various transactions and activities. All transactions, both non-personal and personal, can be done with just one click on your cellphone (Suyatno, 2023).

Online fraud is a form of fraud carried out using electronic media. The use of electronic media causes the use of multi-layered items to handle online fraud cases. The ITE Law does

not specifically regulate fraud. Generally, the provisions of Article 378 of the Criminal Code apply in cases of fraud. However, when losses occur in electronic transactions, online fraud can be exploited under Article 28(1) of the ITE Law (Kesuma et al., 2020).

The difference between the Criminal Code and the ITE Law is that the Criminal Code regulates "fraud" while the ITE Law regulates "fake news". In the case of online fraud, Article 28(1) of the ITE Law applies which states: "No one will intentionally broadcast false and misleading news that causes losses to consumers in electronic transactions. In accordance with Article 1 of the ITE Law (Rahmad, 2019).

Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, electronic transactions are defined as "legal acts carried out using electronic media (Kuspraningrum, 2011).

Online fraud has evolved as a form of social engineering. Perpetrators take advantage of victims' mistakes and gain access to access information, personal information and valuable data through social media. To carry out the action, the perpetrator usually sends a message to the victim disguised as an official notification from a bank or certain application. This tactic of deceiving and manipulating the victim will work if the victim is careless and driven by certain psychological circumstances, such as the hope of receiving gifts or inducements from the perpetrator. The provisions of Article 378 of the Criminal Code apply to social engineering fraud, even though the media used is electronic media. Once perpetrators have access to the victim's personal information and valuable data, they are free to infiltrate the victim's electronic systems using data previously obtained from the victim. (Nugroho, 2015).

The perpetrator's actions in entering the victim's electronic system using the victim's electronic information can be categorized as prohibited acts in Article 30 paragraph (1) of Law of the Republic of Indonesia Number 19 of 2016 concerning amendments to Law of the Republic of Indonesia Number 11 of 2008 concerning Information and Electronic Transactions which states "Any person intentionally and without right or against the law accesses another person's Computer and/or Electronic System in any way (Christianto, 2020).

In early 2023, the Cybercrime Directorate of Bareskrim Polri was reported to have arrested 13 people who committed fraud by sending illegal links and modified Android package kits (APK). The perpetrator is said to have emptied 493 bank customer accounts, causing losses of up to IDR 12 billion. Perpetrators collectively act in a variety of roles, including modified APK developers, database agents of potential victims (bank customers), social engineering perpetrators, account robbers, and withdrawal perpetrators. Based on the background above, the problems that want to be researched and analyzed are the obstacles faced by Subdit V Cyber Ditres Crimsus Polda South Sumatra in uncovering criminal acts of fraud using social engineering.

RESEARCH METHOD

The type of research used is field research. In this research, researchers used an empirical legal approach. The empirical approach is an approach that aims to conduct research directly in order to collect all information relevant to the research, such as through interviews with interested parties and careful observation of the research subjects. (Suharsimi, 2019). The data sources used in this research consist of primary data and secondary data. Data collection methods were carried out through interviews and document studies.

DISCUSS AND ANALYSIS

Obstacles faced by Sub-Directorate V Cyber, Ditreskrimsus Polda South Sumatra in disclosing criminal acts of fraud using social engineering mode.

In relation to criminal objectives, Andi Hamzah put forward three Rs and one D, namely Reformation, Restraint and Retribution, as well as Deterrence. Reformation means changing or rehabilitating a criminal into a good person who is beneficial to society. Restraint means isolating violators from society, also removing law violators from society, meaning that society will become safer. Retribution is retaliation against law violators who have committed criminal acts. Deterrence means preventive or precautionary action that causes both the perpetrator as an individual and other potential perpetrators to become deterred or afraid to commit a criminal act after seeing the punishment imposed. (Usman, 2011).

Criminal acts are acts of negligence or omission that are prohibited and punishable, and the imposition of crimes against perpetrators helps maintain legal order and ensure a safe society, including the application of criminal law. Detect criminal acts using technical methods. Social problems in the legal field of the South Sumatra Police.

In the disclosure of cases of criminal acts of fraud using social engineering mode which were handled by Subdit V Tipidsiber Ditreskrimsus Polda South Sumatra as is known from the description in Point A where the suspects have been prosecuted and processed in accordance with applicable law.

