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LAW ENFORCEMENT EDUCATION ON THE CRIMINAL ACTS OF EMBEZZLEMENT IN ONLINE ARISAN IN GARUT REGENCY

Yusep Mulyana¹, Berna Ermaya²

^{1,2} Universitas pasundan

Inputed : October 07, 2025
Accepted : November 11, 2025

Revised : October 10, 2025
Published : November 27, 2025

Abstract

This research uses a normative juridical method that focuses on the analysis of positive legal norms related to law enforcement against criminal acts of embezzlement in online arisan in Garut Regency. The results of the analysis show that law enforcement conducted by the police consists of two stages, namely preventive efforts through public appeals and socialization, and repressive efforts through investigation, inquiry, examination, and case submission to the Public Prosecutor. Inhibiting factors in law enforcement include limited facilities and infrastructure, limited technological capabilities, operational cost constraints, and low public legal awareness. The results of the analysis show that law enforcement efforts carried out by the police are taken through two stages, namely the prevention stage (preventive) and the enforcement stage (repressive). Prevention (preventive) carried out by the police is two stages starting from appealing to the public through social media and carrying out socialization to the community, then at the stage of law enforcement through enforcement (repressive) carried out by investigators and police investigators through several stages, namely the investigation stage, the investigation stage, the examination stage and the settlement stage and the handover of the case to the Public Prosecutor. The police as the front line strives for the best for the community, all stages of law enforcement are guided by the Criminal Procedure Code (KUHP) starting from investigations, namely collecting evidence, witnesses, summoning related parties to summoning suspects and making an Examination Report (BAP). Inhibiting factors in Law Enforcement Against the Crime of Embezzlement in Online Arisan in Garut Regency are factors of means and facilities, law enforcement factors, operational cost factors, and community factors to support the investigation process in efforts to examine the disclosure of perpetrators of online arisan embezzlement in the Police's jurisdiction.

Keywords : Law Enforcement, Criminal Acts of Embezzlement, Online Arisan

Citation :

Mulyana, Y., Ermaya, B. 2025. Law Enforcement Education on The Criminal Acts of Embezzlement in Online Arisan in Garut Regency. *MSJ: Majority Science Journal*, 3(4), 97-104.

Corresponding Author:

Author name* Yusep Mulyana

Email* yusep.mulyana@unpas.ac.id

1. Introduction

In this digital era, crime is on the rise, carried out in various ways, including online arisan (social savings and credit) crimes, which are aimed at personal gain. These arisan activities are commonly carried out by people for economic reasons.

Cybercrime is a crime committed by an individual or group using computers and other telecommunications equipment. Anyone with knowledge and skill in operating a computer, such as an operator, programmer, analyst, consumer, manager, or cashier, can commit cybercrime (Agus Raharjo. 2015). Common methods include data corruption, data theft, and illegal use. In addition to online buying and selling, online arisan (social gathering) is also popular, with many people committing crimes online, with unreasonable rules and activities that lead to embezzlement.

In today's technological world, there are many acts of embezzlement and gambling through social media (the internet). These crimes are increasingly developing in Indonesia through cyber media, and many ways people commit crimes in various ways. Recently, there



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have been many cases from social media such as Facebook, Instagram, Twitter, WhatsApp, Line, BBM and others where many people use these social media, almost all groups already have accounts or media that have been mentioned.

One way to profit through social media, which is now often heard of, is through online arisan (social gathering). Online arisan is a group of people who collect money regularly at certain periods (Agoeng Noeroho, 2010). Once the money is collected, one member of the group will emerge as the winner of the arisan. Arisan operates outside the formal economy as another system for saving money (<https://repository.unsri.ac.id/2022>). However, this activity is also intended for meetings that have a "forced" element because members are required to pay and attend each time a draw is held. And in a relationship in social life, there are relationships that are difficult to assess with money, such as mental or physical disabilities due to someone's actions.

Laws are created to protect human interests, ensuring their protection. Laws must be coercive and coercive. If violations occur, they must be enforced, ensuring the law becomes a reality and guaranteeing legal certainty and justice. (Max Boli Sabon, 2019).

According to Sudikno Mertokusumo, three elements must always be considered in law enforcement (Sudikno Mertokusumo, 2014):

1. The existence of legal certainty, which is justifiable against arbitrary actions, which means that a person will be able to obtain something that he hopes for in certain circumstances. Society expects legal certainty that is obeyed, the implementation of the law must be normal and peaceful without any.

