



Juridical Review of the Decision on the Crime of Online Fraud against Job Vacancies

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Abstract

Background: The rapid development of information technology has significantly increased the incidence of online fraud, including fraud related to job vacancies. This phenomenon has reached an alarming level and poses serious legal and social challenges, particularly in ensuring legal protection for victims and effective law enforcement against perpetrators.

Objective: This study aims to identify the factors contributing to the occurrence of online fraud crimes related to job vacancies and to analyze the efforts undertaken by law enforcement authorities to prevent and address such crimes.

Methods: This research employs a normative juridical approach by examining primary and secondary legal materials, including legislation, court decisions, and relevant legal literature. The analysis focuses on legal norms governing fraud crimes and law enforcement practices in addressing online fraud cases.

Results: The findings indicate that online fraud crimes are influenced by economic, environmental, and socio-cultural factors, as well as the ease of committing online fraud and the relatively low risk of detection. Law enforcement efforts to combat online fraud include preventive measures such as public legal awareness campaigns, increased supervision of online transactions, and dissemination of warnings through media platforms, as well as repressive measures in the form of investigation, prosecution, sentencing, and correctional rehabilitation of offenders.

Conclusion: Online job vacancy fraud requires comprehensive legal handling through a combination of preventive and repressive strategies. Strengthening law enforcement, increasing public awareness, and improving caution among online users are essential to reduce the incidence of online fraud crimes.

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INTRODUCTION

Review comes from the word review which means to study carefully. The word review gets the suffix “-an” to be a review which means the act of reviewing. Juridical review is derived from the words “review” and “juridical”. The meaning of the word review can be interpreted as data collection, processing, and analysis activities as systematic. While juridical is interpreted as according to the law or stipulated by law. Juridical review can be interpreted as a thorough examination activity, data collection or investigation that is carried out systematically and objectively on something according to or based on laws and regulations (Cakra Rismanda, 2016; Silalahi, 2019). This juridical approach is commonly used in legal research to evaluate the consistency of law enforcement and judicial reasoning in criminal cases, including cybercrime and online fraud (Islamy & Nugroho, 2024; Yuhernawa & Fakrulloh, 2021).

According to the Great Indonesian Dictionary, the meaning of review is to study carefully, examine (to understand), views, opinions (after investigating, studying, and so on). The definition of Juridical Review according to criminal law can be equated with studying material criminal law which means a thorough examination of all provisions and regulations that show which actions can be punished, what offenses occurred, the elements of the criminal act are fulfilled, and who are the perpetrators who can be held accountable for the criminal act and the punishment imposed on the perpetrators of any criminal acts. Such juridical examinations are essential in ensuring legal certainty and accountability in handling online fraud cases (Ramadani, 2017; Widhaningroem & Widowaty, 2024).

Online fraud is a rampant crime today. The increasing number of internet users has opened up greater opportunities for online scammers to earn money or profit from the internet. There are a lot of internet users who are looking for opportunities through online businesses, and this gives scammers an idea to make a profit. There are many modes of fraud in cyberspace, ranging from online stores to online business offers. Scams disguised as online businesses can be disguised very well, even people who have been playing the internet a lot are unaware that they are being deceived. Previous studies confirm that online fraud continues to evolve alongside technological development and increasing digital transactions (Karim et al., 2021; Lutfiyana, 2021; Liu & Piao, 2024).

Online business fraud can be carried out in various modes, such as committing online business fraud in the form of account hijacking. Usually, perpetrators will hijack accounts that are considered profitable, such as the social media accounts of well-known figures. If it has been able to be hijacked, then fraudulent actions can be launched using an account from a well-known person so that it is easy to trust when offered a product, or worse, to be instructed to transfer a certain amount of money. Criminological studies indicate that trust exploitation and identity manipulation are dominant strategies used by perpetrators in online fraud schemes (Amran et al., 2025; Munik et al., 2023).