However, before successfully disclosing the criminal case of fraud using social engineering as a method carried out by the US suspect, of course there were several obstacles faced by investigators from Sub-Directorate V Tipidsiber Ditreskrimsus Polda Sumsel, namely:

1. HR

Of the three sample files, the internal obstacles in the HR field faced by investigators are the same, namely:

- a) Investigators' lack of understanding of Technology and Information results in delays in the process of profiling and searching for perpetrators.
- b) The existence of a vacancy in the position of officer in Sub-Directorate V Cyber, Ditreskrimsus Polda South Sumatra, has resulted in difficulties in dividing investigation and investigation tasks with other tasks.

2. Budget

Of the three sample files, the internal budget constraints faced by investigators are the same, namely the unavailability of a budget to support the process of profiling and analysis of perpetrators, such as the unavailability of a budget to subscribe to OSINT Tools, Socmint Tools and other tools supporting profiling and analysis, resulting in delays. perpetrator profiling process and obstruction of the investigation process in supporting the disclosure of criminal acts.

3. Facilities and infrastructure

The internal obstacles in the field of facilities and infrastructure faced by investigators from the three sample files in point A above are as follows:

- a) The lack of availability of high-specification computers to support the process of disclosing criminal acts, considering that disclosing cyber crimes is not only related to filing activities, but also includes IT-based profiling and investigation activities that use several software that require high-specification computers.
- b) There is no Digital Forensic Laboratory available to prove digital evidence.

4. Method

The internal obstacles in the field of methods faced by investigators from each case file sample in point A above can be explained as follows:

- a) In Case File Number: B.10/48/VIII/2022/Subdit V/Ditreskrimsus, the internal obstacle in the field of methods faced by the investigator is that the investigator is hampered in

profiling the virtual number United States code +1 (515) 379-8867 used by perpetrator to contact the victim.

- b) In Case File Number: B.10/77/X/RES.2.5./2023/Ditreskrimsus, the obstacle faced by investigators is the difficulty of tracing the flow of funds sent by the perpetrator to several accounts and digital wallets belonging to the perpetrator due to the registration of digital accounts and wallets. is using someone else's identity.
- c) In Case File Number: B.10/66/XI/RES.2.5./2022/Ditreskrimsus, the obstacle faced by investigators was PT Gojek not providing information and the victim's Gobiz account log system, so investigators had difficulty in proving access. the victim's Gobiz account was illegal by the perpetrator.

To make it easier to understand the obstacles in the field of this method, researchers will explain these obstacles as follows:

1. According to Welly Kaswara, SH, M.Si. as assistant investigator in Case File Number: B.10/48/VIII/2022/Subdit V/Ditreskrimsus explained: "The perpetrator contacted the victim using a virtual number with United States code +1 (515) 379-8867 which of course became an obstacle for investigators to carry out "profiling the perpetrator, because the WhatsApp number is only a virtual number based on the OTP service provider application and is not a number provided by one of the telecommunications providers in Indonesia."
2. According to Harmoko, SH, MH as an investigator in Case File Number: B.10/77/X/RES.2.5./2023/Ditreskrimsus said: "The perpetrator used 10 bank accounts and dozens of other people's digital wallet accounts to hold the money from the fraud. and from the results of the investigation, the account used the identity of a resident who lives on the islands of Java and Sulawesi, where it is suspected that the account was the result of purchases on account buying and selling forums and personal identity. "This makes it quite difficult for investigators to profile the alleged perpetrator."
3. Furthermore, Abu Hair, SH as Investigator in Case File Number: B.10/66/XI/RES.2.5./2022/Ditreskrimsus explained that: "Investigators experienced difficulties in proving illegal access to the Gobiz application by the perpetrator because there was no PT "Gojek can be used as a witness to provide information in this case and we also did not get the victim's Gobiz account Log System document from PT Gojek, we need these two things to prove the actions committed by the perpetrator."

Based on the obstacles above in terms of human resources, budget, facilities and infrastructure as well as methods, researchers are of the opinion that all the obstacles faced by investigators have an impact on difficulties in profiling suspected perpetrators.(Zahran & Isfianita, 2023).

Formally, crime is defined as an act that is subject to punishment by the state. Criminal imposition aims to restore the balance disturbed as a result of the crime. When the balance is disturbed, public order becomes unstable and people worry about the consequences. Crime can be defined based on the presence of anti-social elements. Based on these factors, a crime can be formulated as an act that is detrimental, inappropriate, unacceptable and anti-social which can cause social unrest.(Widiartana, 2017).