2. Benefit is the implementation of law enforcement which must provide benefits or utility for the community, do not let the implementation or enforcement of the law cause unrest in the community.

3. Justice, in the implementation or enforcement of the law must be fair. The law is general in nature, binding on everyone. It is of a disguised nature (everyone who commits a crime must be punished, without discriminating who committed the crime).

In law enforcement, there must be a link between these three elements to ensure that law enforcement complies with existing regulations and runs properly. However, in practice and implementation, it's not as straightforward as attempting to enforce the law fairly and equitably, without unilaterally choosing among the three elements mentioned above.

Online arisan is very profitable, but its activities are inseparable from the role of law, particularly civil law, which regulates contracts, and criminal law, as stipulated in the Criminal Code (KUHP), which contains criminal sanctions. A contract requires at least one right and one obligation. An agreement can give rise to one or more contracts, depending on the form of the agreement.

Elements of Objective Embezzlement in embezzlement include the act of an object that is partly or wholly owned by another person, which is in his control not because of a crime. Subjective elements include deliberate embezzlement and embezzlement against the law of the legal rules that apply to the community that violates it. Which is stated in Article 372 of the Criminal Code: "Anyone who intentionally and unlawfully claims as his own property something that is wholly or partly owned by another person, but which is in his control not because of a crime, is threatened, for embezzlement, with a maximum imprisonment of four years or a maximum fine of sixty thousand rupiahs." It is clear that those who commit the crime of embezzlement must be given sanctions or criminal responsibility by the arisan members who are harmed, in the form of replacing the money or reporting to the authorities (Police) (Letezia Tobing, 2022).

Regarding the case of embezzlement of arisan (social savings) through an online system, existing laws and regulations, such as Article 372 and Article 378 of the Criminal Code, apply. Based on the aforementioned articles, it is understood that the Republic of Indonesia, as a nation governed by law, must follow up on any criminal act, regardless of its form or motivation, in accordance with applicable provisions and by authorized law



enforcement officials. Therefore, the crime of embezzlement of online arisan (social savings) should be addressed, minimized, or even eradicated.

11 Online Arisan is a group of people who carry out Electronic Transactions, which are meant by Electronic Transactions according to the Republic of Indonesia Law Number 19 of 2016 concerning Information and Electronic Transactions regarding amendments to Law Number 11 of 2008, electronic transactions are the law carried out using computers, computer networks and/or other Electronic Media, according to the ITE Law Article 28 paragraph (1): "Any person who intentionally and without the right to spread false and misleading news that results in consumer losses in Electronic Transactions". This means that perpetrators of crimes are not only in the community but also on social media, and this Online Arisan can also be charged with the ITE Law, one of which is Article 28 of Law Number 1 of 2024.

Arisan is a form of activity in which it is used to collect money or can be said to save in the form of funds and can also be in the form of goods that have the same value which is done by a group of people after which a draw is made to determine who gets it at that time and the draw is carried out periodically until all members of the arisan get it. As time goes by, arisan is also done via the internet and is called online arisan, and this online arisan activity has many reports of embezzlement regarding online arisan activities which have increased.

The novelty of this study lies in its specific analysis of law enforcement against online arisan fraud in Garut Regency through a combination of the application of the Criminal Code and the Electronic Information and Transactions Law, as well as the disclosure of preventive-repressive mechanisms and technical obstacles faced by law enforcement officials at the regional level. This study provides a new contribution in the form of an empirical and practical overview of the challenges of enforcing the law on trust-based digital crime in Indonesia.

This study will describe in depth the implementation of applicable laws, the law enforcement mechanisms by law enforcement officers, and the obstacles faced in practice, so as to provide a comprehensive picture of the effectiveness of law enforcement against cases of embezzlement in online social gatherings in the Garut Regency area.

2. Method

7 This study uses a normative juridical method that focuses on the study of positive legal norms related to law enforcement against criminal acts of embezzlement in online social gatherings in Garut Regency (Soerjono Soekanto and Sri Mamudji, 2015). The approach used includes a statute approach to examine legal provisions such as the Criminal Code, Law Number 1 of 2024 concerning amendments to Law 11 of 2008 concerning Information and Electronic Transactions (ITE), and Law Number 8 of 1999 concerning Consumer Protection, and a conceptual approach to understand the theory of law enforcement, criminal liability, and legal counseling (Peter Mahmud Marzuki, 2017).

