

OJK EFFORTS IN COMMITTING FRAUD ONLINE ARISAN

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Abstract

Online arisan is an arisan activity that is carried out online through social media. fellow members of the arisan may or may not know each other. Because there are factors that can know each other and do not know each other fellow members resulting in fraud. The purpose of this research is 1. To find out the Online Research Mode. online gathering. This research uses a qualitative method with a research model to obtain data from observing videos on the Youtube channel. The source of the data in this study was obtained from Youtube. The method of analysis in this research is by watching, observing, and listening to content about online arisan fraud. This is done because the data in this study is in the form of content found on YouTube. Data certainty is very important so it requires accuracy in collecting data. The modes used in online arisan fraud vary widely from investments, online deposits, online arisan and auctions. In Islamic law arisan is allowed if the principle being carried out is mutual help (ta'awun) unless there is actions that are prohibited by Islam. The Financial Services Authority (OJK) as the supervisory agency for all activities in the financial services sector in Indonesia reminds the public before investing to pay attention to the legality of each investment instrument to avoid this online-based illegal investment. . The legal defense carried out by OJK is in the form of orders for financial service institutions to take action against consumer claims that have suffered losses and expect compensation due to violations of regulations in the financial services sector. Repressive protection is also carried out through enforcement of criminal, civil and administrative sanctions. Law enforcement against perpetrators of fraud through online-based illegal securities companies has not been explicitly regulated in a specific law that can be burdensome to perpetrators. In Islamic law arisan is permissible and the law is permissible if the principle being carried out is mutual help (ta'awun) unless there are actions that are prohibited by Islam. in Islamic law including Saddu Dzariah. Saddu Sdzariah is a method of establishing Islamic law by closing roads that are considered to lead to actions that are harmful and prohibited. If this media leads to work recommended by Islamic law, then it is recommended, but if it affects something that is forbidden, then the law is not permissible. Based on the Saddu Dzariah method, it implies that it is prohibited to carry out actions that bring benefits and are prohibited, such as online arisan fraud.

Keywords: Arisan, Fraud, Islamic Law, Saddu Dzariah, OJK

Introduction

There are several scientific literatures that specifically examine online arisan fraud and the role of OJK in tackling online arisan fraud. The details of the study have a different focus. The first is research by Gultom (2022) regarding perpetrators of criminal acts of fraud using the online arisan mode. This research uses an empirical juridical legal approach which is part of a qualitative method with the results showing that in uncovering the motives of perpetrators of fraud With the online arisan mode, it requires a criminological point of view, which in the end it is known that the motive is due to the motive for wanting to get money instantly (economic motive), the motive is because people are not careful in social media and because it is easy to commit fraud with social media (socio-cultural motives) . Research related to crime was also carried out by other academics, namely by (Brigita & Eko, 2021). This research found the results of internal factors consisting of limited expert personnel . While external factors consist of community factors, economic factors, environmental factors, and information technology advancement factors.

If the two studies above emphasize aspects related to the perpetrators of criminal acts of fraud, then there are also other studies that emphasize aspects of legal protection and forms of accountability to perpetrators of criminal acts. For example, Dimas, et. al., (2022) in his research found that several regulations including the Criminal Code, the ITE Law, and the Law on Information and Electronic Transactions do not specifically regulate criminal acts of fraud. So far, the crime of fraud itself is regulated in Article 378 of the Criminal Code (KUHP). Research related to law enforcement has also been carried out by other academics, namely by (Erlin, et, al., (2021) the results of this research I Criminal Sanctions Against Perpetrators contained in Law No. 19 of 2016 concerning ITE does not specifically regulate provisions regarding criminal acts of fraud but the law can still be applied to impose sanctions on perpetrators who carry out criminal acts of online fraud and be held accountable for their actions Article 28 paragraph (1) and Article 45 A paragraph (1) of Law No. 19 of 2016 can be imposed on perpetrators if consumer losses arise with transactions carried out including online arisan activities. Other research related to law enforcement has also been carried out by Ika (2018) who found that the form of criminal responsibility for perpetrators of online fraud crimes can only be sentenced using article 28 paragraph (1) juncto article 45 paragraph (2) Law Number 8 of 2011 Concerning Information and Electronic Transactions Article 378 of the Criminal Code concerning criminal acts of fraud cannot be used to burden perpetrators of online fraud to be held accountable for their actions.