The definition of crime can be classified into three things, as follows:

1. Practical (sociological) understanding.
Violation of religious norms, customs and politeness in society.
2. Understanding religion. Violation of the Commandments of Almighty God
3. Legal Meaning.

From a criminal perspective, a criminal act refers to an act or omission that is prohibited by public law to protect society and is punishable by punishment by the state.

In general, to say an act is a crime, there are several elements that must be met, these elements are:

1. We have to do the humane thing. Because Indonesia has positive criminal law, only humans can be subjects of the law. Animals cannot be accused of breaking the law, and neither can corporations. Corporations can carry out legal actions and become legal subjects, but corporations cannot be sued. This is in accordance with the nature of our criminal law which is based on the principle that there is an element of "crime" in people who commit prohibited acts. However, along with the development of laws and regulations in Indonesia, corporations can also be prosecuted, for example under the Corruption Law and the Fisheries Law, and corporations will be subject to fines and administrative sanctions. (Daniel, 2015).
2. These actions must be in accordance with the provisions of criminal law. For this reason, it is necessary to check whether the elements contained in the law are included in the law (HANANTA, 2018).
3. The guilty person must be proven guilty. In order for someone to be said to be guilty (in criminal law of course) there needs to be a sense of responsibility, and there needs to be a relationship between the influence of that person's psychological state on his actions and his shortcomings. an excuse to avoid responsibility (Oratmangun, 2016).
4. This action violates the law. Formally, prohibited acts violate legal order, that is, they violate the law. The term "illegal" has three interpretations. Simons said that what is meant by "against the law" is against the law, not only subjective law but also objective law. Pompe continued to expand using written and unwritten laws. According to Noyon, breaking the law means violating other people's rights. On the other hand, according to Hoge Raad, arrest means breaking the law without authority or right (Sriwidodo, 2019).
5. For this act, there must be a threat of punishment in the law. An act cannot be punished if it has not previously been committed by law. The law only applies going forward and does not apply retroactively. This principle is known as "Nullum Delictum, Nulla Poena Sine Praevia Lege Poenali". This principle has been laid down in article 1 paragraph 1 of the Criminal Code: "No act may be punished, except on the strength of the criminal provisions in the law, which precede the act."

The classification of crimes can be classified based on several considerations:

1. Motive the culprit
Bonger divides crimes based on the perpetrator's motives as follows:
 - a) Economic crime, for example smuggling.
 - b) Political crimes (Political Crime), for example the PKI rebellion, and others.
 - c) Crime (Miscellaneous crime), for example persecution and the motive is revenge.
2. Based on the seriousness/lightness of the criminal threat, crimes can be divided into two, namely:
 - a) The crime itself, namely all the articles mentioned in Book Two of the Criminal Code (KUHP). Such as murder, theft and others. The criminal threat in this group is sometimes the death penalty, life imprisonment, or temporary imprisonment.
 - b) Violations, namely all articles mentioned in Book Three of the Criminal Code (KUHP). Like ordinary violations, the threat of punishment is only a fine or imprisonment. An example that often occurs is traffic violations.
3. Interest statistics
 - a) Crimes against people (Crime Against Persons), for example murder, assault and so on.
 - b) Crimes against property (Crime Against Property), for example theft, robbery and others.
 - c) Crimes against public decency (Crime Against Public Decency), for example obscene acts.
4. Interest theory formation

This classification is based on the crime class. Crime Classes are differentiated according to the process that causes the crime to occur, the method of committing the crime, the technical and organizational methods, as well as the occurrence of groups that have certain values within this group. The classification is:

- a) Professional Crime, is a crime committed as a permanent maintenance agent and has certain skills in his profession. Examples include forging signatures, counterfeiting banknotes, and pickpocketing.
- b) Organized Crime, is organized crime. Like is organized crime. Extortion, illegal drug trafficking, illegal gambling, prostitution, etc.
- c) Occupational Crime is a crime of opportunity. For example, house theft, clothesline theft, assault, and so on.

5. Sociologists

- a) Violent Personal Crime, (crimes of violence against people). Such as murder, abuse and rape.
- b) Occasional Property Crime (property crime due to opportunity). Such as motor vehicle theft, theft in large stores and others.
- c) Occupational Crime (crime due to position/position). Such as white collar crimes such as corruption.
- d) Political Crime (political crimes). Like rebellion and espionage and so on.
- e) Public Order Crime (crimes against public order). This crime is also commonly called "victimless crime". Such as drunkenness, vagrancy and begging, gambling and women prostituting themselves.
- f) Conventional Crime (conventional crime). Such as robbery and petty theft and so on.
- g) Organized Crime (organized crime). Such as blackmail and trafficking of women for prostitution. Drug trafficking and so on.
- h) Professional crime, (crimes committed as a profession). Such as counterfeiting and pickpocketing and so on.

