

REDRESSING THE ONLINE TRANSACTION FRAUD VICTIM TREATMENT AND INTEREST FULFILLMENT IN CRIMINAL JUSTICE SYSTEM

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Abstract

This article gives idea on how to redress online transaction fraud victim in criminal justice system. The method applied is by looking scholars' studies, statutes, observation of victimization process and interviewing law enforcement and victim. In several occasions, investigators turned to blame the victim when they report the crime. For several unsolved cases, the victim asked to revoke their report. This caused by investigator's view that victim recklessness and failure to think what is deservedly suppose is the main cause of the crime. Treatment and interest fulfillment of online transaction fraud victim in criminal justice system should be redressed, such as the accommodation of material loss recovery, and regarding the victim's interest during criminal justice process.

Keywords: criminal justice, fraud, interest, online transaction, treatment, victim

Abstrak

Artikel ini memberikan ide tentang bagaimana memperbaiki korban penipuan transaksi online dalam sistem peradilan pidana. Metode yang diterapkan adalah dengan mencari studi ulama, undang-undang, observasi proses viktimisasi dan mewawancarai penegak hukum dan korban. Dalam beberapa kesempatan, penyidik berbalik untuk menyalahkan korban ketika mereka melaporkan kejahatan tersebut. Untuk beberapa kasus yang belum terselesaikan, korban diminta untuk mencabut laporan mereka. Hal ini disebabkan oleh pandangan penyidik bahwa kecerobohan korban dan kegagalan untuk berpikir apa yang seharusnya dianggap sebagai penyebab utama kejahatan. Perlakuan dan pemenuhan kepentingan korban penipuan transaksi online dalam sistem peradilan pidana harus ditanggulangi, seperti akomodasi pemulihan kerugian materi, dan mengenai kepentingan korban selama proses peradilan pidana.

Kata Kunci: peradilan pidana, penipuan, bunga, transaksi online, perawatan, korban.

I. OVERVIEW

Online shopping is a lifestyle, at least in metropolitan cities in Indonesia. Penetration and aggressiveness of online shopping have inline correlation with the amount of internet user growth. The APJII (Indonesia Internet Service Provider Association) survey in 2017 recorded that internet user in Indonesia reached 143,26 million.¹ The trend started since 1990 with eBay and Amazon started being popular, which 10 years later started to be used frequently in Indonesia. Then the local players started to establish: Tokopedia, Bukalapak, Lazada, etc., and they are effectively escalating e-commerce transaction. Google and Temasek released data in 2017, purchase by e-commerce transaction in Indonesia reached US\$ 10,9 billion or approximately Rp.146,7 trillion, escalated 41% from US\$ 5,5 billion or approximately Rp.74 trillion in 2015.² BPS (Center for Statistic, Indonesia) recorded that e-commerce growth in Indonesia 2016 escalated 17% or 26,2 million new entrepreneurs.³ Indonesia is one of the countries where online transaction flourished.⁴

As a third world country – and a place where e-commerce flourishes, it is understandable that not all of the people have enough money to satisfy their consumptive behavior. Online shop is quite the answer to seek for what is wanted or needed with more price options. In specific manner, the cheaper, the better. There are many people would want to get the thing that wanted with cheaper price, and even more, less effort. This utopian idea of consumerism exploited by con-artist or deceiver to get illicit enrichment from their victims. It is actually not too difficult to comprehend whether e-commercial is transmitted to deceive or truthful.

There are many cases of online-transaction fraud, some of them are reported and some are not. Ministry of Communication and Informatics made a website as crime preventive crowd-source website: cekrekening.id. The website recorded 16.678 reports of bank account used by perpetrators, it accommodates the preventive way to not to get defrauded.⁵ While, BPS data shown there are 27.418 fraud case handled by Indonesia Police Headquarter in 2018.⁶ The data shown serious amount of online-transaction fraud.

One of online transaction characteristics is the party never get to meet face-to-face. The perpetrator advertises in online shop application or website, and the contact between the perpetrator and the victim is all by online shop messaging or SMS or WhatsApp or any other instant messaging. The payment conducted by bank transfer or sometimes credit card. This is the reason why online-transaction fraud job is safer for the perpetrator than conventional fraud, because the case is tough for the law enforcement to solve.

The perpetrator does not have any good will, of course, to do what is obligated to do in the transaction agreement. After the victim already paid or transferred the money, the perpetrator will evade contact from the victim. As soon as the victim realized that this is a fraud, some of them will go to the police office to file a report,

¹ APJII, *Behavior and Penetration of Internet User Survey 2017* (Jakarta, 2017).

