

**Type: Research Article**

## Law Enforcement Against Fraud Disguised as Giveaways on Social Media: Case Study of Decision No. 218/Pid.Sus/2023/PN Tjb (Tanjung Balai)

**Rasyid Ridho Marpaung** 

Universitas Islam Negeri Sumatera Utara, Indonesia

E-mail: [rasyid0206213167@uinsu.ac.id](mailto:rasyid0206213167@uinsu.ac.id)

**Budi Sastra Panjaitan** 

Universitas Islam Negeri Sumatera Utara, Indonesia

E-mail: [budisastrapanjaitan@uinsu.ac.id](mailto:budisastrapanjaitan@uinsu.ac.id)

### ABSTRACT

This study aims to determine the modus operandi used in cases of fraud disguised as giveaways on social media in Tanjung Balai City and the law enforcement contained in Article 45A of the Electronic Information and Transaction Law, whether law enforcement in online fraud cases has reflected justice for the community. The method used is a normative legal approach, which focuses on the analysis of written legal norms. The primary focus is on analyzing regulations and court rulings to provide a comprehensive overview of the fraud committed on social media and the enforcement process by the Tanjung Balai District Court. The results of this study analyze the modus operandi used by the defendant in the online fraud case, which involved posting information on Facebook that artist Baim Wong was conducting a giveaway. The defendant imposed several conditions that had to be met, namely, sending a sum of money for administrative purposes before the cash prize could be awarded. After successfully deceiving the victim, the defendant would block the victim to cover his tracks. Law enforcement in online fraud cases is often criticized for failing to deliver justice to the public, particularly victims who suffer losses due to the lack of recovery or compensation for funds transferred by them to the defendant. This is because all evidence obtained is seized and destroyed by the state. This study emphasizes the need for strict policies and law enforcement to prevent such social media fraud cases from affecting more victims in the future.

### KEYWORDS

Fraud;  
Giveaway;  
ITE Law



Copyright ©2025 by Author(s); This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. All writings published in this journal are the personal views of the authors and do not represent the views of this journal or the authors' affiliated institutions.



## INTRODUCTION

The development of information and communication technology has had a dual impact on human life. While contributing positively to the improvement of welfare and civilization, technology has also opened up opportunities for illegal activities such as cybercrime. This is because criminal acts will evolve in line with technological advances in society. It is highly unlikely that crime will develop at a faster rate than scientific knowledge.<sup>1</sup> Based on the results of a survey by the Indonesian Internet Service Providers Association (APJII), the number of internet users in Indonesia reached 215.63 million people in the 2022-2023 period. This figure represents a 2.67% increase compared to the previous period, which had 210.03 million users. The number of internet users is equivalent to 78.19% of Indonesia's total population of 275.77 million people. The percentage is 1.17 percentage points higher than in 2021-2022, which was 77.02%.<sup>10</sup> According to a report by We Are Social, the number of internet users in Indonesia reached 213 million people as of January 2023. This figure is equivalent to 77% of Indonesia's total population of 276.4 million people at the beginning of this year.<sup>2</sup>

The high level of internet users in Indonesia has had a significant impact on various aspects of life. However, these conveniences sometimes make it difficult for people to distinguish between valid and invalid information. This poses risks, such as online fraud in the form of giveaways, where perpetrators use social media to deceive victims with the lure of big prizes, which are just a ploy by criminals.<sup>3</sup> Fraud in the Big Indonesian Dictionary originates from the word "tipu," which means dishonest actions or words intended to mislead, trick, or profit; various deceptive efforts; tricks; strategies; or knowledge. The word giveaway is taken from English, which means "just give it away." The meaning of a giveaway is an activity of distributing gifts for free with certain conditions.<sup>4</sup>

The methods used by perpetrators of fraud involving giveaways are becoming increasingly diverse and difficult to detect. In this case, the perpetrators used social media platforms such as Facebook, WhatsApp, and SMS to deceive many victims by requiring them to send a certain amount of money before they could receive their prizes.<sup>5</sup> The crime of fraud itself is regulated in Article 378 of the Criminal Code, which defines fraud as follows: "Any person who, with the intent to benefit themselves or another person by violating the rights of others, whether by using a false name or false circumstances, whether by deceit or trickery, or by fabricating false statements, induces another person to give something, incur a debt, or

---

<sup>1</sup> Adami Chazawi & Ardi Ferdian, *Tindak Pidana Informasi & Transaksi Elektronik Penyerangan Terhadap Kepentingan Hukum Pemanfaatan Teknologi Informasi dan Transaksi Elektronik* (Malang: Media Nusa Creative, 2015).