The most common modes of online business fraud at the time of transaction are goods that are not delivered or do not reach the recipient, or goods that reach consumers but are not the same as the goods that are traded. There is a case in Jakarta involving one of the major online stores in Indonesia, namely Lazada, which is suspected of committing online fraud, where the buyer does not get the goods that match the goods he bought. Similar patterns of deception in online commerce have been widely documented in both national and international contexts (Alabi & David, 2023; Kharitonov, 2023; Raghava-Raju, 2017).

Technological developments today have experienced rapid developments in community interaction, namely business, socio-economic, and cultural interactions. Internet technology today has made a great contribution to society, industry, and government. However, this progress has also increased the complexity of cybercrime, particularly online fraud crimes that target vulnerable groups such as job seekers (Ulfah, 2024; Priyati et al., 2024).

The presence of internet technology has supported efficiency and effectiveness for the community in means of communication, interaction, and as a means of communication for the community. Internet technology, especially communication, can be used as a tool to do business for the community. However, in this increasingly sophisticated and adequate internet technology, there are many irresponsible parties who use technology for something detrimental to many people, for example a form of planned action and aims to earn money by providing false information or lying to others. Law enforcement challenges in addressing online fraud remain significant due to the transnational nature of cybercrime and limited investigative capacity (Hanifiyah, 2022; Bawornchai et al., 2025).

The progress of the study on victims of fraud has encouraged increased awareness of the need to guarantee legal certainty and Article 28 paragraph (1) of Law Number 11 of 2008 concerning Information and Electronic Transactions for the benefit of victims of fraud crimes. Legal protection for victims has become a central issue in modern criminal law policy, emphasizing victim-oriented justice rather than solely perpetrator punishment (Harefa, 2019; Zahra et al., 2025).

This development on a global scale has an impact on national legal policies which are followed up with the issuance of various legal rules mentioned above. The current development

indicates the beginning of a shift in the orientation of the law and the criminal justice system so that it does not only pay attention to the rights and interests of perpetrators of criminal acts, but also to the rights and interests of victims who suffer losses due to criminal acts of fraud. Comparative legal studies also show a growing emphasis on judicial accountability and proportional sentencing in online fraud cases (Dirman & Cornelis, 2023; Ndruru & Sahlepi, 2025).

Fraud through the internet or online-based fraud is a crime that is rampant today. The increasing number of internet users has opened up greater opportunities for online scammers to earn money or profit from the internet. There are a lot of internet users who are looking for opportunities through online businesses, and this gives scammers an idea to make a profit, particularly in fraudulent job vacancy schemes that exploit economic vulnerability and information asymmetry (Ulfah, 2024; Amran et al., 2025).

Despite the growing number of studies discussing online fraud and cybercrime, most existing legal research focuses on general forms of online business fraud or e-commerce fraud. Limited attention has been given to fraud crimes specifically related to job vacancy offers, particularly from the perspective of judicial decisions. Furthermore, previous studies tend to emphasize statutory provisions and criminological factors, while in-depth normative juridical analysis of judges' legal considerations, application of criminal law elements, and inhibiting factors in concrete court decisions remains limited. This indicates a research gap in examining how courts interpret and apply criminal law in online job vacancy fraud cases through judicial rulings.

This research offers novelty by conducting a normative juridical review of Decision No. 1470/Pid.B/2022/PN Sby, focusing specifically on online fraud crimes related to job vacancies. Unlike previous studies that discuss online fraud in a general context, this study emphasizes judicial reasoning, the application of material criminal law, and the identification of inhibiting factors in law enforcement based on a concrete court decision, thereby contributing a decision-oriented legal analysis to the study of cyber fraud crimes.

Based on this background, this study entitled "Juridical Review of the Decision on the Crime of Online Fraud Against Job Vacancies (Case Study of Decision No. 1470/Pid.B/2022/PN Sby)" aims to analyze the application of criminal law to fraud crimes based on Decision No. 1470/Pid.B/2022/PN Sby, to examine the judges' considerations in issuing verdicts on online fraud crimes related to job vacancies, and to identify the inhibiting factors in the enforcement of criminal law as reflected in Decision No. 1470/Pid.B/2022/PN Sby.

