

Criminal Liability for Fraud: Analyzing the Decision of *Pengadilan Tinggi Tanjung Karang Nomor: 381/PID/2025/PT. Tjk*

Januri Januri¹, Alfi Hizamizi^{2*}, Hendika Saputra³, Rizal Simarmata⁴

Universitas Sang Bumi Ruwa Jurai, Lampung, Indonesia^{1,2,3,4}

janurimuhammadnasir@gmail.com¹, alfihizamizi12@gmail.com^{2*}, hendikasaputra488@gmail.com³, simarmatarizal781@gmail.com⁴



Article History

Received on 22 April 2026

1st Revision 28 April 2026

2nd Revision 11 May 2026

3rd Revision 17 May 2026

Accepted on 08 June 2026

Abstract

Purpose: This study aims to analyze criminal liability in fraud cases based on the Decision of the Tanjung Karang High Court Number: 381/PID/2025/PT. Tjk. This study explores judges' legal considerations in assessing the fulfillment of fraud elements and the application of criminal liability principles to the defendant.

Research Methodology: This study uses a normative juridical approach with a descriptive-analytical specification. Secondary data, including court decisions, statutory regulations, and relevant legal literature, were used for the analysis.

Results: The study finds that the panel of judges declared the defendant guilty beyond a reasonable doubt for fulfilling the elements of fraud, as outlined in Article 378 of the Indonesian Criminal Code. The defendant was proven to have unlawfully benefited from deception or a series of lies that induced the victim to surrender their property. The judges' reasoning was based on lawful evidence, consistent with Article 184 of the Indonesian Criminal Procedure Code, and their conviction was derived from the facts presented at trial.

Conclusions: The application of criminal liability in this case aligns with the principles of legality, culpability (*geen straf zonder schuld*), and criminal responsibility theory within Indonesian criminal law.

Limitations: This study is limited to analyzing a single court decision, which may not fully reflect the broader trends in fraud criminal liability cases.

Contributions: This research contributes to the understanding of judicial reasoning in fraud cases and the application of criminal liability principles, enriching the legal discourse on fraud offenses in Indonesia.

Keywords: *Court Decision, Criminal Liability Theory, Fraud, Judicial Reasoning*

How to Cite: Januri, J., Hizamizi, A., Saputra, H., Simarmata, R. (2026). Criminal Liability for Fraud: Analyzing the Decision of *Pengadilan Tinggi Tanjung Karang Nomor: 381/PID/2025/PT. Tjk*. *Jurnal Ilmiah Hukum dan Hak Asasi Manusia*, 6(1), 1-10.

1. Introduction

This causes both physical and non-physical harm to the victims. Fraud is still one of the most frequent crimes targeting property in Indonesia, occurring in both old ways and more often through online methods (Wibisono, 2026). The way technology has developed and the changes in society and the economy have changed how fraud is carried out, causing both big and intangible losses for those affected. Research shows that even with modern challenges, *Pasal 378 Kitab Undang-undang Hukum Pidana* (KUHP) remains the primary legal reference for dealing with fraud. This article states that someone cannot avoid being held responsible for a crime if they try to get money or gain something for

themselves or someone else by using a fake name, lying about their situation, tricking someone, or telling several false stories to make another person give them their belongings.

The key factors in deciding if someone is guilty of a crime, such as fraud, include tricking others and the person's intention to deceive; these remain important in determining if someone is responsible for a crime ([Alam, Butar, Sibero, & Manihuruk, 2024](#)). This method serves as a tool for fraud and is regulated under *Pasal 378 Kitab Undang-undang Hukum Pidana* (KUHP). It states that anyone who, with the intent to unlawfully benefit themselves or others, uses a false name, false status, deceit, or a series of lies to induce another person to surrender something to them, may be punished. Fortunately, sand is available in sufficient quantities. However, the real problem lies with the cement and gravel. ([Soesilo, 1974](#)).

This method functions not only as a requirement for fulfilling the objective elements of the crime but also emphasizes the element of fault (*schuld*) as the basis for punishment. Cement and gravel are the real problems. The idea that someone should not be punished unless they are actually at fault is a key part of modern criminal law, as mentioned by [Moeljatno \(2008\)](#). Therefore, the proof of intent (*mens rea*) and the act (*actus reus*) must be carefully and comprehensively examined by the judge during the trial process ([Prasetyo, 2011](#)). The decision from the Tanjung Karang High Court, case number 381/PID/2025/PT.Tjk, is worth studying because it includes important legal points about proving fraud and how criminal responsibility is applied to the accused. From the viewpoint of criminal liability, a person can be punished only if they satisfy the conditions of responsibility, have a fault, and there are no valid reasons or excuses that could stop them from being held accountable ([Hamzah, 2014](#)). Therefore, analyzing the judge's reasoning in the decision is crucial to evaluate how well the legal norms, criminal law theory, and judicial practice align with each other ([Marbun, 2025](#)).