The legal materials used consist of primary, secondary, and tertiary legal materials, obtained through literature studies by tracing laws and regulations, books, journals, and other scientific sources (Zainuddin Ali, 2014; Johnny Ibrahim, 2016). The analysis was conducted qualitatively using the deductive method, namely drawing conclusions from general legal norms towards their application to concrete cases in society. This study aims to assess the effectiveness of legal counseling in increasing public legal awareness and preventing embezzlement of funds in online arisan activities in Garut Regency.

3. Results and Discussion

Law Enforcement Against Criminal Acts of Embezzlement in Online Arisan in Garut Regency

4 Online Arisan embezzlement cases within the police jurisdiction, namely based on the role of the police legal apparatus, criminal acts of online arisan embezzlement can be prosecuted. Law enforcement efforts carried out by the police are carried out in two stages: the preventive stage and the repressive stage.



Law Number 1 of 2024 concerning amendments to Law 11 of 2008 concerning electronic information and transactions (ITE) online embezzlement crimes in this law are not directly regulated. Because in each article there is no direct proposition of "embezzlement". In Article 28 paragraph (1) contains a prohibition on spreading false news that results in losses to consumers, namely, every person intentionally, and without the right to spread false and misleading news that results in consumer losses in electronic transactions. In this paragraph, although it does not specifically explain fraud, its meaning is very closely related to the dimensions of consumer protection and the crime of embezzlement.

Article 28 paragraph (1) of the ITE Law is used when a consumer is harmed, especially if it is an individual. This is because the application of the article can be used as an interpretation method that does not only refer to the will of the legislator, but also so as not to violate the rules of interpretation of criminal law. In the ITE Law and the Criminal Code, there are several similarities, especially in Article 28 paragraph (1) of the ITE Law and Article 372 of the Criminal Code regarding the crime of embezzlement and has a special character, namely that it has recognized

For violations of Article 28 paragraph (1) of the ITE Law, the threat of imprisonment is a maximum of six years and/or a maximum fine of one billion rupiahs (Rp. 1,000,000,000, -) this is contained in Article 45 A paragraph (1) of the ITE Law. There are differences between the two articles of the Criminal Code and the ITE Law, namely in the formulation of Article 28 paragraph (1) of the ITE Law does not require the presence of elements, benefiting oneself or others as regulated in Article 372 of the Criminal Code regarding embezzlement. In reality, investigators can use multiple articles against a crime that fulfills the elements of the crime of embezzlement as regulated in Article 372 of the Criminal Code and fulfills the elements of the crime of Article 28 paragraph (1) of the ITE Law.

In this case, law enforcement has carried out repressive law enforcement (enforcement). One of them is how to actualize legal regulations that can be realized in social norms of society as a means to enforce the law. The factors that attract victims to participate in online arisan are social factors that include environmental influences, where online arisan has become popular among the community and also the pandemic situation that requires people to stay at home, so internet access has increased to be used as a means for the community to carry out various activities, including in this online arisan. And psychological factors include self-motivation that is tempted by the profits promised by the perpetrators without first confirming whether the online arisan activity they participate in is safe (real) or just fictitious.

One example of an online arisan embezzlement case is the Garut Police, West Java, hunting for a young woman reported in a case of embezzlement of hundreds of millions of rupiah using the arisan method. "We are looking for the perpetrator." A number of fraud victims, most of whom are young mothers from Cijayana Village, Mekarmukti District, Garut, have reported one of the women related to the embezzlement of arisan money to the Garut Police. The reported person with the initials EMP (23), said Dede, is currently not at the place or house where he has been living in Cikondang Village, Cijayana Village, Mekarmukti. The reported person is suspected of having fled before the victims reported to the police.

Preliminary investigations indicate that the case was not a typical arisan (social gathering) case, but rather a multilevel marketing scheme packaged as an arisan. EMP sold arisan slots to several victims, promising profits to those who contributed money. "The losses varied. This is a kind of MLM." Several young mothers had previously attempted to resolve the case amicably by selling the defendant's assets, but the amount was insufficient to cover the victims' losses. Because the victims were unaware of the whereabouts of the arisan embezzler, they eventually reported EMP to the Garut Police for legal proceedings. In this case, the elements of the crime of embezzlement contained in Article 372 of the Criminal Code and violation of Law Number 1 of 2024 concerning Information and Electronic Transactions in Article 28 paragraph 1 have been fulfilled.