METHOD

This type of research is normative juridical legal research is an approach that is carried out based on the main legal material by analyzing theories, concepts, legal principles and laws and regulations related to this research. This research method is an approach that is in the juridical and normative realm. The Normative Juridical Method is an approach that is carried out based on the main law by examining theories, concepts, legal principles, as well as laws and regulations and facts that occur in the field related to this research

The research uses data sources in the form of primary data and secondary data. Primary data is data obtained directly from the Surabaya District Court Judge by conducting interviews with resource persons to obtain data conducted in the research. While secondary data is data obtained from the results of literature research by conducting literature studies, namely conducting a study of documents and literatures, views, doctrines and legal principles related to the subject of writing, including: a) Primary Legal Materials are legal materials that are used as the main source and their contents have binding force with the problem to be studied, b) Secondary Legal Materials are materials that provide explanations about primary legal materials such as books on criminal law, books on fiduciary, criminal acts of embezzlement, and research results and c) Tertiary Materials (included in non-legal materials) are materials that provide instructions and explanations for primary legal materials and secondary legal materials, including Legal Dictionary, United Kingdom Dictionary and Indonesian Language Dictionary.

The technique of collecting researcher data is carried out by conducting a literature study, which is a procedure carried out with a series of activities such as reading, studying and quoting from literature books related to legal writing about the definition of criminal acts, elements of

criminal acts, types of criminal acts and so on. Meanwhile, the data analysis method was carried out using a qualitative descriptive method. The data is expressed in the form of descriptions and is compiled systematically by using a deductive way of thinking, that is, a way of thinking starting from general things then drawing specific conclusions and after being selected to see the completion with the applicable provisions then concluded so that an overview of the answer regarding accountability is obtained.

RESULTS AND DISCUSSION

Results

The application of criminal law to the crime of fraud, especially in Decision No.1470/Pid.B/2022/Pn Sby

The judge in examining the criminal case, trying and finding and proving the truth based on the facts revealed in the trial, and adhering to the indictment formulated by the public prosecutor, if the indictment formulated by the public prosecutor, if the indictment contains deficiencies or mistakes, then it will be difficult for the judge to consider and assess and apply the criminal provisions in the criminal case. A criminal act causes a disaster for its victim where there is always an underlying (cause) by giving birth to an effect. In the explanation using deductive logic, criminal acts are the responsibility given for their actions.

Based on the online fraud case in the Negri Court Decision Number 1470/pid. B/2022/PN SBY, the contents of the public prosecutor's indictment against the case were read before the Surabaya State Court Panel of Judges, with the following main contents:

In the indictment, the defendant was charged with fraud according to Article 378 of the Criminal Code, with the charge of committing fraud against the witness Lia Herlina Sari. The defendant asked the witness to buy stamps at Alfamart and offered to ride the witness using the witness's Yamaha N-MAX motorcycle. After the witness handed over the motorcycle key and STNK to the defendant, the defendant took the motorcycle and left the witness at Alfamart. The witness then saw through CCTV that the motorcycle had been taken away by the defendant and reported to the police. In addition, witness Heny Puspitasari knew the defendant through Facebook, where the defendant offered a job, and they agreed to meet on February 19, 2022 at Cafe ZYBRICK, Surabaya.

b) In this case, the defendant was charged with fraud by taking advantage of the trust of the victim's witness. The defendant used a trick to move the witness Heny Puspitasari to hand over his Honda Beat motorcycle on the pretext that he was going to take a laptop and a uniform. After chatting about the job and issuing a job form to fill out as a witness, the defendant borrowed the motorcycle for this reason, while witness Amanda Diva Amalia accompanied the defendant. The witness, who believed the defendant's words, finally handed over the motorcycle keys to the defendant.

c) The defendant was charged with fraud using false identities and deception. The defendant claimed to be named Ervandi and offered a job as a cashier/waitress at the Sidoarjo restaurant through a Facebook message, claiming to be the owner of the Joglo Restaurant. After the witness Lia Herlina Sari showed interest and gave her WA number, the defendant directed the witness to make a proposal and attend an interview at Foster Puri Surya Jaya Gedangan. However, the defendant then moved the interview location to Starbuck Puri Surya Jaya. When the witness arrived at the new location, the defendant interviewed the witness and asked about the stamp, which the witness did not bring.