² Google & Temasek, *Southeast Asia's Accelerating Internet Economy*, 2017, <https://www.temasek.com.sg/en/news-and-views/stories/future/Southeast-Asia-accelerating-internet-economy.html>.

³ Liputan 6, "Orang Indonesia Habiskan Rp 146 Triliun Untuk Belanja Online," last modified 2018, accessed January 30, 2019, <https://www.liputan6.com/tekno/read/3326217/orang-indonesia-habiskan-rp-146-triliun-untuk-belanja-online>.

⁴ *Ibid.*

⁵ See <https://cekrekening.id>

⁶ Indonesia Center for Statistics, *Statistik Kriminal 2018* (Jakarta, 2018).

yet some of them did not because of many reasons, such as does not believe that police could do much to help, to file a report does not mean the money lost would be returned, afraid of legal process, and it would be more material loss because of investigation process-related expenses, as the victim is obligated to participate in the criminal justice system as witness.

After the report came in police tends to focus on determining whether the report is a solid case or not. Afterward, investigation will focus on capturing the perpetrator, collecting evidences and witnesses. Victim's concern and interest often derogated by the investigators, even some of them are being blamed for their action of trusting the advertising.

In several scientific publications, stated that victims are often neglected in the criminal justice process. For example, O'Connell wrote that in Australia over three decades ago crime victims were often cited as the 'forgotten' or 'neglected' people in the criminal justice system.⁷ Angkasa quoted Grabosky, Karmen, and Zweig: Grabosky stated that "...crime victim as the forgotten and neglected participant in the criminal justice system...". Zweig said, "In our time we experience too many things too quickly for us to have good memories, we forget the victim...". Karmen also said that "...crime victim were pictured as "invisible" or "forgotten".⁸

Observing the local police office, the victim treatment in the office in some ways have already considering victim's rights and interest. Yet, there are some interests that are still needed to be considered to be paid attention to. This article will discuss on how to redress the treatment of accommodating the victim interest to get back the material loss which is also important as restorative justice manifestation.

II. VICTIMIZATION IN ONLINE-TRANSACTION FRAUD (CASE)

Victim definition in Law 31/2014 *jo.* Law 13/2006 of Witness and Victim Protection, as in Article 1 Paragraph 3: "Victim is people who experience physical, mental, and/or economic losses caused by a crime." In most of criminal cases, victim always involved in victimization, yet their role may be different depending on the case.

Victimization may be divided into two types, namely primary and secondary victimization. Primary victimization refers to victims' experiences of the crimes committed against them. Secondary victimization refers to the treatment of victims by criminal justice agencies, such as the police, the prosecutor, and the courts.⁹

Online-transaction fraud offender runs a "business of hope". They exploited limited-buying-ability of some people, by giving the victim hope to get things they wanted with the cheaper price. It is undeniable that the victim also played significant role in the victimization. The victim's emotion and desire are loopholes that exploited through the social engineering conducted by the perpetrator within their interactions. The desire to get things to satisfy what the victim wanted which suit their spending ability is the key for the perpetrator success to defraud. The victim's impulsiveness is

⁷ Michael O'Connell, "The Evolution of Victims' Rights and Services in Australia," in *Crime, Victims and Policy: International Contexts, Local Experiences*, ed. Dean Wilson and Stuart Ross (London: Palgrave Macmillan, 2015), p. 240.

⁸ Angkasa, *Teori Viktimologi Dalam Konteks Tujuan Viktimologi* (Presented in Mahupiki 4th Symposium, Kupang, April 22-28, 2017), p.6.

⁹ Lorraine Wolhuter, Neil Olley, and David Denham, *Victimology: Victimisation and Victims' Rights* (New York: Routledge-Cavendish, 2009), p. 33.

one of the contributing points for the victim to lose their money. And there are not many options for the victim, to file a report to the police or not.

Matheson and Summerfield stated that there are many reasons why people would not report crimes committed against them to the police, including fear of victimization at the hands of the perpetrator, a sense that the crime is too trivial to report, a belief that there is little that the police can do, embarrassment on the part of vulnerable victims, such as sexual assault and rape victims,¹⁰ and fear of secondary victimization by criminal justice agencies. Commentators on crime statistics refer victim of crime as the 'hidden' or 'dark figure' of crime.¹¹ The crime victim also several times thinks that filing a report of crime will not give back what is lost, even they will spend more on law enforcement-related expenses. As mentioned above that victim is obligated to participate in criminal justice system, and in some cases in criminal proceeding, victim or witness holds key role in exposing *materiele* truth.