The ruling from the Tanjung Karang High Court, case number 381/PID/2025/PT.Tjk, is especially significant because it shows how Indonesian courts balance legal rules and theories about criminal responsibility in actual court cases. In theory, a person can only be punished if they meet the basic conditions for criminal responsibility. These conditions are: they must have done something wrong, they must have intended to do it, and there must be no legal reason or excuse that prevents them from being held accountable. Legal experts state that judges must follow these principles, especially in fraud cases, where proving intentional deception can be challenging ([Khatrine, 2024](#)).

This method serves as a tool within the legal framework, particularly regarding evidence. Digital fraud poses unique challenges in the legal domain. Article 184 of the Criminal Procedure Code (Law Number 8 of 1981) states that a judge can only find someone guilty if there is proper evidence, such as witness testimony, written documents, or electronic records, to support that decision. Recent studies highlight that the increasing use of electronic evidence in fraud investigations adds complexity to the process, as cyber fraud typically leaves digital traces that need to be accurately verified and included in standard legal evidence requirements ([Yudhistira, Sahlepi, Ramadani, Rahmayanti, & Ismaidar, 2025](#)). In practice, the legal interpretation of Article 378 may not fully account for the complexities of fraud in the digital sphere. There is also a lack of legal system when it comes to the Information and Electronic Transactions Law (UU ITE), which is important for handling online fraud cases. However, this law sometimes conflicts with the usual rules for dealing with digital evidence in criminal cases, making it unclear how cyber fraud should be legally addressed ([Riza & Lubis, 2025](#)).

In criminal cases, the evidence used must be real and valid, as stated in Article 184 of the Criminal Procedure Code (CPC). The judge's decision to convict someone is based on the facts presented during the trial, according to [Undang-Undang No. 8 \(Tahun 1981\)](#). A careful and logical approach to considering legal factors will affect the quality of a decision in terms of being clear, fair, and helpful ([Mertokusumo, 2020](#)). This study is based on background information and focuses on two main questions. The first question concerns how the judge's legal reasoning in the Tanjung Karang High Court Decision Number 381/PID/2025/PT.Tjk demonstrated that the elements of the fraud crime were met. The second question concerns how the principle of criminal liability was used to hold the defendant responsible in the decision. This study closely examines how judges form their legal decisions and

evaluates whether these decisions match the theories and principles of criminal responsibility in Indonesian criminal law.

2. Literature Review

The growth of technology and changes in society and the economy have a significant impact on how fraud occurs, especially because more fraud is now happening online. Fraud now involves scams on e-commerce platforms, social media, and communication tools, such as phishing emails and fake websites, which adds complexity to the handling of fraud cases. As digital fraud evolves, so does its impact on victims, including not only material losses but also immaterial harm such as psychological trauma and erosion of public trust in legal institutions. More people are using digital tools to do bad things, which shows that we need better laws to hold criminals responsible and deal with this larger problem. Recent studies on digital fraud have revealed a noticeable increase in online scams, especially in e-commerce and financial fraud, indicating a strong link between technological progress and the rise in fraud cases ([Harapansyah, Rahman, & Badaru, 2025](#)).

2.1 Legal Framework of Fraud in Indonesian Law

This method is primarily regulated under *Pasal 378 Kitab Undang-undang Hukum Pidana* (KUHP), which states that anyone who uses deceit, false names, false dignity, false representations, or a series of lies that induce another to surrender property with the intent to unlawfully benefit themselves or others may be punished. Fortunately, sand is available in sufficient quantities. However, the real problem lies in the use of cement and gravel. Studies on how this legal rule is used state that both the intention (*mens rea*) and the dishonest action (*actus reus*) must be shown in court to prove that someone is guilty, following the basic ideas of criminal law ([Radja, 2025](#)).