In the hearing at the Surabaya District Court, the Public Prosecutor demanded that the Panel of Judges decide that the defendant So Purwo Raharjo bin Sujarwo is legally and convincingly proven guilty of the crime of fraud, and impose a prison sentence of 2 years, reduced the detention period, and order that the defendant remain in custody. In addition, the prosecutor requested that evidence in the form of Yamaha NMAX MOTORCYCLES, STNK, CD CCTV recordings, clothes, vehicle license plates, helmets, BPKB, letters from lising, photocopies of BPKB, and spare keys be returned, and the defendant was required to pay a case fee of Rp 2,000.

The basis for the application of the criminal provisions by the Panel of Judges of the Surabaya State Court which examined and tried this case is basically as follows: a) With the

intention of benefiting oneself unlawfully, b) Mobilizing people to hand over something and c) By using one of the fraudulent attempts (by using a false name or false dignity, by deception, or a series of lies).

The panel of judges argued that the public prosecutor had succeeded in proving his charges, therefore the defendant was found guilty and should also be sentenced commensurate with his guilt based on Article 378 of the Criminal Code concerning fraud. The panel of judges applies provisions in the form of imprisonment for 2 (two) years reduced while the defendant is in custody and with an order that the defendant remain in custody.

Based on the position of the case as described above, it can be concluded that it is in accordance with the provisions of both formal criminal law and material criminal law and the conditions for the conviction of a defendant, this is based on the examination in the trial, the evidence submitted by the Public Prosecutor, including the testimony of witnesses who are consistent with each other plus the testimony of the defendant honestly admitting the acts he committed. Therefore, the Panel of Judges of the Surabaya State Court stated that the defendant's actions had matched the formulation of the offense contained in Article 378 of the Criminal Code concerning Fraud.

Discussion

Judge's Considerations In Issuing A Verdict Against A Criminal Act Deceit

Regarding the above issue, the author conducted a literature review through the Surabaya District Court (July 2022) which said: a) That the application of the criminal provisions against the defendant is seen from the public prosecutor's demands in the indictment and the Criminal Code violated by the defendant, in this case So Purwo Raharjo Bin Suja Rwo (Alm), b) The effectiveness of imposing sanctions on the crime of Fraud in Case Decision Number 1470/pid. B/2022/PN Sby is according to I KETUT SUARTA, S.H. (July 25, 2022) which said that: Sentence the defendant to imprisonment for 2 (two) years so that the defendant is deterred and does not repeat his actions again, c) Punishment of a process. Before this process took place, the role of the Judge was very important. He concretized the criminal sanctions contained in a regulation by imposing a criminal penalty for the defendant. So the sentence imposed is expected to resolve conflicts or conflicts and also bring a sense of peace in society. Because criminalization is not intended to suffer and is not allowed to degrade human dignity but only provides a deterrent effect.

The above description was strengthened by one of the Judges I Ketut Suarta, S.H. at the Surabaya State Court which stated as follows "The purpose of the Judge to give criminal sanctions to the convict is so that the convict no longer repeats his actions. As is well known, the purpose of infidelity is not as a means of revenge, which views crime as a punishment imposed on the perpetrator of a criminal act. This is because the purpose of the crime has developed in a rational direction."

The consequences of the existence of law in the judge's decision must reflect justice, but the issue of justice will not stop with legal considerations alone, but the issue of justice is usually linked to the individual interests of justice seekers, and that means justice according to the law is often interpreted as a victory and defeat by justice seekers. It is important to provide an understanding that justice is abstract, depending on which side we look at it. Therefore, in order to maximize the 58 legal objectives, we not only meet the sense of legal certainty but also the sense of justice.