Since the 1980s, awareness of the possibility of further suffering caused by the way in which the victim is treated within the criminal justice system has been growing. Insensitive questioning by the police, the failure to communicate information about what is happening in the victim's case, investigation delays, unexplained decisions by the prosecution to drop a case and aggressive cross-examination in the court process have been recognized as causing the victim further suffering which amounts to secondary victimization.¹² For several cases that involving victim's recklessness or failure to think what is deservedly suppose, has tendency to experience secondary victimization. In this case, the investigators turned to blame the victim when they come forward to report the crime. In several unsolved cases, the victim even asked to revoke their report. All those predicaments are some of victim's consideration to not filing a report of online-transaction fraud.

Wolhuter et al. explained that the institutional culture of criminal justice agencies may also generate secondary victimization by their insensitive attitudes to victims. A crime control focus on 'catching criminals' or obtaining convictions, for instance, may cause the police or the prosecutor fail to overlook victims' needs. Furthermore, prejudices and stereotypes based on race, gender and sexuality, amongst other things, may generate inappropriate responses from criminal justice agencies.¹³ The exclusion of victims from the adversarial process, coupled with insensitive attitudes on the part of criminal justice agencies, led to victims feeling neglected or inappropriately treated by the police, the prosecutor and the court.¹⁴ All of these issues needs to be addressed in order to make criminal justice system better, especially in treating and protect the victim's interest in online-transaction fraud cases.

The challenging part of solving this crime is the transaction was never conducted face-to-face. The victim would not even know whether the perpetrator's identity is valid or not. Cyber-forensic plays important part to solve this crime. Even though it is not easy, there are several components that can be traced to get the perpetrator's identity and geolocation.

1. GSM number

¹⁰ J. Matheson and C. Summerfield, *Social Trends* (London: HMSO, 2001), p.31.

¹¹ C. Coleman and J. Moynihan, *Understanding Crime Data: Haunted by the Dark Figure* (Buckingham: Open University Press, 1996).

¹² L. Zedner, "Victims," in *The Oxford Handbook of Criminology*, ed. M. Maguire, R. Morgan, and R. Reiner (Oxford: Oxford University Press, 2002).

¹³ Wolhuter, Olley, and Denham, *Victimology: Victimisation and Victims' Rights*, p. 48.

¹⁴ *Ibid.*

The perpetrator's identity can be traced only if the perpetrator contacted the victim by using GSM number, for example short message service (SMS), and WhatsApp. Since 2016, the Minister of Communication and Informatics had issued regulation of telecommunication user registration,¹⁵ which had amended two times in 2017.¹⁶ To retrieve personal information data of a GSM user, it is a mandatory for investigator to have Indonesia Police Chief request letter.

For the geolocation of the perpetrator, can be traced using cellular network tower or direct finder machine. For this procedure, it requires the GSM number in active position. Should the GSM number inactive, it is impossible to run this procedure to get perpetrator's geolocation.

2. IP Address (internet protocol address)

But it will difficult the investigator if the perpetrator can conceal their original IP address. It is not difficult to do so since a lot of services are available in the world wide web (www), such as VPN (virtual private network) or by DNS. Therefore, investigators are demanded to have good qualification to unveil the perpetrator's original IP address.

3. Location services recorded by online-shopping application

Some of online-shopping applications have location services setting. It improves the user experience and preferences by using geolocation proximity. In some ways, this can be exploited by the investigators to find approximate location of the perpetrator.

Investigations of this crime involved many third parties, that is why regulating the third parties' obligation on good governance and on cooperating with investigator is important. If the investigator failed to apprehend the perpetrator, they should not give the blame to the victim and mistreated them.

III. RESTORATIVE JUSTICE: VICTIM'S RIGHTS AND INTERESTS TO BE FULFILLED

Referring Groenhuijsen that international community seems to deem the following rights essential for safeguarding the interests of victims in the environment of criminal proceedings, and how the application in local police office:¹⁷

- (1) The right to respect and recognition at all stages of the criminal proceedings. Respect for the dignity of the victim means that he/she must be involved in the proceedings if he/she wants to. The victim should not be treated as an outsider. For example, standards should be set for a police officer takes down the report of the crime, such as: take the victim seriously, reasonable waiting time, not

¹⁵ Indonesia Ministry of Communication and Informatics, *Peraturan Menteri Komunikasi Dan Informatika Nomor 12 Tahun 2016 Tentang Registrasi Pelanggan Jasa Telekomunikasi* (Indonesia, 2016).