In addition to aspects of crime and legal protection, there are also several studies that pay attention to social gathering law in Islam. This was carried out by Rozikin (2019) who researched the law of arisan in Islam, this research found results, it was found that the strongest law for arisan is mubah. Arisan is said to be mubah because the fact of arisan is a qordh (debt) fact, while Islamic law allows qordh contracts and the Prophet himself also made qordh contracts. All the arguments that forbid it can be explained by their weaknesses because they are not in accordance with the facts of the gathering and the facts of the argument that are used as evidence. This is in line with the research of Ramadita, et, all., (2020) who researched arisan in Banyuwangi, East Java, who argued that this arisan practice was included in debt agreements. The agreement in this arisan is legal in accordance with Article 1320, the Banyuwangi Regency scholars have different opinions regarding the validity status of this arisan contract. The majority of scholars do not allow it because there are elements of usury and injustice. While some scholars allow it on the basis that online arisan contains an element of mutual help which is permissible in Islam.

Samsul's research (2016) is indeed an important finding where the protection and role of OJK in protecting consumers in the field of financial services. This research is reinforced by Ayu, et, all., (2022) As for preventive legal protection by the Financial Services Authority, namely the existence of rules to prevent violations that can cause losses contained in Law no. 21 of 2011 regarding OJK in articles 28 and 29. Furthermore, repressive legal protection is carried out by establishing an Investment Alert Task Force, forming an Investor Protection Fund (IPF), issuing POJK no. 1/POJK.07/2013 regarding Consumer Protection in the Financial Services Sector and if a dispute occurs between a consumer and a financial service institution, the OJK has the authority to conduct legal defense for the public as consumers. Repressive legal protection is also regulated by civil, criminal and administrative law.

Based on the research above, the research conducted by the author has differences with the research that has been described. In this study, the authors discuss criminal acts or modes of online arisan fraud, as well as online arisan laws according to Islamic law and the efforts of the OJK in tackling online fraud.

Methods

This research uses qualitative methods with research models to obtain data from observing videos on the Youtube channel. The qualitative method itself is a research process to describe or examine in detail the phenomena that occur in society or society by describing complex and detailed problems that can be provided in the form of written or spoken language from sources of informants or observed actors.

The data source in this study was obtained from Youtube. Because social media YouTube provides updated information about online arisan fraud without having to do face-to-face research and can be watched repeatedly. In addition, the researcher determines keywords to search for data that will be watched, in this case the author uses the keyword "Online Arisan Fraud". Furthermore, the technique used in processing this research is by listening and observing videos, selecting YouTube content about online arisan fraud from 2020-2022, verified YouTube accounts, based on personal testimonials and not including short videos and then analyzing and concluding the data.

The method of analysis in this study is by watching, observing, and listening to content about online arisan fraud. This is done because the data in this study is in the form of content found on YouTube. Data certainty is very important so it requires accuracy in retrieving data.

Findings and Discussions

Cases of online arisan fraud are currently rife in society. Here is data about online arisan fraud on Youtube:

Year	Incoming Report	Youtube Content Name	Victim	mode
2021	5 Cases	Kompas TV, CNN Indonesia, Inews.id	168 people	Investment, social gathering online.
2022	11 Cases	Kompas TV, inews.id, Tribunnews, CNN Indonesia,	293 people	Online gathering, the lure of 2x fold profits, auctions, promises big profits, online deposits and investments
2023	4 cases	Kompas TV, Tribunnews, CNN Indonesia	40 people	Redeem auction, offering social gathering with the lure of multiple profits within 1 month.

Source: Youtube

According to the table above, it is known that reports of online gathering fraud in 2021 recorded 5 cases with a total of 168 victims, while in 2022 there was an increase of 11 cases with 293 victims and in 2023 there were 4 cases with a total of 40 victims. , proves that cases of online arisan fraud are rife in society.

