

## ABSTRAK

### PERLINDUNGAN HUKUM TERHADAP KORBAN TINDAK PIDANA PENIPUAN ARISAN *ONLINE* (Studi Putusan Nomor 897/Pid.B/2020/PN Btm)

Tamimi Pratiwi \*

Kasus penipuan yang terjadi akhir-akhir ini semakin membuat resah saja. Salah satu bentuk penipuan adalah tindak pidana penipuan arisan. Rumusan masalah dalam tesis ini adalah bagaimana pengaturan perlindungan hukum terhadap korban tindak pidana arisan *online*, bagaimana pertanggungjawaban pidana pelaku tindak pidana arisan *online*, bagaimana analisis pertimbangan hukum hakim dalam putusan Nomor 897/Pid.B/2020/PN Btm

Penelitian yang dilakukan adalah penelitian hukum yuridis normatif dengan pendekatan yuridis empiris dengan menggunakan data primer dan didukung dengan data sekunder berupa bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier.

Berdasarkan hasil penelitian dipahami bahwa pengaturan perlindungan hukum terhadap korban tindak pidana arisan *online* adalah Pasal 28 ayat (1) Jo. Pasal 45A ayat (1) Undang-Undang Nomor 19 Tahun 2016 atas Perubahan Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik dan Pasal 378 KUHP yang mengatur tentang tindak pidana penipuan. Khusus dalam putusan Nomor 897/Pid.B/2020/PN Btm, bahwa pelaku dikenakan sanksi pidana sebagaimana diatur dalam Pasal 378 KUHP. Pertanggungjawaban pidana pelaku tindak pidana arisan *online* adalah perbuatan terdakwa telah sesuai dengan dakwaan primair dari Jaksa Penuntut Umum dan telah memenuhi unsur Pasal 378 KUHP sehingga terdakwa dijatuhi pidana penjara selama 3 (tiga) bulan dan 15 (lima belas). Analisis pertimbangan hukum hakim dalam putusan Nomor 897/Pid.B/2020/PN Btm adalah pada diri terdakwa tidak ada alasan pembeda dan alasan pemaaf atas perbuatan yang dilakukan oleh terdakwa, sehingga terdakwa harus mempertanggungjawabkan perbuatan sesuai dengan putusan yang dijatuhkan oleh Hakim bahwa terdakwa secara sah dan meyakinkan bersalah melakukan tindak pidana sebagaimana dalam dakwaan alternatif Kesatu Penuntut Umum

**Kata Kunci: Perlindungan Hukum, Korban, Penipuan.**

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## **ABSTRACT**

### **LEGAL PROTECTION AGAINST VICTIMS OF CRIMINAL ACTIONS OF ONLINE ARISAN FRAUD (Study of Decision Number 897/Pid.B/2020/PN Btm)**

**Tamimi Pratiwi\***

*The cases of fraud that have occurred recently are getting more and more unsettling. One form of fraud is the criminal act of social gathering fraud. The formulation of the problem in this thesis is how to regulate legal protection for victims of online social gathering crimes, how is the criminal responsibility of perpetrators of online social gatherings, how is the analysis of the judge's legal considerations in decision Number 897/Pid.B/2020/PN Btm.*

*The research carried out is normative juridical law research with an empirical juridical approach using primary data and supported by secondary data in the form of primary legal materials, secondary legal materials and tertiary legal materials.*

*Based on the results of the study, it is understood that the regulation of legal protection for victims of online social gathering is Article 28 paragraph (1) Jo. Article 45A paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions and Article 378 of the Criminal Code which regulates the crime of fraud. Specifically in the decision Number 897/Pid.B/2020/PN Btm, that the perpetrator is subject to criminal sanctions as stipulated in Article 378 of the Criminal Code. The criminal responsibility of the perpetrators of the online social gathering crime is that the defendant's actions have been in accordance with the primary indictment of the Public Prosecutor and have fulfilled the elements of Article 378 of the Criminal Code so that the defendant was sentenced to imprisonment for 3 (three) months and 15 (fifteen). The analysis of the judge's legal considerations in the decision Number 897/Pid.B/2020/PN Btm is that the defendant has no justification and excuse for the actions committed by the defendant, so the defendant must be held accountable for his actions in accordance with the decision handed down by the judge that the defendant is legally responsible for his actions. legally and convincingly guilty of committing a crime as stated in the alternative indictment of the First Public Prosecutor*

**Keywords: Legal Protection, Victims, Fraud**

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