¹⁶ Indonesia Ministry of Communication and Informatics, *Peraturan Menteri Komunikasi Dan Informatika Republik Indonesia Nomor 14 Tahun 2017 Tentang Perubahan Atas Peraturan Menteri Komunikasi Dan Informatika Republik Nomor 12 Tahun 2016 Tentang Registrasi Pelanggan Jasa Telekomunikasi* (Indonesia, 2017). And Indonesia Ministry of Communication and Informatics, *Peraturan Menteri Komunikasi Dan Informatika Republik Indonesia Nomor 21 Tahun 2017 Tentang Perubahan Atas Peraturan Menteri Komunikasi Dan Informatika Republik Nomor 12 Tahun 2016 Tentang Registrasi Pelanggan Jasa Telekomunikasi*, 2017.

¹⁷ M. S. Groenhuijsen, "Victim's Rights in the Criminal Justice System," in *Caring for Crime Victims: Selected Proceedings of the Ninth International Symposium on Victimology*, ed. J. J. M. van Dijk, R. G. H. van Kaam, and J. M. Wemmers (Monsey, NY: Criminal Justice Press, 1999), 85–114., p. 4.

leaving the victim on his own in typing complicated reporting forms. Also, a general rule for conducting interviews with victims in various stages of the proceedings should be provided. In this matter the observation in local police office shown that investigators comply to fulfill this right. Every victim given reasonable time and opportunity to explain the case and receive comments from the investigators.

- (2) The right to receive explanation and information regarding the progress of the case. Sharing information with the victim about developments in the case is one of the most crucial elements of taking a victim seriously. For instance, the victim has to be notified when the perpetrator is apprehended. The victim will have to be told about the decision whether the suspect will be prosecuted or not. If not, the reasons for not pressing charges will have to be explained. The victim needs to know the date of the trial – in advance. Information of the outcome of the case also have to be informed to the victim. It is clearly unacceptable that he should read in the newspaper that 'his' offender was found guilty and sentenced to a prison term. During the execution stage, he will have to be told when there is any interruption or termination of imprisonment. In investigation stage, the local police in most of cases update the victim through SP2HP (Surat Pemberitahuan Perkembangan Hasil Penyidikan – notification letter on the progress of the investigation), as a follow up of their report to the police office. It is a good exercise of accommodating and involving victim in criminal justice procedure. Yet the information during trial process, the victim just has to look for them by themselves, usually they ask court clerk to get information of case progress.
- (3) The right to provide information to officials that responsible for decisions relating to the offender. The victim must be offered an opportunity to tell his/her own story to the authorities dealing with the case. The victim will have to get a chance to relate the emotional impact of the crime as well as the damages he/she has incurred. Preferably, this should take place during the early stages of the proceedings, thus allowing the police and the prosecutor to take this information into account when making decisions on how to process the case. Opinions differ as to the question whether the victim should also be offered an opportunity to make a 'victim impact statement' in open court. The law enforcement should aware that the victim is not an object. Even though the law enforcement highly prioritized the case, the victim should be proper treated.
- (4) The right to have legal advice available, regardless of their means. Legal rights are useless if you are not aware of having them. Quite often one is not able to exercise rights because certain preconditions have not been met. For reasons like these it is essential that the victim be provided with legal assistance. If he cannot afford the expense, the state will have to provide the counsel free of charge. It is also important for the investigator to give this information and provide access to the pro bono legal counsel, as for not all victim understand this.
- (5) The right to protection, both for their privacy and for their physical safety. The privacy of victims can be invaded easily. This can be countered by various means: disseminating limited information to the press, self-imposed rules of conduct, and, in extreme cases, trials in camera. The physical safety of victims has to be safeguarded by protecting them against threats and violence. Online-transaction fraud victim is not likely to get privacy intrusion and physical

safety endangerment, because the offender already gets what he/she wanted and tends to get away off the grid.

- (6) The right to compensation, both from the offender and from the State. The offender should be made to pay restitution. Two models obtain. One is the model of the *partie civile*, where the victim files a civil claim for damages. The other model is the compensation order, where the forced payment of reparation to the victim is considered as a penal sanction in its own right. When the offender is not tracked down, or when he is unwilling or unable to pay, compensation should be provided by the State. In Indonesia, compensation given by State is for human rights violations victim.

