

## Legal Review Of Fictitious Transactions On Marketplace (Tokopedia Voucher Case Study)

Amin Thohari<sup>1</sup>, Vieta I Cornelis<sup>2</sup>, Siti Marwiya<sup>3</sup>  
Fakultas Hukum, Universitas Dr. Soetomo Surabaya<sup>1,2,3</sup>

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Corresponding Author:

Author Name\*: Vieta I Cornelis

Email\*: [vieta@unitomo.ac.id](mailto:vieta@unitomo.ac.id)

**Abstrak:** This study discusses cases of fictitious transactions through the misuse of vouchers on e-commerce platforms. The perpetrators use various methods to create fake transactions such as creating fake accounts, using stolen identities, and manipulating vouchers. This research not only provides in-depth insight into the modus operandi of perpetrators and system weaknesses, but also helps to develop more effective law enforcement strategies and more comprehensive policies. The formulation of this research problem is: 1) What is the validity and strength of evidence in civil disputes related to fictitious transactions on the Tokopedia marketplace? 2) What is the legal review of the agreement and responsibilities of the parties in fictitious transactions on the Tokopedia marketplace? This study uses normative research to understand, interpret, and evaluate applicable legal norms. Based on the analysis and case studies that have been conducted, it is found that the strength of evidence in civil disputes related to fictitious transactions is greatly influenced by several main factors, namely the authenticity, integrity, relevance, and reliability of electronic evidence. The implementation and settlement of civil disputes related to fictitious transactions on Tokopedia involves cooperation between e-commerce platforms, consumers, and lawyers to collect legal evidence, conduct mediation, and, if necessary, take litigation routes to demand the restoration of consumer rights in accordance with the provisions of civil law.

**Keywords :** Marketplace, Fictitious Transactions, Vouchers

## INTRODUCTION

The rapid development of technology and information in the last millennium has changed humans to invent and carry out economic activities. Some of the significant impacts of technological developments are the emergence of marketplace platforms that bring together sellers and buyers in virtual spaces. At the global level there are major players such as Amazon, Alibaba and Ebay, further at the national level there are Shopee, Tokopedia, Lazada, and Blibli. This change in transactions not only changes the conventional trading landscape but also brings increasingly complex legal implications.<sup>1</sup>

One of the largest marketplaces in Indonesia, Tokopedia, provides shopping convenience innovations. On the other hand, the innovations that have emerged pose challenges and legal problems,

<sup>1</sup> Setiawati, D., Sholahudin, I., Nurfattah, H., Sari, N. A., & AP, S. D. (2023). Transformasi Teknologi dalam Hukum Dagang Internasional: Regulasi dan Penyelesaian Sengketa di Era Digital. *Borobudur Law and Society Journal*, 2(5), 220–231.



namely cases of voucher misuse involving cybercrime or *cybercrime*. This case of voucher misuse includes various modus operandi carried out by cybercriminals to reap profits illegally. The mode used is manipulating the system to get unauthorized vouchers, using fake vouchers, and purchasing vouchers using stolen identities.<sup>2</sup>

This case of voucher misuse caused financial losses for Tokopedia as a service provider.<sup>3</sup> In addition, consumers who buy vouchers from unauthorized sources also experience fraud and financial losses. This loss will further have an impact on the company's declining revenue and damage the value of consumer trust in the platform. This case of voucher abuse occurred due to the weakness of the security system and data integrity used by criminals to exploit and gain illegal access to vouchers. The enforcement of *cybercrime* cases in Indonesia faces serious challenges in law enforcement. Identification of criminals is often difficult to detect because they use anonymous techniques and utilize complex networks to hide traces of crime.<sup>4</sup> In addition, the lack of resources and technical capacity in cyber law enforcement is an obstacle to investigation and prosecution.

The next conflict between norms is related to the Personal Data Protection Law, namely Law Number 27 of 2022 which can be imposed on voucher perpetrators by creating *fake accounts*. According to this legality, every collection, storage and use of personal data must obtain the consent of the data owner and be carried out transparently. Fake account creators often use personal data without permission and violate basic principles of personal data protection. However, these perpetrators can claim that the data was obtained from public sources and of course raise a debate about whether the use of data that is publicly available can be considered a violation.

Civil Law Regulation article 1365 of the Criminal Code can ensnare the creator of a fake account and the victim can demand compensation for the losses caused by it. However, the process of proving and enforcing the law is difficult because the perpetrators use fake identities that are difficult to trace. Furthermore, differences in jurisdiction can be an obstacle if the perpetrator is abroad. This problem is very complex coupled with the legality of the law at the international level which also has the potential to conflict between norms of agreed regulations.

The urgency of this research is that the case of fictitious transactions through the misuse of vouchers on e-commerce platforms is increasing. The perpetrators use various methods to create fake transactions such as creating fake accounts, using stolen identities, and manipulating vouchers. This phenomenon causes financial losses for companies and consumers and threatens the integrity and trust of the e-commerce system. This research not only provides in-depth insight into the modus operandi of perpetrators and system weaknesses, but also helps to develop more effective law enforcement strategies and more comprehensive policies. The hope for the future is to create a safer, more transparent and reliable digital trade environment for all people

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<sup>2</sup> Ardiputra, S., Burhanuddin, B., AR, M. Y., Maulana, M. I., & Pahrudin, P. (2022). Sosialisasi UU ITE No. 19 Tahun 2016 dan Edukasi Cerdas dan Bijak dalam Bermedia Sosial. *Jurnal Abdi Masyarakat Indonesia*, 2(2), 707–718.

