

**ANALISIS KRIMINOLOGI DAN VIKTIMOLOGI TERHADAP TINDAK
PIDANA PENIPUAN MELALUI TRANSAKSI *ONLINE* BERDASARKAN
UNDANG-UNDANG NOMOR 19 TAHUN 2016 TENTANG PERUBAHAN
ATAS UNDANG-UNDANG NOMOR 11 TAHUN 2008 TENTANG
INFORMASI DAN TRANSAKSI ELEKTRONIK**

Restu Guspriyoga*
Prof.Dr.H.M. Yamin Lubis, S.H., M.S.,C.N**
Dr. Indra Gunawan Purba,S.H.,M.Hum**

ABSTRAK

Dewasa ini, tindak pidana penipuan melalui media elektronik masih marak dan masif terjadi di Indonesia. Permasalahan yang dibahas tentang pengaturan tindak pidana penipuan melalui transaksi *online* berdasarkan Undang-Undang Nomor 19 Tahun 2016 Tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, peranan kriminologi dalam tindak pidana penipuan melalui transaksi online, dan peranan viktimologi dalam tindak pidana penipuan melalui transaksi online.

Metode penelitian yang digunakan adalah deskriptif analitis, jenis penelitian yang digunakan adalah yuridis normatif, alat pengumpulan data penelitian ini menggunakan Penelitian Kepustakaan (*Library Research*). Analisis data yang digunakan adalah dengan menggunakan metode kualitatif yang menghasilkan data deskriptif-analitis.

Pengaturan hukum penipuan transaksi elektronik diatur pada Pasal 28 Ayat (1) UU ITE, mengenai sanksi pidana diatur dalam Pasal 45A Ayat (1) UU ITE. Terjadinya tindak pidana penipuan di media *online* (internet) di pengaruhi berbagai faktor, antara lain pada faktor masyarakat, faktor kultur budaya dan faktor lingkungan. UU ITE hanya mengatur satu pasal pidana pokok dan acaman pidana yang diberikan kepada pelaku, tetapi belum menjelaskan perlindungan kepada korban. Korban seringkali lebih menuntut ganti rugi yang bersifat meteril kepada si pelaku agar haknya di kembalikan karena kerugian yang di dapatkan oleh korban itu sendiri. Perlunya melakukan sosialisasi kepada masyarakat mengenai bentuk penipuan transaksi *online* yang sering dilakukan oleh pelaku kejahatan dan mensosialisasikan. Masyarakat lebih teliti lagi dalam bertransaksi secara *online* dan memperhatikan keamanan secara menyeluruh.

Kata Kunci : Kriminologi, Viktimologi, Penipuan *Online*

Utara * Mahasiswa Program Studi Magister Ilmu Hukum Universitas Islam Sumatera

** Dosen Pembimbing

**CRIMINOLOGICAL AND VICTIMOLOGICAL ANALYSIS OF FRAUD
CRIMINAL ACTIONS THROUGH ONLINE TRANSACTIONS BASED ON
LAW NUMBER 19 OF 2016 CONCERNING AMENDMENTS TO LAW
NUMBER 11 OF 2008 CONCERNING ELECTRONIC INFORMATION
AND TRANSACTIONS**

Restu Guspriyoga*
Prof.Dr.H.M. Yamin Lubis, S.H., M.S.,C.N**
Dr. Indra Gunawan Purba,S.H.,M.Hum**

ABSTRACT

Nowadays, fraudulent acts through electronic media are still rampant and massive in Indonesia. The issues discussed are the regulation of fraudulent acts through online transactions based on Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, the role of criminology in fraudulent acts through online transactions, and the role of victimology in fraudulent acts through online transactions.

The research method used is descriptive analytical, the type of research used is normative juridical, the data collection tool for this research uses Library Research. The data analysis used is by using a qualitative method that produces descriptive-analytical data.

The legal provisions for electronic transaction fraud are regulated in Article 28 Paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, while criminal sanctions are regulated in the provisions of Article 45A Paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions. The occurrence of criminal acts of fraud in online media (internet) is influenced by various factors, including community factors, cultural factors and environmental factors. Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions only regulates one main criminal article and the criminal threat given to the perpetrator, but has not explained the protection for the victim. Victims often demand more material compensation from the perpetrator so that their rights are returned because of the losses suffered by the victim himself. The need to conduct socialization to the public regarding the forms of online transaction fraud that are often carried out by criminals and to socialize Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions. The public is more careful in transacting online and pays attention to security as a whole.

Keywords: Criminology, Victimology, Online Fraud

Utara ^{3*} Mahasiswa Program Studi Magister Ilmu Hukum Universitas Islam Sumatera

^{**} Dosen Pembimbing