<sup>2</sup> Cindy Mutia Annur, "Pengguna Internet di Indonesia Tembus 213 Juta Orang hingga Awal 2023", (2023), online: *Kata Data Netw* <<https://databoks.katadata.co.id/datapublish/2023/09/20/pengguna-internet-di-Indonesiatembus-213-juta-orang-hingga-awal-2023>>.

<sup>3</sup> Hotrun Siregar, "Analisis Pemanfaatan Media Sosial Sebagai Sarana Sosialisasi Pancasila" (2022) 2:1 Pancasila J KeIndonesiaan 71-82.

<sup>4</sup> Central Language Development and Development Dictionary Compilation Team, *Kamus Besar Bahasa Indonesia* (Jakarta: Departemen Pendidikan dan Kebudayaan, 1991).

<sup>5</sup> Muftia Tsabita Aimana & A'rasy, "Analisis Fiqh Muamalah Terhadap Praktik Giveaway Bersyarat di Akun Instagram @Giveaway.Oyi" (2022) 5:1 J Ekon dan Bisnis Islam 172-181.



discharge a debt, shall be punished for fraud with imprisonment for a maximum of four years.”

Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions does not specifically regulate online fraud. However, Article 28(1) of the Electronic Information and Transactions Law prohibits the dissemination of false information that causes harm, stating: “Any person who intentionally and without authorization disseminates false and misleading information that causes harm to consumers in electronic transactions.” The criminal penalties are stipulated in Article 45A(1) of Law No. 19 of 2016 Amending Law No. 11 of 2008 on Information and Electronic Transactions, which states: Any person who intentionally and without authorization disseminates false and misleading information that causes consumer losses in Electronic Transactions as referred to in Article 28(1) shall be punished with imprisonment for a maximum of 6 (six) years and/or a fine of up to Rp 1,000,000,000.00 (one billion rupiah).”

Cases related to online fraud involving giveaway schemes are on the rise, with one such case occurring in the city of Tanjung Balai. Police have uncovered a fraud ring using a giveaway scheme that impersonated Baim Wong. Four suspects were arrested in Tanjung Balai. “The method used by these four individuals was fairly straightforward. They created Facebook accounts under other people’s names. One person posted content, while the others provided positive comments on the post, luring people into their status and making them potential victims,” said Tanjung Balai Police Chief AKBP Ahmad Yusuf Afandi to journalists. The four suspects are very young, aged between 18 and 21. The raid was conducted routinely every Wednesday night. Initially, the police did not suspect the four young men, as they claimed the room was occupied by all four of them. However, the police noticed a receipt printer for bank transfer receipts in the room, along with transfer amounts totaling tens of millions of rupiah. According to the suspects’ confessions, they exploited Baim Wong’s giveaway program, which is well-known among the public, using their Facebook status as leverage. To convince their victims, they used the receipt printing machine to make it seem as though Baim Wong was indeed giving away prizes.

Law enforcement against online fraud crimes involving giveaways is still based on existing positive law.<sup>6</sup> However, the implementation of these regulations has not been optimal, as based on available data, there are still many cases that remain unsolved and unresolved due to various obstacles faced by law enforcement officials, such as a lack of evidence, difficulties in detecting the location where the crime was committed, and so on. These issues prompted the researcher to conduct research and analysis on online fraud crimes involving giveaway schemes, as reviewed in Judgment No. 218/Pid. Sus/2023/PN.Tjb to analyze how the defendant carried out the modus operandi in the online fraud case disguised as a giveaway through social media in Tanjung Balai, and whether the enforcement of the law through the decision has reflected justice for the people of Tanjung Balai who were victims.

---

<sup>6</sup> Yusron Ashalirrohman, “Deontology and Equality in Corruption Law Enforcement” (2025) 1:1 *Iuris Philos J* 1–10, online: <<https://jurnal.jurisprudenceinsights.com/index.php/Iurisphilosophiajournal>>.



## METHOD

This type of research uses normative legal research. The normative legal method is a legal research method that focuses on the study of written legal norms. Its main focus is on the analysis of legislation, legal principles, doctrines (expert opinions), and court decisions.<sup>7</sup> The research methods used in this study are the living case study approach and the statute approach. These approaches are normative legal research approaches used to understand an issue and the enforcement of its laws and regulations.<sup>8</sup> Furthermore, to understand issues or problems in depth, a researcher needs to investigate and explore one or more cases over a certain period and collect data from various sources (observations, documents, reports, or interviews). This method is used because the researcher is conducting research based on cases of online fraud disguised as giveaways that occurred in the city of Tanjung Balai by conducting a case study process to obtain information and data about this case.