Groenhuijsen do not differ compensation and restitution, he refers them as the same thing. Yet he provided two models of compensation, which are *partie civile* and compensation order. In order to get back the material loss with *partie civile*, the victim still required more effort and more material spending to get justice in their perspective.

Hall quoting Hickman and Simpson: "It has long been recognized that as the first (and often only) contact with the criminal justice system, the police have a significant role to play in the support of victims, which in turn has a large impact on how those victims view the criminal justice process as a whole."¹⁸ There are concerns with the way police have traditionally approached some victims. The police perspective is skeptical, avoiding the risk of receiving false report, thus the police uses interrogation method toward the victim. On the other hand, the victim thinks that the police are "rubbing salt into the wound". It is out of the question that the police should proof the validity of the report before proceeding to investigations, but the manner to do so should consider the victim's interest and predicament.

As mentioned above that there are numbers of victim that did not get damage remedies. In Indonesia, the effort to get back the money that lost in the hand of the perpetrator is by civil lawsuit. The remedy does not provide by the police and/or investigator depict that Indonesia criminal justice system still has retributive characteristic. Beside the material loss of fraud, material loss also could happen again after the crime: transportation and/or accommodation cost for complying every step of investigation and trial as the victim obligation as crime witness.¹⁹

As mentioned, that material loss recovery is not the job for investigator. That is why for material loss recovery provided through civil law suit – with its long and exhausting process. The idea of damage remedy is by filing civil lawsuit to get the material loss is another material loss for the victim.

The main reason why the victim come forward to report online-transaction fraud to the police is they wanted to get their money back. While in the book, that is not the investigator's duty to do so. Yet material loss recovery is something that must be considered to be regulated since the criminal justice system should bring justice restoratively.

Before talking compensation and restitution, material loss recovery can be done by seizing the perpetrator bank account and forfeit any asset or money within the account as evidence. Which later by the time of verdict, the evidence will be liquidated and given to the victim and is explicitly stated within the court verdict.

The problem of this measure is the perpetrator already anticipates. In most of cases, after the perpetrator success with the job, they will deplete their account so that whenever investigator seized it, the money could not be forfeited. So, investigator

¹⁸ Matthew Hall, *Victims of Crime: Construction, Governance and Policy* (Lincoln: Palgrave Macmillan, 2017), p.152.

¹⁹ Angkasa, *Teori Viktimologi Dalam Konteks Tujuan Viktimologi*, p.3.

needed to have good coordination with Central Bank Governor to get immediate and quick bank account forfeiture. Also, they need to respond immediately whenever the crime report came in to get successful forfeiture. If this measure already anticipated by the offender, then the law enforcement proceeds to compensation/restitution effort. Actually, when the perpetrator's bank account that used in the fraud job is depleted, the law enforcement also can convict him with money laundering act. With anti-money laundering regime being involved, the crime deterrence the asset forfeiture will be more wholistic.

Asset forfeiture does not ruled in Law 11/2008 *jo.* Law 19/2016. Yet in Indonesia Criminal Code as the general rule of criminal law is ruled in Article 39 – but limited to offender's property gained from the criminal activity or used in doing it. When the asset is converted or transferred as the offender wanted to deplete his/her bank account to evade forfeiture, the law enforcement can use anti-money laundering law to get broader asset forfeiture and convict the offender with it.

Victim compensation, restitution and restorative justice in online-transaction fraud case are things to be considered. Together, these three mechanisms form an interconnected component of public policy ostensibly aimed at resolving the conflict engendered by criminal victimization through a means other than the standard punitive penalties issued by the criminal justice process. Although “restitution”, by which Hall here mean monies paid from offenders to victims, has a definite punitive element.²⁰

Unlike Groenhuijsen, Hall differ compensation from restitution. Indonesia views the same way as Hall. Black's Law defines restitution in several ways because this term applied differently according to what kind of law to be applied:²¹

1. A body of substantive law in which liability is based not on tort or contract but on the defendant's unjust enrichment.

.....

4. Compensation for loss; esp., full or partial compensation paid by a criminal to a victim, not awarded in a civil trial for tort, but ordered as part of criminal sentence or as a condition of probation. – also termed criminal restitution.

.....

6. A judicial order for the restitution of stolen goods, or of their value, to the owner upon the thief's conviction. – restitutionary, *adj.*

.....