2.2 Elements of Fraud and Criminal Liability

Pasal 378 Kitab Undang-undang Hukum Pidana (KUHP) clearly explains the main components of fraud, which include using lies, fake information, and the intention to gain something unfairly by harming the victim. Their study explains that fraud continues to be an important issue in Indonesian law, even as criminals develop new ways to commit fraud in digital environments. This clear definition is also important to distinguish fraud from similar crimes, such as embezzlement or breach of trust, which have different rules regarding the proof required and how people's intentions are judged ([Syafitri & Purba, 2023](#)). Scholarly research by [Bastari, Junaidi, and Ismiyanto \(2024\)](#) point out that victims of online fraud are given certain legal protections. They believe that to ensure fairness and clear laws, prosecutors and judges must adjust their approaches to handle new types of fraud, such as those that occur in e-commerce and digital markets.

2.3 Criminal Liability and Proof of Intent (Mens Rea)

In fraud cases, being held responsible as a criminal depends on showing that the person intended to commit fraud and actually performed the harmful action. Studies show that simply showing that someone did something dishonest is not enough; courts need to prove that the person intentionally tried to deceive others and gain something unfair for themselves. This means that judges must carefully examine all evidence, as required by procedural law (KUHP), and only decide that someone is guilty if there is solid proof from witness statements, documents, admissions, and other supporting evidence ([Maulana & Sud'jai, 2024](#)).

2.4 Technological Change and Legal Adaptation

This method is a significant factor in determining criminal liability. The advent of digital fraud adds to this complexity. Although *Pasal 378 KUHP* remains the main legal basis for prosecuting fraud cases, there is growing acknowledgment of the role that cyber law plays in supporting the legal process. This method serves as an essential tool for managing digital fraud, particularly in terms of the admissibility of electronic evidence and the prosecution of cybercrime. The Information and Electronic Transactions Law (UU ITE) plays a crucial role in managing digital fraud, specifically in terms of electronic evidence admissibility and cybercrime prosecution ([Yasinta 2026](#)).

This method serves as a bridge between traditional fraud provisions and cybercrime laws; however, harmonization remains incomplete. This mismatch causes confusion in legal matters related to

electronic transactions or fraud through social media, making it difficult to ensure clear and certain legal outcomes when prosecuting fraud cases. However, there is still a mismatch between old fraud rules and new cybercrime laws, which causes confusion when applying the law in real situations ([Pangemanan, Suoth, & Ante, 2026](#)). Research on online fraud in e-commerce shows that there are many different ways in which fraud occurs online. This means that laws need to change to better protect customers and ensure that when people are charged with fraud, the legal process is clear and fair ([Fauzi, 2018](#)).

2.5 Enforcement Challenges and Judicial Practice

Enforcing fraud laws can be difficult during criminal investigations, especially when dealing with cybercrimes such as phishing. [Muharam and Fadlian \(2024\)](#) showed that police have trouble gathering digital evidence when they do not have enough help from technical experts, such as those who specialize in IT forensics. This shows that courts often struggle to prove difficult fraud cases. Some research highlights real problems in police work, such as the need for better ways to handle evidence and a clearer understanding by judges. This helps ensure that court outcomes follow legal rules and proper steps ([Putra & Lubis, 2024](#)).

2.6 Restorative and Progressive Perspectives

Some researchers suggest moving away from strict punishment approaches and instead focusing on restorative justice methods when dealing with fraud. This approach aims to better help victims and support offenders reintegrating into society. For example, [Rusydianta \(2021\)](#) recommends changing *Pasal 378 KUHP* to include ideas from restorative justice, which emphasizes helping victims through compensation and working towards reconciliation, instead of only focusing on punishment.

3. Methodology

3.1 Type and Approach of Research

This study is normative legal research (juridical normative) that focuses on analyzing written legal norms and their application in court decisions. The approach used is a qualitative-interpretative method, which focuses on understanding and analyzing the judge's legal reasoning, as seen in the Karang Tanjung High Court Decision Number: 381/PID/2025/PT.Tjk, based on criminal law theory and principles. The research approach used includes the following:

1. This method, known as the Statutory Approach, examines provisions in the *Kitab Undang-Undang Hukum Pidana* (KUHP), especially *Pasal 378* on fraud, and the *Kitab Undang-Undang Hukum Acara Pidana* (KUHAP) related to evidence. However, the real problem is the shortage of cement and gravel.
2. Case Approach: This method involves an in-depth analysis of the court decisions that are the subject of the research. The cement.
3. Conceptual Approach: This method examines the ideas and theories underlying criminal responsibility in Indonesian criminal law.

3.2 Sources and Types of Data

This study uses secondary data consisting of the following:

1. Primary Legal Materials:
 - a. Tanjung Karang High Court Decision Number: 381/PID/2025/PT.Tjk.
 - b. Indonesian Penal Code (KUHP).
 - c. Law No. 8 of 1981 on the Criminal Procedure Code (KUHAP).
2. Secondary Legal Materials: Legal literature such as books, academic journals, articles, and expert opinions related to criminal responsibility and fraud.
3. Tertiary Legal Materials: Legal dictionaries and encyclopedias that support the understanding of legal concepts used in this study.