Law enforcement efforts against perpetrators of online arisan embezzlement within the police jurisdiction are carried out through two stages: prevention and enforcement. The enforcement stage begins with the investigation stage, and all stages of law enforcement are guided by statutory regulations.

The explanation is as follows:

1) Law Enforcement Through Preventive Efforts

The first step taken by law enforcement in enforcing the law against perpetrators of online arisan embezzlement is preventive legal action. Law enforcement takes systematic, planned, and targeted preventive measures to address the potential for online arisan embezzlement.

Prevention efforts are the first step taken by law enforcement in enforcing the law against perpetrators of online arisan embezzlement. This is done with the aim of preventing and anticipating the occurrence of online arisan embezzlement in the jurisdiction. These prevention efforts are carried out through: first, appealing to the public through social media, and second, conducting outreach to the community.

There were no obstacles faced by investigators in uncovering cases of embezzlement in online social gatherings because there are traces left by the perpetrators during the embezzlement activities. Law enforcement efforts carried out by law enforcement against perpetrators of online arisan embezzlement include preventive and repressive law enforcement processes.

Law enforcement efforts through preventive measures can be described as follows:

a. Appealing to the Public Through Social Media

online arisan embezzlement are to issue warnings, appeals and prohibitions against online arisan embezzlement, accompanied by threats of sanctions conveyed on various social media.

b. Carrying out outreach to the community

Law enforcement also carries out outreach and education on preventing online arisan embezzlement to the community within the police jurisdiction.

To improve crime prevention performance in the context of security administration, the policy directions and strategies developed by the Indonesian National Police include:

- a. The implementation of Community Policing will reach all service distribution points with excellent service quality.
- b. Strengthening the Police Sector as a frontline service unit.
- c. Institutionalize community policing in all villages and communities to support crime prevention.
- d. Building the image of the police as a firm and humane public servant.
- e. Encourage the development of large scale self-help security capabilities within the community.
- f. Building Police management capabilities in order to improve effectiveness, efficiency and accountability.
- g. Building police capacity at all levels based on a service paradigm to realize and improve police performance.
- h. Implementing a reward system for the performance achievements of police members and voluntary security components.
- i. Building an objective and educational monitoring and control system in order to realize police management as a subsystem.

2) Legal Enforcement Through Repressive Actions

The next step taken by law enforcement after preventive measures is to enforce the law through repressive legal action. Repressive legal action is an action taken by the police when an online arisan embezzlement crime occurs. If an online arisan embezzlement crime occurs, law enforcement will take firm action against the case based on applicable legal regulations. Criminal law enforcement against perpetrators of online arisan embezzlement is



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carried out by investigators and investigators, from the investigation stage, the examination stage, to the settlement stage.

Inhibiting Factors in Law Enforcement Against Criminal Acts of Embezzlement in Online Arisan in Garut Regency

Factors related to obstacles in the implementation of investigations into online arisan embezzlement include facilities and infrastructure factors, law enforcement factors, operational cost factors, and community factors to support the investigation process in efforts to uncover perpetrators of online arisan embezzlement.

Legal efforts are always faced with various obstacles, as laws are constantly evolving, influenced by the development of crime. One key to successful law enforcement is the mentality or personality of the law enforcers themselves. Within the framework of law enforcement and its implementation, upholding justice without truth is a sin. Upholding truth without honesty is hypocrisy.

The factors that hinder the investigation of online arisan embezzlement by law enforcement are related to human resources in police agencies which are still limited, namely the small number of investigators and limitations in terms of mastery of knowledge about technology, at the level of the Criminal Investigation Agency (Bareskrim) of the Indonesian National Police Headquarters, there is indeed a Special Directorate for Information Crime and Electronic Transactions, however at the regional police level it is still combined with the Special Criminal Investigation Directorate (Ditreskrimsus).

Seeing the current human resource capabilities of the Indonesian National Police are still limited to the scope of the Criminal Investigation Unit of the Indonesian National Police Headquarters in Jakarta, and the Regional Police in each region do not specifically have a special task force to handle cybercrime, let alone down to the level of the Resort Police and Sector Police, meanwhile cybercrime does not only occur in big cities, it can also occur in villages or small towns that have internet access. Because of the sophistication of today's era, anyone can access the internet wherever they are, even in remote places because of the wide reach of the internet today.