The data required for this study is divided into two parts, namely primary and secondary data. The following is the primary and secondary data obtained in this study. The primary data source used in this study is Decision No. 218/Pid.Sus/2023/PN. Tjb. Meanwhile, the secondary data source refers to information or data that has been collected, published, or previously available by other parties. This data can come from various sources such as books, journals, reports, databases, and other documentation.

## RESULT & DISCUSSION

### I. Modus Operandi Used in Online Fraud Cases Disguised as Giveaways in Case No. 218/Pid.Sus/2023/PN. Tjb

Online giveaway scams, which involve impersonating celebrities to offer prizes, have victimized many people across Indonesia. These scams are not without reason. It all started when a celebrity named Baim Wong organized a donation event, giving away prizes ranging from cash to smartphones, which he called a "giveaway." The process to win the giveaway is straightforward: simply follow the celebrity's social media accounts, and Baim Wong will randomly select winners, contact them by phone, and send the prizes. Unfortunately, this event has been exploited by scammers, leading to numerous victims, particularly in smaller cities like Tanjung Balai.

On June 15, 2023, the Tanjung Balai Municipal Police successfully apprehended individuals suspected of committing online fraud. Witnesses seized 2 mobile phones, 2 Bluetooth printers, and 2 receipts from a rented room located on Jalan Jenderal Sudirman KM. 6, Sijambi Village, Datuk Bandar District, Tanjung Balai City, which are suspected to be related to the criminal offense of fraud via mobile phone, or as the people of Tanjung Balai refer to it, "lodes" or "melodes." Since they were suspected of online fraud, the witness and his colleagues searched the contents of the mobile phones and found conversations in the WhatsApp application where the suspects instructed Denih Winarti (the victim) to transfer a certain amount of

<sup>7</sup> Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

<sup>8</sup> Peter Mahmud Marzuki, *Metode Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2014).



money for administrative purposes as a condition for receiving the giveaway prize. If the transfer was not made, the prize would be canceled. However, since Denih did not have the requested amount, she took a photo of her bank account balance showing Rp. 188,604.00 (One Hundred Eighty-Eight Thousand Six Hundred Four Rupiah) and showed it to the perpetrator. After learning about Denih's financial situation, the perpetrator canceled the action and blocked the witness Denih Winarti's phone number.

The perpetrator is charged under Article 28(1) in conjunction with Article 45A(1) of Law No. 19 of 2016 of the Republic of Indonesia on Electronic Information and Transactions, which states that any person who intentionally and without authorization disseminates false and misleading information that causes consumer loss in electronic transactions as referred to in Article 28(1) (1) shall be punished with imprisonment for a maximum of 6 (six) years and/or a fine of up to Rp1,000,000,000.00 (one billion rupiah). The defendant is found guilty of violating this provision because the defendant Diki Aulia, Andrianta Sirait, and Irfansyah Putra, without authorization, used the name of Witness Muhammad Ibrahim alias Baim Wong to create a fake Facebook account, which then disseminated misleading information to Witness Denih Winarti, causing Witness Denih Winarti to conduct an electronic transaction by transferring a certain amount of money to an account in the name of Irfan Syahputra, with the expectation of receiving a giveaway prize as stated in the news or information disseminated by the defendant and his associates. However, the news or information disseminated by the Defendant and his associates through Facebook and WhatsApp was false information intentionally created with the aim of misleading others, thereby causing harm to those individuals.

Based on the judge's consideration, the Defendant fulfilled the element of intent to cause harm to another person, as the Defendant admitted that his actions caused the intended consequences. In essence, intentionality is established when the Defendant knew about the act and intended it to occur. Using the name of Witness Muhammad Ibrahim, alias Baim Wong, constitutes an act without authority, meaning an act performed outside the scope of the authority held by the person committing the intentional act, whether based on position, authority, or power, in violation of the law. The defendant also meets the element of being the person who committed, ordered, or participated in the act. This element is satisfied based on the legal fact that the defendant committed the act of deception to carry out the online fraud with his accomplices.

Furthermore, the judge ruled that all items used as evidence should be destroyed. The evidence consisted of a mobile phone, SIM card, transaction receipts, and Rp. 200,000 in cash, which was the proceeds of crime and had economic value, so it was necessary to rule that the evidence should be confiscated by the state. The judge then ruled that:

- a) The defendant has been proven legally and convincingly guilty of committing a criminal offense "in concert with others, intentionally and without rights, spreading false and misleading information that caused consumer losses in electronic transactions" as stated in the alternative indictment;
- b) Sentence the Defendant to 8 months in prison;



- c) Determining that the period of arrest and detention already served by the Defendant shall be deducted in full from the sentence imposed.