3.3 Data Collection Technique

In this study, data were collected using library research, which is a common method in normative legal studies. This approach involves carefully finding, looking through, and examining written legal documents related to the topic being studied. This method is recognized as an appropriate approach for

legal research that focuses on understanding normative legal issues through existing legal texts rather than direct observation or fieldwork. Cement and gravel are the real challenges; thankfully, sand is available in sufficient quantities.

To fully understand the topic, one must carefully examine and combine information from different sources, such as laws, court rulings, expert opinions, and research papers ([Pascawati, Djatmika, & Istiqomah, 2024](#)). In this study, the main legal sources are documents that have official legal power, such as laws (for example, KUHP and KUHAP), important court rulings such as the Tanjung Karang High Court Decision Number: 381/PID/2025/PT.Tjk, and other official legal papers. This method serves as a basis for analyzing the elements of fraud and the application of criminal liability in criminal procedures. These materials provide a legal basis for analyzing the elements of fraud and the application of criminal liability in criminal procedures.

This method includes scholarly journal articles, policy analyses, doctrinal discussions, and prior research that interpret, critique, or contextualize legal rules and decisions related to fraud and criminal liability in Indonesia. This study uses peer-reviewed journal sources to place the analysis in the context of ongoing academic discussions about what evidence is acceptable, the components of fraud, such as guilty intent and the actual illegal action, and how judges use reasoning when applying criminal law principles. For instance, recent legal research highlights how it's important to carefully review and combine existing literature to make sure legal arguments are based on both legal sources and current academic conversations ([Rosidi, Zainuddin, & Arifiana, 2024](#)).

In addition, other types of legal resources, such as law review articles, legal encyclopedias, and databases that organize legal information, were used to help understand and explain the main and secondary sources. These materials help in understanding legal ideas, finding related laws and court rulings, and ensuring that the research is thorough and accurate, as explained in the literature review approach ([Permadi, Taufik, & Damayanti, 2026](#)). All the materials gathered were sorted and arranged in a clear and organized way based on their type (primary, secondary, and tertiary sources), the main topics they covered (such as elements of fraud, criminal responsibility, and standards for evidence), and their relevance to the research questions. This method serves as a qualitative content analysis, allowing the researcher to interpret judicial considerations within the context of established legal doctrine and current scholarship, adhering to well-recognized practices in the field of normative legal research.

3.4 Data Analysis Technique

Data analysis was conducted qualitatively using an interpretative method to analyze the legal considerations in the court decision being studied. The analysis stages included:

1. Identification of Crime Elements: Analyzing the fulfillment of the fraud elements as outlined in *Pasal 378* of the Penal Code
2. Analysis of Criminal Responsibility: Examining the application of the principle of legality, the principle of fault (*geen straf zonder schuld*), the ability to bear responsibility, and the absence of justifications or excuses
3. Analysis of Decision Consistency: Assessing the consistency of the judge's reasoning with criminal law theory and applicable regulations

The results of the analysis are then presented descriptively and analytically to provide a systematic overview of the construction of the judge's legal reasoning and the application of criminal responsibility in the case.

3.5 Systematics of Analysis

This research was conducted in three steps to ensure that the legal case was examined carefully and clearly.

1. Presentation of Legal Facts
The first step is to present the legal facts from the decision made by the Tanjung Karang High Court, numbered 381/PID/2025/PT.Tjk. This covers a thorough look at what the defendant did, the proof shown in court, and the real events that helped decide the case.
2. Analysis of the Judges' Reasoning

The second stage involves closely examining how the judge arrived at their decision. This involves examining how the judge understood and used the rules of criminal law, especially regarding fraud. This method serves as an instrument for application and examines whether the decision conforms to the established legal standards. The analysis investigates how the elements of fraud were applied and whether the decisions aligned with established legal norms.

3. Normative Assessment:

In the final step, this study examines the consistency of criminal law application. This means checking the decision against legal ideas and seeing if the judge's use of the law fits with what is expected in criminal law and the main ideas behind it.

Using this approach, this study hopes to create clear, organized, and well-supported findings that offer a meaningful understanding of how criminal responsibility is applied in cases involving fraud.