Experts define crime legally and sociologically. From a legal perspective, crime is a human act that is illegal and can be punished, regulated in criminal law. Sociologically, crime is a certain act that is not approved by society. In conclusion, crime is an anti-social act that harms and harasses society and its members.

Conclusion

From the explanation above it is clear that crime is influenced by the social conditions of society, which can indirectly cause or encourage crime.

1. In dealing with these obstacles, there were several efforts made by investigators from Subdit V Tipidsiber Ditreskrimsus Polda South Sumatra, namely:
 - a) Regarding obstacles in the HR sector, tasks are distributed to members according to each member's skills, interests and talents. The division of tasks is in the form of profiling, analysis, inquiry, investigation and filing so that the process of disclosing criminal acts can run well and smoothly.
 - b) Regarding budget constraints, utilize unpaid tools in the process of profiling suspected perpetrators.
 - c) Regarding obstacles in the Facilities and Infrastructure sector, ask for assistance from the South Sumatra Police Bidlabfor or the National Police Criminal Investigation Unit to carry out examinations of electronic and digital evidence.
 - d) Regarding obstacles in the field of methods:
 - 1) Conduct profiling of perpetrators by following the money which focuses on the flow of the perpetrator's funds and the final point where the money is collected. Then, the

perpetrator's number that is analyzed is the perpetrator's fund account number contained in the victim's transaction data based on the existing virtual account.

- 2) Coordinating with digital wallet parties, one of which is PT. Espay Debit Indonesia Koe (DANA) to analyze the flow of funds in the DANA account, apart from that, it also carries out analysis and profiling using the number registered in the digital wallet account, not using the registrant's identity from the digital wallet account.
- 3) Carrying out an examination of the suspect's cellphone evidence at the South Sumatra Police Bidlabfor in order to look for valid evidence in accordance with Article 184 of the Criminal Procedure Code, namely Minutes of Forensic Laboratory Examinations and Minutes of Examinations of Forensic Laboratory Experts.

Suggestion

1. For the Police
 - a. HR:
 - 1) Improving the capabilities of cyber crime investigators both in terms of police knowledge and technology and information, responding to the development of criminals who increasingly follow technological developments.
 - 2) Mapping the interests and talents of personnel carrying out their duties as cyber crime investigators.
 - 3) Strengthen Cyber Sub-Directorate personnel by fulfilling proportional DSP
 - b. Budget:
 - 1) Fulfill budget support for the investigation and investigation of cyber crimes, such as subscribing to OSINT tools, Socmint tools and other tools needed to reveal cyber crimes.
 - 2) There is a need for budget support in implementing cyber patrol activities.
 - c. Facilities and infrastructure:
 - 1) Equip cyber investigators with equipment in the form of high-specification computers, bearing in mind that the tools that investigators will use are tools that have high-specification computer requirements.
 - 2) Fulfilling the needs for cyber crime investigation equipment such as surveillance equipment and certain software that will be used for investigations.
 - 3) It is necessary to establish a forensic laboratory equipped with adequate digital forensic equipment to support the process of disclosing cyber crimes.
 - d. Method:
 - 1) Carry out massive education to the public about the current developments in fraud modes, in order to minimize the number of victims of fraud using social engineering methods.
 - 2) Increase cooperation with banks and digital wallet companies in an effort to eradicate criminals who store criminal proceeds in digital accounts and wallets. As well as in an effort to eradicate unscrupulous individuals selling digital accounts and wallets.
 - 3) If possible, use the undercover buy technique in disclosing cybercrime using social engineering.
2. For external parties
 - a) We should tighten the terms and conditions for creating accounts and digital wallet accounts, bearing in mind that creating accounts and digital wallets can be done online and quickly, this has led to the proliferation of sellers of digital wallet accounts and accounts.
 - b) Making it easier for the police to access data requests, this is useful for accelerating the process of disclosing criminal cases.

3. For Society

- a) So that it is not easy to provide personal information and banking information to anyone,
- b) So that you are not easily persuaded by criminals who offer the promise of gifts.
- c) To always check the truth of the information received, do not immediately believe unknown people who claim to be certain parties.

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