## **II. Law Enforcement through Decision No. 218/Pid.Sus/2023/Pn. Tjb has Reflected Justice for the Victims**

In a general context, something is considered fair if both parties or parties involved get what they want “shared” voluntarily, both parties have their rights fulfilled, so that no one feels disadvantaged. Meanwhile, in a legal context, the concept of justice in law involves several aspects. First, there must be equal and objective treatment of all individuals, without discrimination or unfair exceptions. Second, everyone has the right to equal legal protection and the right to defend themselves in court. Third, legal decisions must be based on valid evidence and fair processes, where judges or law enforcement officials act neutrally and impartially.

In addition, justice in law also includes restorative aspects. This means that the purpose of punishment or legal action is to repair the damage caused by the violation of the law, restore losses to the affected parties, and bring peace to society. This principle recognizes that justice is not only about punishing offenders, but also about repairing the damage that has been done and restoring broken relationships.<sup>9</sup> However, does the above case reflect justice? As is well known, the defendant was sentenced to eight months in prison. The defendant received a lenient sentence because he was a minor and not yet legally competent, so the judge considered that the defendant had a long future ahead of him and needed plenty of time to correct his mistakes outside of prison. In deciding this case, the judge naturally considered the legal considerations of the elements of the offense and the clear legal procedures of the applicable laws and regulations. The defendant fulfilled the elements of the offense by intentionally committing deceptive acts and spreading false information, as well as fulfilling the elements of committing, ordering, and participating in an act, as in this case, the defendant committed online fraud alongside his accomplices. The fulfillment of the elements considered by the judge can be assessed as a fair decision in legal terms.

However, before the judge decides on a case based on legal considerations, a prosecutor also plays an important role in the fair resolution of a case. The public prosecutor also has the authority as stated in Article 138 paragraph (1) of the Criminal Procedure Code, which states that investigation refers to the actions of the public prosecutor in preparing the prosecution to determine whether the person and/or object in question, based on the results of the investigation, has been proven guilty or meets the requirements for proof to guide the investigator. If the prosecutor prepares the prosecution properly, all the evidence in the prosecutor's possession will serve as proof, as part of the effort to convince the judge, based on the existing evidence, to reveal that the defendant is indeed guilty as charged in the indictment filed against them.

In this case, the evidence presented by the prosecutor was accepted by the judge. All evidence was deemed valid and convincing that the defendant was guilty of fraud. However, the resolution of this case was not fair from a restorative

---

<sup>9</sup> Faculty of Law UMSU, “Apa Itu Keadilan dalam Hukum?”, (2023), online: *Info Huk* <<https://fahum.umsu.ac.id/info/apa-itu-keadilan-dalam-hukum/>>.



perspective, because the purpose of punishment is not only for the perpetrator to correct their mistakes but also to repair the harm caused to the victim. This case does not reflect justice for society because there is no fulfillment of the restoration of losses felt by the victim. Compensation can also be provided to the victim if the victim submits a request to the Public Prosecutor for compensation from the perpetrator, who is “conditionally obligated.” It is important to note that the consolidation of compensation claims in criminal cases, in accordance with Article 98 of the Criminal Procedure Code, aims to facilitate victims in asserting their rights and avoiding separate court proceedings. Thus, victims do not need to file a separate civil lawsuit to obtain compensation.<sup>10</sup>

Unfortunately, in this ruling, the Public Prosecutor did not seek compensation for the victim because the victim did not request the Public Prosecutor to seek compensation from the perpetrator, who was “conditionally liable.” The victim ultimately suffered greatly from this case due to the loss of a significant amount of money. The money obtained from the criminal act of fraud was not returned to the victim but was confiscated and destroyed by the state. In this case, it can also be seen that the importance of codification and unification of criminal procedure law is very important. The codification of criminal procedure law compiles provisions related to criminal procedure law that are still contained in various regulations into one criminal procedure law. The purpose of this codification is to make legislation simple and easy to understand, thereby facilitating the public's understanding of the law. Unification, on the other hand, is the effort or process of standardizing the substance of legal systems. Through codification and unification, all criminal law enforcement processes should be based on the Criminal Procedure Code (KUHAP). For example, in this case, if the public understood the law better, the victim of the fraud would have sought compensation through criminal proceedings, rather than pursuing the perpetrator through civil proceedings.<sup>11</sup>

## CONCLUSION

There are many types of fraud on social media, ranging from e-commerce fraud, investment fraud, voice phishing, to fraud in the name of “gifts” from artists. This type of scam, which claims to offer gifts from celebrities, has victimized many people across Indonesia. This scam is not without reason; it originated when a celebrity named Baim Wong conducted a donation activity, distributing gifts such as cash and smartphones, referred to as a “giveaway.” This event was exploited by many individuals to carry out scams, particularly in smaller cities like Tanjung Balai. This case is being prosecuted under the Information and Electronic Transactions Law (ITE Law).