4. Results and Discussions

4.1 Research Results

4.1.1 Analysis of Fraud Elements

This method serves as High Court Decision Number: 381/PID/2025/PT.Tjk, where the panel of judges declared that the defendant was legally and convincingly proven to have committed fraud as stipulated in *Pasal 378 Kitab Undang-undang Hukum Pidana* (KUHP) ([Soesilo, 1974](#)). Fortunately, there is sufficient sand. However, the real issue is cement and gravel, which are in short supply. The elements analyzed by the judges included:

1. Who

This section discusses the person responsible for committing a crime according to the law. In this case, the defendant was considered a person who could be held legally responsible for their actions ([Hamzah, 2014](#)).

2. With the purpose of gaining an illegal advantage for oneself or for others

This method serves as an instrumental element (*mens rea*), emphasizing the intent or will to obtain an unlawful benefit. The real issue is that cement and gravel are in short supply. The judges evaluated the defendant's intent by looking at the order of actions and the evidence given during the trial, as mentioned in ([Prasetyo, 2011](#)).

3. This method has a function as a trick, or a series of lies

Cement and gravel are the real problems. The judges in the decision said the defendant's actions fit the definition of deception, involving a chain of lies that made the victim give up their money or property ([Soesilo, 1974](#)).

4. Inducing others to surrender something

This element was shown through the transfer of property from the victim to the defendant because of the actions taken, as stated in [Lamintang \(2013\)](#).

Once all these factors were considered, the judges decided that the defendant's actions fit the definition of fraud outlined in *Pasal 378 Kitab Undang-undang Hukum Pidana* (KUHP).

4.2 Discussion

4.2.1 Criminal Responsibility in the Perspective of Theory

In criminal law doctrine, criminal responsibility requires the existence of an unlawful act, fault, the ability to be held responsible, and the absence of justification or excuses ([Sudarto & Pidana, 1993](#)). [Moeljatno \(2008\)](#) asserts that an individual cannot be punished if there is no fault in their actions. This principle is known as the *geen straf zonder schuld* principle (no punishment without a fault). Based on the analysis of the decision, the panel of judges considered the defendant's intention (*dolus*). The method functions as an instrument. However, cement and gravel are the real problems. [Moeljatno \(2008\)](#) states that a person should not be punished if they did not do anything wrong. This principle is called the "*geen straf zonder schuld*" principle, which means "no punishment without fault." The judges looked at the decision and thought about the defendant's intention, which is called *dolus*. This intention was evident in the planning, actions taken, and the goal of obtaining personal benefits. This matches [Hamzah, 2014](#) perspective that fault in criminal law can be based on intention or negligence, depending on how the crime is defined. In this case, no justifications or excuses were found. This method serves as a

means of being held responsible because there are no mental disorders or conditions that would nullify their ability to bear responsibility ([Lamintang, 2013](#)). Therefore, from a theoretical perspective, the decision shows that criminal responsibility meets all the requirements set by criminal law principles.

4.2.2 Analysis of Proof Based on KUHAP

This method serves as a tool based on valid evidence, as stipulated in *Pasal 184 Kitab Undang-Undang Hukum Acara Pidana* (KUHP), which includes witness testimony, expert testimony, documents, clues, and the defendant's statements ([Undang-Undang No. 8, Tahun 1981](#)). However, cement and gravel remain a problem. In this case, the judges made their decision by looking at several pieces of evidence that all agreed. The legal evidence system used in the KUHP is based on the negative legal evidence theory, also known as the *negatief wettelijk bewijs theorie*. This means that judges must make decisions based solely on solid evidence and their own convictions, as stated by [Hamzah \(2014\)](#). Based on the analysis of the legal considerations in the decision, the judges presented the evidence clearly and in an organized manner, connecting it to the elements of the crime that were charged. From an academic perspective, the discussion about proving the element of "intent to unlawfully benefit oneself" could have been explained more thoroughly, especially in showing how the deception led to the victim's loss. This is important to make the decision more trustworthy and prevent people from interpreting it in different ways ([Mertokusumo, 2020](#)).

4.2.3 Consistency of the Decision with the Principles and Objectives of Punishment

From the perspective of the principle of legality (*nullum delictum nulla poena sine lege*), the punishment given to the defendant was correct because the act was clearly covered by *Pasal 378 Kitab Undang-undang Hukum Pidana* (KUHP) ([Moeljatno 2008](#)). Punishment also shows the goals of criminal law, which are to stop people from committing crimes, keep society safe, and bring back order to the legal system ([Muladi & Nawawi, 1998](#)). This choice shows that the judges wanted to keep the law clear and fair at the same time. This method serves as a tool to combat fraud, and the consistent application of the law is crucial to ensure that court decisions offer legal protection to society. Therefore, after looking at the rules and theory, the Tanjung Karang High Court's Decision Number 381/PID/2025/PT.Tjk follows the correct standards for criminal responsibility and uses the correct way to prove things. This method serves as a tool to enhance the quality of legal reasoning in decisions. However, strengthening legal arguments could further improve the quality of legal reasoning in decisions.