Based on the table above, the mode with the investment mechanism, from the investment mechanism, the suspect offers an investment mode and online arisan with 2x the profit within 1 week to 1 month, the victim said the money transfer disbursement scheme ran smoothly, even proof of the transfer was always uploaded by the perpetrator via WhatsApp grub containing 180 people from various regions, but after a few weeks of meetings after the number of members of the arisan increased from outside the area the suspect suddenly disappeared when disbursing the victims' funds, each victim invested funds varying from millions of rupiahs to hundreds of millions of rupiahs, even though the victims admitted that they usually got the benefit of the funds which was deposited up to almost 50%. This is because according to one of the victims in the grub whatsapp arisan & online investment there was a civil servant, police officer, bank employee, so he made himself believe that the owner of this online arisan & investment scam would be trustworthy and safe. Online gathering & online investment has also been running for a long time. It turned out that when this victim entered and participated in this online gathering & investment in June 2022 the money never came out. The victims have tried to find the owner of this social gathering through the owner's address based on the owner's KTP, but they did not find a bright spot, the victims agreed to report to the police.

Then, with the mode of online deposit and online gathering throughout 2022, perpetrators under the guise of the online gathering mode have multiplied and deposits have also multiplied. For example, one person depositing 10 million will get a profit of 15 million and multiples thereafter, in this case, it was found that there were around 60 victims with losses of around 10 billion suffered by these 60 people and each victim varied in total losses, the perpetrators of online arisan owners this carried out its action through the whatsapp grub, one of the victims explained that one of these victims recognized the perpetrator because several times they had made online deposit transactions and online social gatherings. Initially this online arisan deposit went smoothly and smoothly, but right in October 2022 the perpetrator's whereabouts were unknown so the victims reported it to the authorities with evidence of the modus operandi that had been offered by the previous perpetrator.

Furthermore, the auction redemption mode, in this mode the perpetrator offers the modus operandi of the auction redemption system and then sells it through online media in the form of Facebook or other websites, from the first month to the third month there are still many who benefit from this auction redemption mode, the perpetrator is really pay the victims with promised benefits of 30% – 100%. Then, the perpetrator blocks or does not allow the victims to take the main thing just profit. Supposedly, the perpetrator pays the profits to the victim, but in reality the perpetrator runs away. There are around 150 women who have become victims of the fake arisan using this auction mode of redemption with an estimated loss of around Rp. 6.3 billion. The perpetrator admitted that the money was made for a spree to buy cars and gold. The perpetrator also admitted that he was willing to deceive the victim because he could not stand the hard life. The perpetrators also set up a confectionery shop business of Rp. 150 million, which was then used to create a beauty salon with a value of Rp. 150 million, then to double social gathering money of Rp. 35 million, then a gold credit of Rp. 78 million. Rp. 100 million was also used to build a private house, the remainder was used for daily needs and splurging. About 105 victims of fraud reported to the police with total losses ranging from IDR 4 million to IDR 1 billion.

Law of Implementation of Online Gathering According to Islamic Law

Various online arisan mechanisms actually have the same characteristics, namely always promising multiple benefits and a fast process. So that people are easily attracted and trusted, this is what has resulted in online arisan fraud which is rife today. Online arisan is an activity that is currently happening in the community during Covid 19, currently online arisan is a very popular phenomenon among Indonesian people. There are arisan that are against Islamic law and there are also those that are mutually beneficial to fellow human beings by providing mutual assistance with conditions made at the beginning of the meeting and agreed by all members of the arisan. Rules or conditions are made in an arisan group to avoid misunderstandings and not harm one party.

Islamic law is a sharia which means rules made by Allah for his people brought by the Prophet Muhammad, both laws related to beliefs and laws related to actions made by humans. Sharia arisan law, namely arisan is muamalat which has never been discussed in the Al-Qur'an and As-Sunnah directly, so the law is returned to the law of muamalah origin, which is permissible (mubah).

Conclusion

Various new modes of crime have emerged as technology has developed, one of which is arisan fraud. The modes used in arisan fraud are very diverse, namely: online arisan, investment, online deposits, auctions.

In Islamic law arisan is permissible and the law is permissible if the principle being carried out is mutual help (ta'awun) unless there are actions that are prohibited by Islam. in Islamic law including Saddu Dzariah. Saddu Dzariah is a method of establishing Islamic law by closing roads that are considered to lead to actions that are harmful and prohibited. If this media leads to work recommended by Islamic law, then it is recommended, but if it impacts something that is forbidden, then the law is not permissible. Based on the Saddu Dzariah method, it implies that it is prohibited to carry out actions that bring benefits and are prohibited, such as online arisan fraud.

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