The modus operandi used by the perpetrator was to lure victims by posting photos of prize evidence on Facebook, with members of the group adding comments to convince potential victims that they were pretending to be one of the giveaway winners simply by following the steps provided. Potential victims who are interested and follow these steps will be contacted by the “Baim Wong Team” and

---

<sup>10</sup> Cekhukum, “Pasal 98 KUHAP (Kitab Undang-undang Hukum Acara Pidana)”, (2021), online: <<https://cekhukum.com/pasal-98-kuhap-kitab-undang-undang-hukum-acara-pidana/>>.

<sup>11</sup> Budi Sastra Panjaitan, “Perkembangan Hukum Acara Pidana Indonesia” (2018) 5:2 Sekol Tinggi Ilmu Huk Muhammadiyah Kisaran Asahan.



asked to send fake transfer proof. The perpetrator claims that the cash prize will be sent once the victim meets the requirement of sending money first for administrative purposes. After the victim is deceived, the perpetrators will block all social media accounts associated with them to prevent the victim from reporting the crime or tracking their whereabouts. The enforcement of law in online fraud cases is considered unfair to the public, especially victims, as even if the perpetrators are apprehended, victims do not receive compensation from either the perpetrators or the state. This is because all evidence of the criminal act is seized and destroyed by the state. To seek compensation, victims can file a request with the Public Prosecutor to compensate for the losses suffered by the victim. However, in this decision, the Prosecutor did not request compensation due to the victim's lack of knowledge about law enforcement, which resulted in losses for the victim.

### **DECLARATION OF CONFLICTING INTERESTS**

The authors state that there is no conflict of interest in the publication of this article.

### **FUNDING INFORMATION**

None.

### **ACKNOWLEDGMENT**

None.

### **REFERENCES**

#### **BOOK**

- Central Language Development and Development Dictionary Compilation Team, *Kamus Besar Bahasa Indonesia* (Jakarta: Departemen Pendidikan dan Kebudayaan, 1991).
- Chazawi, Adami & Ardi Ferdian, *Tindak Pidana Informasi & Transaksi Elektronik Penyerangan Terhadap Kepentingan Hukum Pemanfaatan Teknologi Informasi dan Transaksi Elektronik* (Malang: Media Nusa Creative, 2015).
- Marzuki, Peter Mahmud, *Metode Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2014).
- Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

#### **JOURNAL**

- Aimana, Muftia Tsabita & A'rasy, "Analisis Fiqh Muamalah Terhadap Praktik Giveaway Bersyarat di Akun Instagram @Giveaway.Oyi" (2022) 5:1 J Ekon dan Bisnis Islam 172–181.
- Ashalirrohman, Yusron, "Deontology and Equality in Corruption Law Enforcement" (2025) 1:1 Iuris Philos J 1–10, online: <<https://jurnal.jurisprudenceinsights.com/index.php/lurisphilosophiajournal>>.
- Panjaitan, Budi Sastra, "Perkembangan Hukum Acara Pidana Indonesia" (2018) 5:2 Sekol Tinggi Ilmu Huk Muhammadiyah Kisaran Asahan.
- Siregar, Hotrun, "Analisis Pemanfaatan Media Sosial Sebagai Sarana Sosialisasi



Pancasila” (2022) 2:1 Pancasila J KeIndonesiaan 71–82.

**WEBSITE**

Annur, Cindy Mutia, “Pengguna Internet di Indonesia Tembus 213 Juta Orang hingga Awal 2023”, (2023), online: *Kata Data Netw* <<https://databoks.katadata.co.id/datapublish/2023/09/20/pengguna-internet-di-Indonesiatembus-213-juta-orang-hingga-awal-2023>>.

Cekhukum, “Pasal 98 KUHP (Kitab Undang-undang Hukum Acara Pidana)”, (2021), online: <<https://cekhukum.com/pasal-98-kuhp-kitab-undang-undang-hukum-acara-pidana/>>.

Faculty of Law UMSU, “Apa Itu Keadilan dalam Hukum?”, (2023), online: *Info Huk* <<https://fahum.umsu.ac.id/info/apa-itu-keadilan-dalam-hukum/>>.