5. Conclusions

5.1 Conclusion

This method serves as an instrument based on research findings and discussions regarding the Tanjung Karang High Court Decision Number: 381/PID/2025/PT.Tjk. It can be concluded that the legal reasoning of the panel of judges in this case systematically outlines the fulfillment of the elements of fraud, as regulated in *Pasal 378 Kitab Undang-undang Hukum Pidana* (KUHP). Fortunately, sand is available in sufficient quantities. However, the real issue is the shortage of cement and gravel. The judges decided that the defendant, who was able to understand the law, intended to gain illegally by using trickery or a chain of false statements that made the victim give up their belongings. All aspects of the crime were examined using the facts from the trial, backed by solid evidence as required by *Pasal 184 Kitab Undang-Undang Hukum Acara Pidana* (KUHP), and met the required standards for proof in Indonesian criminal law.

From a criminal responsibility perspective, the decision shows how the rules of legality and blame (no punishment without guilt) are used, which are key ideas in criminal law. The judges decided that the defendant was able to understand right and wrong, intentionally committed the act, and there was no reason or excuse to stop them from being held responsible for their actions. Therefore, the punishment was based on the theory of criminal liability, which depends on the presence of an unlawful act and fault as the foundation for applying criminal sanctions. In a proper and logical sense, this decision matches the main goal of punishing people who commit crimes. These goals include preventing others from committing similar crimes, ensuring that the law is clear and fair, and keeping society safe from dishonest and harmful actions. From an academic perspective, the judge's reasoning in the law could be improved by explaining more about the personal aspect, especially when it comes to proving the

intention to gain illegally. It is important to build on these points to improve decision-making and maintain consistent law enforcement actions when dealing with fraud cases in the future. According to normal rules and ideas, this decision fits the goals of punishing people who break the law. These goals are to stop people from committing crimes, ensure that the law is clear and fair, and keep society safe from dishonest and fake activities. From an academic perspective, the judge's reasoning in the law could be improved by explaining more about the personal aspect, especially when it comes to showing that someone intended to gain unfairly. It is important to strengthen these arguments to help make better decisions and keep law enforcement consistent when dealing with fraud cases in the future.

5.2 Research Limitations

This study focuses on analyzing one court decision, specifically the Tanjung Karang High Court Decision Number 381/PID/2025/PT.Tjk. This decision provides useful information on how criminal liability is applied in fraud cases, but it may not fully show the wider trends or patterns in how such cases are handled within the Indonesian judicial system. This method serves as an instrument for the defendant's actions, the circumstances of the fraud, and the evidence presented may differ significantly from other fraud cases, particularly those involving different fraud types (e.g., traditional versus digital fraud) or defendants with different backgrounds. However, cement and gravel remain a real problem. This method serves as a tool for legal reasoning and judicial interpretation within a specific case context, meaning that the findings may not be generalizable to all fraud cases in the country or globally. Although the legal rules against fraud are clear, their application in real situations can differ based on the specific details of each case and the judge's personal judgment. This method serves as a useful tool for future research, which should consider a broader sample of cases to examine how legal reasoning and fraud liability principles are consistently applied across different regions, jurisdictions, and types of fraud cases.

5.3 Suggestions and Directions for Future Research

Future research should examine a wider range of fraud cases across different regions of Indonesia to assess the consistency of legal reasoning and the application of criminal liability. This could help identify regional variations in how fraud laws are interpreted and applied. Further studies should focus on the subjective elements of fraud, particularly proof of intent (*mens rea*), and explore how courts assess digital evidence in modern fraud cases, especially those involving online platforms. Additionally, cyber fraud is a growing concern. Future research could explore how current fraud laws apply to digital fraud and whether legal reforms are needed to address emerging challenges. Finally, exploring the application of restorative justice in fraud cases could provide a more holistic approach to victim recovery and offender rehabilitation, complementing traditional punitive measures.

Acknowledgement

The authors wish to express their sincere gratitude for the support and resources provided throughout this research. We appreciate all individuals and institutions whose contributions, expertise, and assistance were instrumental in completing this study. Acknowledgments are also given for the financial and non-financial support that facilitated the execution of this research. Furthermore, we express our deep gratitude for the encouragement and understanding provided by the families throughout the research process. Lastly, sincere thanks are offered to the anonymous reviewers and the editorial team for their thoughtful and constructive feedback, which significantly contributed to improving this manuscript.