The capacity of police personnel to master or understand Information Technology and Electronic Transactions is still limited to a small number of police officers. Regional police (Polda) do not have personnel with specialized IT skills. Meanwhile, the rise in online arisan embezzlement cases is currently growing rapidly. Therefore, more IT experts are needed to identify perpetrators who are increasingly adept at accessing the internet.

Police obstacles in conducting investigations into online arisan embezzlement cases are also due to the inadequate use of technology. Equipment and other resources needed to support the investigation process in examining and uncovering perpetrators of online arisan embezzlement cases are still limited. This is because even though the evidence is clear that the perpetrator committed a crime, there are still many flaws in the evidence. For example, false statements, fraud, or other evidence that is consistent with the existing facts cannot necessarily be followed up.

There are several factors that are obstacles in the investigation of this online arisan embezzlement case, including:

1. Technological limitations in tracking perpetrators of online arisan embezzlement. As technology advances, the perpetrators' whereabouts are difficult to track. To date, investigators are still using manual methods, whenever possible, to track perpetrators, through computer tracking. This tracking process is time-consuming.
2. Limited access to internet and cellular service providers.
3. The police do not yet have a dedicated server for digital forensics, to support work in the field of information and electronic transactions.
4. In the past, embezzlers used cell phones, but now they use social media applications and the internet. Cell phones use towers for connection, so they can be tracked based on the nearest tower to the scene of the crime. Internet connections, on the other hand, use



data quotas, making it difficult to track the perpetrators. The internet's reach is broader than that of cell phones.

5. The perpetrators' methods are increasingly diverse, so investigators must be more advanced in order to find out these methods.
6. The perpetrator's account number is difficult to trace because customer accounts are protected by the Banking Act, so banks strictly maintain customer data confidentiality. Even if the data is found, it's not guaranteed to be authentic.
7. The perpetrator used a fake ATM card. This means the perpetrator used an account in someone else's name. The ATM card is for single-use; once a transaction has been made, it is no longer used. Nowadays, many individuals buy and sell ATMs. Therefore, fraudsters often purchase fake ATM cards to use as accounts for their embezzlement.
8. There is no way to find fake accounts, because the infrastructure is not yet adequate, such as a computer forensic laboratory.

Meanwhile, on the other hand, the factors that hinder the investigation of online arisan embezzlement cases are:

1. online arisan embezzlement crime are located outside the regional area.

Community factors, due to the community still not having adequate legal understanding and knowledge about the impact and threats of online arisan embezzlement.

4. Conclusions and Suggestions

Law Enforcement Against the Crime of Embezzlement in Online Arisan in Garut Regency is the role of the Police legal apparatus so that the crime of embezzlement of online arisan can be prosecuted. Law enforcement efforts carried out by the police are taken through two stages, namely the prevention stage (preventive) and the action stage (repressive). Prevention (preventive) carried out by the police is two stages starting from appealing to the public through social media and carrying out socialization to the community, then at the law enforcement stage through action (repressive) carried out by investigators and investigators Police through several stages namely the investigation stage, the inquiry stage, the examination stage and the settlement stage and the handover of the case to the Public Prosecutor. The police as the front line strives for the best for the community, all stages of law enforcement are guided by the Criminal Procedure Code (KUHP) starting from the investigation, namely collecting evidence, witnesses, summoning related parties to summoning suspects and making an Examination Report (BAP).

Inhibiting factors in law enforcement against criminal acts of embezzlement in online social gatherings in Garut Regency are facilities and infrastructure factors, law enforcement factors, operational cost factors, and community factors to support the investigation process in efforts to uncover perpetrators of online social gathering embezzlement in the legal area of the Police.

The recommendations from this study are that the quality of law enforcement officers, particularly police investigators in the field of cybercrime (ITE), needs to be continuously improved. This is crucial to ensure they are more agile and skilled in combating various forms of cybercrime, including embezzlement in online social gatherings. Investigators are expected to have a better understanding of the scope of crime on social media and be able to utilize technology such as IP address tracking to locate perpetrators more quickly and accurately.

Furthermore, the government is expected to take concrete steps by improving or even creating new, more specific regulations regarding online embezzlement. Clear and firm regulations will help the public understand the risks of digital crime, increase vigilance, and provide a strong legal basis for enforcing sanctions that can have a deterrent effect on perpetrators.



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