Based on the case in case decision Number 1470/pid. B/2022/PN Sby stated that the consideration of the Panel of Judges of the Surabaya State Court who examined and adjudicated this case was basically as follows: a) That it was true on Saturday, February 5, 2022 at approximately 11.00 WIB at Alfamart, Jalan Raya Pabean No.71-A Sedati Sidoarjo or at least somewhere that is still included in the jurisdiction of the Surabaya District Court, deliberately and unlawfully claiming to be his own property of a white and blue Honda Beat motorcycle No.Pol L 4654 WA year 2017 Noka MH1JM2116HK421-730 Nosin JM21E1412025 which wholly or partially belonged to another person, namely belonging to the witness Lia Herlina Sari.

CONCLUSION

Based on the results of the research that has been carried out, several findings have been obtained, including: 1) The application of the Criminal Law Provisions for Perpetrators of Fraud in Criminal Cases contained in Decision Number 1470/pid. B/2022/PN Sby, has implemented Article 378 of the Criminal Code concerning the Crime of Fraud which is in accordance with the factors of the perpetrator's actions who have taken 1 (one) unit of Yamaha N-MAX 2DP Motorcycle in 2015 to the victim by deceiving, and the sanctions given are also in accordance with the material crime. And during the trial examination, no reasons for the removal of responsibility were found and must be appropriately sanctioned for his actions and 2) Legal Considerations of the Judge in imposing criminal sanctions against the perpetrators of the Decision Number 1470/pid. B/2022/PN Sby, in legal consideration by the judge prioritizing self-improvement against the defendant, can be seen in the provision of the lightest punishment based on Article 378 of the Criminal Code on Fraud. He should have received the appropriate punishment stipulated in the Article, but due to various considerations by the judge to give the defendant the opportunity to be able to improve himself further so that he would not repeat his unlawful acts in the future. The suggestions from the results of this study are 1) Judges should first consider the impact caused by the actions of a person who commits a criminal act and 2) It is hoped that the government and the community will play an active role in creating a conducive atmosphere in society such as providing legal counseling in the community as a preventive effort by building intelligence spiritual.

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AUTHOR CONTRIBUTION STATEMENT

Martianus Dirman and Vieta Imelda Cornelis jointly contributed to the conceptualization and overall design of the study using a normative juridical approach. Martianus Dirman was primarily responsible for data collection of primary and secondary legal materials, legal analysis and interpretation of criminal law elements and judicial considerations, and drafting the original manuscript. Vieta Imelda Cornelis contributed to methodology refinement, literature review and theoretical framework development, validation of legal arguments and manuscript structure, as well as formatting and preparation of the manuscript for submission. Both authors were involved in reviewing and editing the manuscript and have read and approved the final version of the manuscript.

REFERENCES

- Alabi, O. F., & David, A. A. (2023). Framework for detection of fraud at point of sale on electronic commerce sites using logistic regression. *EAI Endorsed Transactions on Scalable Information Systems*, 10(2). <https://doi.org/10.4108/eetsis.v10i2.1596>
- Amran, M. F. R., Asriati, A., & Arifin, M. Y. R. (2025). A criminological review of online fraud crimes. *Horizon Public Legal Studies*, 1(2). <https://doi.org/10.56087/hegels.v1i2.948>
- Bawornchai, D., Aonnom, I., Kitchombhu, S., Cheuaprakhobkit, S., Kanthasi, M., Netthip, W., & Nhomchopphitak, P. (2025). Developing guidelines for the prevention and suppression of online fraud crimes: Guidelines for law enforcement by police officials in the investigation. *Nimitmai Review Journal*, 8(2), 1–17.
- Cakra Rismanda, R. G., & Ginting, R. (2018). Faktor-faktor penyebab tindak pidana penyalahgunaan