Restitution definition in statute can be found in Article 1 paragraph 11 Law 31/2014 *jo.* Law 13/2006: “Restitution is compensation given to the victim or his family by the perpetrator or third party”. Furthermore, the forms of restitution for crime victim ruled in Article 7A:

- (1) Victims of criminal offenses have the right to obtain Restitution in the form of:
 - a. Damage replacement of property or income;
 - b. Replacement of damage caused by direct or indirect suffering as a result of crime; and/or
 - c. Financial replacement of medical and/or psychological treatment.

The restitution is limited for victim of certain crime. Unfortunately, there are no generic regulation of it yet, even though the law mandated to be regulated in LPSK (Lembaga Perlindungan Saksi dan Korban – witness and victim protection agency)

²⁰ Hall, *Victims of Crime: Construction, Governance and Policy.*, p.199.

²¹ Bryan A. Garner, “Black's Law Dictionary, 10th Edition for the iPhone and iPad” (Thomson Reuters, 2009).

regulation.²² The characteristic of online-transaction that cause material loss should be included in point b. The restorative approach on handling this will effect on the economy integrity, because the crime is not only damaging the victim, but also e-commerce trustworthiness that could accelerate State's economy. In this matter, the State also being victim.

Further, Hall explained related to definite punitive element of restitution by the offender from the victim's perspective the result is often one of catharsis, along with a sense of recognition from the criminal justice system. Compensation, which here will be taken to mean state-based compensation deriving from an administrative mechanism, is also in practice more of a symbolic representation of the harm a victim has suffered, given the limited access to such funds and their increasingly limited amounts.²³ But compensation by the State is not necessary to be given to online-transaction fraud victim. Compensation principally given to human rights offense and terrorism victim, as a result of state's failure to prevent or deter the crime, therefore obligated the State to compensate. While in online-transaction fraud case, is more point to apply restitution that obligate the offender to replace the damage caused by the crime.

Restorative justice, at least in theory, is a process aimed at achieving a sense of closure for both offender and victim.²⁴ The closure that seek by the victim commonly is getting their money back, restoring the damage caused by the crime. While for the offender, they can not evade from the law, yet they can potentially get palliative criminal sentence as result of the restitution.

Virgo explained, it is a fundamental principle of the law of restitution that no criminal can retain a benefit which accrues to him or her as a result of the commission of a crime. Similarly, anybody who obtains the proceeds of crime from the criminal will be liable to make restitution.²⁵ The victim may be able to bring a restitution claim on the basis that the criminal was unjustly enriched at the victim's expense. This is because the commission of a criminal offense may enable the victim to establish one of the recognized grounds of restitution.²⁶ As mentioned by Groenhuijsen that victim has the right to have legal advice, the restitution claim is one of it.

Groenhuijsen also stated that as has been said many times before, it is relatively easy to draft and promulgate legislation containing new rights for victims of crime. As is also very well known as an established fact, it is much harder, though, to implement such rights effectively. That is why the role of LPSK (Lembaga Perlindungan Saksi dan Korban – witness and victim protection agency) is significant in fostering coordination with law enforcements in victim interests' fulfillment. LPSK can also provide the pro bono legal counsel to the victim, raise victim's awareness of the rights and how to get them.

IV. CONCLUSION

Law enforcement of online-transaction fraud case is involving several third parties apart of the law enforcement. The failure of investigator to apprehend the

²² Read Article 7A verse (2) Law 31/2014 jo. Law 13/2006

²³ Hall, *Victims of Crime: Construction, Governance and Policy.*, Op.Cit.

²⁴ *Ibid.*

²⁵Virgo Graham, *The Principles of the Law of Restitution*, 3rd ed. (Oxford: Oxford University Press, 2015)., p.526

²⁶ *Ibid.*, p. 527

offender or to build a solid case should not make them to give the blame and mistreated the victim.

Investigator should be aware of the necessity of quick and immediate bank account seizure of the offender's, that is why fostering good cooperation with banks and Central Bank is important. Acceleration of account seizure and asset forfeiture is needed to be regulated. Later, the asset forfeited as evidence – eventually when the conviction is successful, will be liquidated and restored to the rightful victim. Should the offender already deplete their account, restitution effort can be taken to restore the material loss of the victim, and also anti-money laundering regime involvement can get the law enforcement access to wholistic asset forfeiture – opening the possibility to convict the offender with anti-money laundering law. The measure also gives definitive deterrence effect to the offender. The victim should not be needed to file civil lawsuit to restore the material loss, because it will be another loss for the victim for investing time, effort and more expenses.

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