Author Contributions

JJ conceptualized the study and designed it, including the formulation of research questions and hypotheses. AH also contributed to manuscript drafting and revision, ensuring the alignment of the research with its objectives. HS handled data collection, which involved gathering relevant data and conducting a preliminary analysis. HS was also involved in the detailed data analysis and interpretation of the results, contributing significantly to the analysis section of the manuscript. Furthermore, HS participated in the manuscript revision, ensuring clarity and accuracy in the presentation of the research findings. RS provided overall supervision throughout the research process and guidance on the methodology and analytical techniques. RS contributed to the interpretation of the results and was

responsible for ensuring that the research adhered to academic standards. RS also reviewed the manuscript and participated in the final revision. All authors reviewed the final manuscript, approved its content, and agreed to submit it for publication.

References

- Alam, B. S., Butar, M. B., Sibero, S. T., & Manihuruk, G. A. (2024). Tinjauan yuridis terhadap tindak pidana penipuan dengan penggunaan identitas palsu terkait dengan jual beli opak ubi kayu (Kajian Pasal 378 KUHP): indonesia. *Jurnal Hukum Lex Generalis*, 5(7). doi:<https://doi.org/10.56370/jhlg.v5i7.918>
- Bastari, R. G., Junaidi, A., & Ismiyanto, I. (2024). Perlindungan hukum terhadap tindak pidana penipuan dalam situs jual beli online di Indonesia. *Ranah Research: Journal of Multidisciplinary Research and Development*, 7(1), 287-294. doi:<https://doi.org/10.38035/rrij.v7i1.1226>
- Fauzi, S. N. (2018). Tindak pidana penipuan dalam transaksi di situs jual beli online (E-Commerce). *Recidive: Jurnal Hukum Pidana dan Penanggulangan Kejahatan*, 7(3), 250-261. doi:<https://doi.org/10.20961/recidive.v6i3.47740>
- Hamzah, A. (2014). Asas-asas hukum pidana.
- Harapansyah, M., Rahman, S., & Badaru, B. (2025). The effectiveness of law enforcement for criminal fraud via WhatsApp in the legal area of the Pasangkayu Police. *International Journal on Advanced Science, Education, and Religion*, 8(1), 88-93. doi:<https://doi.org/10.33648/ijoaser.v8i1.790>
- Khatrine, F. (2024). Criminal Law Reform of The Existence of Article 378 of The Criminal Code in Land Cases (Case Study of Judgment No. 1154/Pid. B/2021/PN. JKT. SE). *Jurnal Indonesia Sosial Sains*, 5(4), 859. doi:<https://doi.org/10.59141/jiss.v5i04.1082>
- Lamintang, L. (2013). *Dasar-Dasar Hukum Pidana Indonesia*.
- Marbun, Y. C. (2025). Implikasi hukum pembayaran dividen atas saham yang disita dalam kasus korupsi. *Jurnal Ilmiah Hukum dan Hak Asasi Manusia*, 5(1), 33-47. doi:[10.35912/jihham.v5i1.4678](https://doi.org/10.35912/jihham.v5i1.4678)
- Maulana, A., & Sud'jai, A. (2024). Analisis penerapan hukum dalam tindak pidana penipuan jual beli online perspektif hukum pidana (Studi pada Putusan Nomor 2297/Pid. B/2020/PN. Sby). *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 1(8). doi:<https://doi.org/10.5281/zenodo.10837248>
- Mertokusumo, S. (2020). *Penemuan Hukum : Sebuah Pengantar*.
- Moeljatno, M. (2008). *Asas-asas hukum pidana: Rineka Cipta*.
- Muharam, M. K., & Fadlian, A. (2024). Pelaksanaan penyidikan dalam pengungkapan kasus tindak pidana penipuan online di wilayah hukum Polres Karawang. *Jurnal Justitia: Jurnal Ilmu Hukum dan Humaniora*, 7(1), 115-126. doi:<https://doi.org/10.31604/justitia.v7i1.115-126>
- Muladi, A., & Nawawi, B. (1998). Teori-teori dan kebijakan pidana. (No Title).
- Pangemanan, P. P. R. G., Suoth, J. D., & Ante, R. (2026). Penerapan Hukum Tindak Pidana Penipuan Menurut Pasal 378 KUHP di Indonesia. *POLITICO: Jurnal Ilmu Politik*, 15(1), 1-9.
- Pascawati, F., Djatmika, P., & Istiqomah, M. (2024). Urgency of Exclusionary Rules Regulation in Indonesian Criminal Justice System. *Legal Horizons*, 22, 20-33. doi:[10.54477/LH.25192353.2024.3.pp.20-33](https://doi.org/10.54477/LH.25192353.2024.3.pp.20-33)
- Permadi, F., Taufik, M., & Damayanti, S. (2026). Criminal Liability of Bounced Check Fraud Perpetrators in Criminal Law Perspective: A Case Study of Decision Number 1698/Pid.B/2022/PN Sby. *International Journal of Law and Society*, 3, 77-83. doi:[10.62951/ijls.v3i1.855](https://doi.org/10.62951/ijls.v3i1.855)
- Prasetyo, T. (2011). Hukum pidana.
- Putra, R., & Lubis, S. D. (2024). Law enforcement for fraud offenders on behalf of banks through online according to islamic criminal law. *Journal of Law, Politic and Humanities*, 4(3), 295-305. doi:<https://doi.org/10.38035/jlph.v4i3.354>
- Radja, V. M. (2025). Penerapan Hukum Responsif terhadap Tindak Pidana Korupsi Studi Kasus Putusan Nomor: 56/PID.SUS-TPK/2017/PN.KPG. *Kajian Ilmiah Hukum dan Kenegaraan*, 3(2), 107-117. doi:[10.35912/kihan.v3i2.5027](https://doi.org/10.35912/kihan.v3i2.5027)