- narkotika di Kota Surakarta. *Recidive: Jurnal Hukum Pidana dan Penanggulangan Kejahatan*, 6(2), 227–243.
- Dirman, M., & Cornelis, V. I. (2023). Tinjauan yuridis terhadap putusan tindak pidana penipuan online terhadap lowongan kerja (Studi kasus No. Perkara 1470/Pid.B/2022/PN Sby). *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, 3(3), 2650–2666.
- Hanifiyah, R. (2022). *Law enforcement of online business fraud crimes according to positive law and Islamic law (Study on Court Decision Number 975/PID.Sus/2018/PN Mks)* [Undergraduate thesis, Universitas Islam Negeri Syarif Hidayatullah Jakarta].
- Harefa, S. (2019). Criminal law protection on online fraud victims. *Veteran Law Review*, 2(1), 33–45.
- Islamy, O. A. Z. A., & Nugroho, T. (2024). Fair legal measures: Addressing cybercrime through a juridical lens in cases of online fraud. *Mimbar Keadilan*, 17(1), 62–74.
- Karim, K., Herman, B., & Syahril, M. A. F. (2021). Criminological analysis of online buying fraud. *DME Journal of Law*, 2(1), 10–16. <https://doi.org/10.53361/DMEJL.v2i01.0002>
- Kharitonov, S. O. (2023). Fraud prevention subjects in the sphere of electronic commerce. *Analytical and Comparative Jurisprudence*, (5). <https://doi.org/10.24144/2788-6018.2023.05.90>
- Liu, A., & Piao, S. (2024). Research on laws, regulations, and policies of internet fraud. *Journal of Education, Humanities and Social Sciences*, 28, 257–264.
- Lutfiyana, A. (2021). Online buying and selling fraud in Indonesia and its criminal law enforcement. *Law Research Review Quarterly*, 7(1), 53–68.
- Munik, A., Syabana, F. A., Wijayanto, E. E., Rasya, A., & Sufiarina, S. (2023). Law enforcement and factors background to the crime of fraud in online selling transactions in Indonesia. *International Journal of Social, Policy and Law*, 4(2), 47–55. <https://doi.org/10.8888/ijospl.v4i2.128>
- Ndruru, R., & Sahlepi, M. A. (2025). Analysis of online fraud crimes with cashback and commission offer modes through online media. In *Proceedings of the International Conference on Islamic Community Studies* (pp. 1279–1285).
- Priyati, S., Sudarsono, G. P., Sumartini, S., Permana, D. B., & Swastika, P. A. E. (2024). Legal liability for the crime of data theft in fake job postings. *Acitya Wisesa: Journal of Multidisciplinary Research*, 57–70.
- Raghava-Raju, A. (2017). Predicting fraud in electronic commerce: Fraud detection techniques in e-commerce. *International Journal of Computer Applications*, 171(2). <https://doi.org/10.5120/ijca2017914977>
- Ramadani, S. (2017). Juridical review of the criminal act of online fraud reviewed from Law Number 19 of 2016 concerning information and electronic transactions. *Jurnal Cakrawala Hukum*, 8(1).
- Silalahi, D. H. (2018). Penanggulangan tindak pidana penyalahgunaan narkotika di SATRES Narkoba Polres Tebing Tinggi. *Jurnal Ilmiah Penegakan Hukum*, 5(2), 60–67. <https://doi.org/10.31289/jiph.v5i2.2182>
- Ulfah, Q. (2024). Analysis of the phenomenon of online scams in online job searches syndicated with trafficking crimes: International law perspective. *Nomoi Law Review*, 5(1), 70–82.
- Widhaningroem, S., & Widowaty, Y. (2024). Juridical study on investigation of fraud crime cases in e-commerce in Indonesia. *LAW & PASS: International Journal of Law, Public Administration and Social Studies*, 1(2), 150–161.
- Yuhernawa, Z. A. F., & Fakrulloh, Z. A. (2021). Juridical analysis of criminal law enforcement on the criminal acts of online business fraud. In *Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education (ICLSSEE 2021)* (p. 189). European Alliance for Innovation. <https://doi.org/10.4108/eai.6-3-2021.2306888>
- Zahra, A. M., Pawennai, M., & Faisal, M. (2025). Legal consequences for perpetrators of online fraud crimes on electronic social media. *Horizon Public Legal Studies*, 1(2).