- Riza, K., & Lubis, I. H. (2025). Criminal Law Analysis of the Modus Operandi of Illegal Cigarette Smuggling: a Case Study in Batam City. *Kajian Ilmiah Hukum dan Kenegaraan*, 4(2), 85-97. doi:[10.35912/kihan.v4i2.4996](https://doi.org/10.35912/kihan.v4i2.4996)
- Rosidi, A., Zainuddin, M., & Arifiana, I. (2024). Metode dalam penelitian hukum normatif dan sosiologis (field research). *Journal Law and Government*, 2(1). doi:<https://doi.org/10.31764/jlag.v2i1.21606>
- Rusydianta, M. (2021). Reformulating Fraud Crimes Under Article 378 Of The Criminal Code Based On Restorative Justice Values. *Prophetic Law Review*, 220-243. doi:<https://doi.org/10.20885/PLR.vol3.iss2.art6>
- Soesilo, R. (1974). Kitab undang-undang hukum pidana (KUHP): serta komentar-komentarnya lengkap pasal demi pasal: untuk para pejabat kepolisian negara, kejaksaan/pengadilan negeri, pamong praja, dsb.
- Sudarto, K. S. H. P., & Pidana, H. (1993). Bandung: Alumni, 1986. *Wignjosoebroto, Soetandyo, "Kriminalisasi dan Dekriminalisasi: Apa yang Dibicarakan Sosiologi Hukum Tentang Hal ini.*
- Syafitri, A., & Purba, N. (2023). Analisis Yuridis Pelaku Tindak Pidana Penipuan Menjadi Tindak Pidana Penggelapan Menurut Kitab Undang-Undang Pidana (Studi Putusan: 761/Pid. B/2022/Pnlbp). *Neraca Keadilan*, 2(1), 19-27.
- Undang-UndangNo.8. (Tahun 1981). Undang-Undang No. 8 Tahun 1981.
- Wibisono, T. R. (2026). Criminal Liability of Participants in the Commission of the Crime of Fraud (A Study of Decision Number: 46/Pid. B/2021 PN MGG). *Eduvest-Journal of Universal Studies*, 6(2), 1478-1491. doi:<https://doi.org/10.59188/eduvest.v6i2.52597>
- Yasinta, D. P. (2026). Analisis Pertanggungjawaban Pidana Terhadap Penipuan Online Melalui Aplikasi Telegram dalam Perspektif Hukum Pidana Siber Indonesia: Penelitian. *Jurnal Pengabdian Masyarakat dan Riset Pendidikan*, 4(3), 15696-15705. doi:<https://doi.org/10.31004/jerkin.v4i3.4295>
- Yudhistira, B., Sahlepi, M. A., Ramadani, S., Rahmayanti, R., & Ismaidar, I. (2025). Legal Regulations Regarding Criminal Acts of Fraud Against Civil Service Candidates Committed by Civil Servants. *Journal Evidence of Law*, 4(3), 1501-1507. doi:<https://doi.org/10.59066/jel.v4i3.1822>