<sup>3</sup> Azhar, M. (2020). *Konsepsi Bai Salam Dalam Transaksi Jual Beli Online (Studi Kasus Marketplace Tokopedia)*.

<sup>4</sup> Wibowo, A., Wangsajaya, Y., & Surahmat, A. (2023). *Pemolisian Digital dengan Artificial Intelligence*. PT. RajaGrafindo Persada-Rajawali Pers.

## METHODOLOGY

This research uses a normative approach to understand, interpret, and evaluate applicable legal norms. The main focus of the research is the analysis of law as a system of rules that govern people's behavior, without relying too much on empirical aspects or field data. This approach involves analyzing written legal texts, such as laws, rules, and other regulations, with the aim of understanding the content, purpose, and implications of those rules. This study analyzes several legalities, such as the 1945 Constitution, Law Number 11 of 2008, Law Number 19 of 2016, as well as other related regulations, such as the Regulation of the Minister of Communication and Information and Government Regulation on the Implementation of Electronic Systems and Transactions.

The legal materials used in this study include primary legal materials, which are sourced from official sources such as laws and court decisions, as well as secondary legal materials that provide interpretation and analysis of primary legal materials. The data collection procedure is carried out through the steps of problem identification, literature review, analysis of legal texts, application of legal theories, and preparation of recommendations. The analysis of legal materials is carried out in a descriptive-analytical manner to describe and systematically analyze related legal materials, especially in the context of fictitious transactions on the marketplace, such as the case study of vouchers on Tokopedia.

## RESULTS AND DISCUSSION

User education is an important step in preventing fictitious transactions.<sup>5</sup> Effective and easy-to-understand campaigns for all users can reduce fraud incidences. The evaluation of this campaign shows the need to increase the frequency and diversification of delivery media. Tokopedia provides 24/7 customer service to handle complaints and problems experienced by users related to fictitious transactions. The support team is trained to provide quick response and effective solutions. Responsive and competent customer service increases user satisfaction and aids in the quick resolution of fictitious transaction issues. However, high demand volumes can cause delays. Increasing team capacity and using chatbots for initial handling can help address these issues.

Tokopedia collaborates with law enforcement officials to report and handle serious fictitious transaction cases.<sup>6</sup> This includes the provision of relevant data and information for investigations. Cooperation with The Authorities Law Enforcement Strengthens Law Enforcement Efforts Against Perpetrators of Fictitious Transactions.<sup>7</sup> However, long and complex legal proceedings can be an obstacle. Closer collaboration and efficient reporting mechanisms can increase effectiveness. This partnership allows Tokopedia to access the latest security technology and best practices in protecting their platform. The evaluation shows that strong and sustainable partnerships are critical to confronting evolving threats. An evaluation of Tokopedia's internal policies shows that the efforts that have been made are quite comprehensive in overcoming fictitious transactions. However, there are some areas that still need

<sup>5</sup> Budiman, A. B., & Iwan, I. (2023). Upaya Perlindungan Hukum Bagi Pelaku Usaha yang Dirugikan Akibat Adanya Ulasan Negatif Fiktif Ditinjau dari Fatwa DSN MUI No 24 Tahun 2017 (Studi Kasus Pada Aplikasi Google Maps). *UNES Law Review*, 6(2), 5263–5273.

<sup>6</sup> Bahtiar, R. A. (2020). Potensi, Peran Pemerintah, dan Tantangan dalam Pengembangan E-Commerce di Indonesia [Potency, Government Role, and Challenges of E-Commerce Development in Indonesia]. *Jurnal Ekonomi Dan Kebijakan Publik*, 11(1), 13–25.

<sup>7</sup> Indah, F., Sidabutar, A. Q., & Nasution, N. A. (2023). Peran Cyber Security Terhadap Keamanan Data Penduduk Negara Indonesia (Studi Kasus: Hacker Bjorka). *Jurnal Bidang Penelitian Informatika*, 1(1), 57–64

improvement, such as improving fraud detection technology, more intensive user education, and increasing customer service capacity.

Legal education and awareness can help marketplace users recognize signs of fraud and take appropriate preventive measures.<sup>8</sup> Users who have a good knowledge of their rights and obligations and the risks will be more cautious when making transactions. Marketplaces that invest in educating users about the law and security of transactions can increase user trust in the platform.<sup>9</sup> Users who feel safe and protected will be more likely to continue using the platform and do more banyak transaksi. Edukasi The law is also important to ensure that sellers and buyers understand and comply with applicable regulations. This can help reduce the number of violations and illegal actions on e-commerce platforms.

The marketplace needs to develop a clear and structured implementation plan for education programs and legal awareness-raising. This involves determining the target audience, allocating resources, and implementing the schedule. Conduct periodic evaluations of the effectiveness of educational programs. Collect feedback from users and make adjustments based on those findings to improve program results. Education and increasing legal awareness among marketplace users are essential to protect consumers and increase trust in e-commerce platforms. With a comprehensive strategy and effective implementation, marketplaces can create a safer and more reliable transaction environment.

Electronic evidence can affect the severity of the punishment imposed on the perpetrator.<sup>10</sup> Evidence showing the scale and impact of a civil dispute can be used to determine a proportionate punishment. In addition to determining faults and punishments, evidence can also influence other decisions related to damages to victims or refund orders. In the case of online fraud, evidence such as emails and transaction logs are used to prove that the perpetrator offered the victim a fake investment.<sup>11</sup> The court accepts this evidence after being verified by digital forensic experts, and the evidence becomes the basis for imposing a prison sentence and a fine on the perpetrator. In cases of embezzlement, electronic financial documents and access logs are used to show that the perpetrator manipulated financial statements to hide the embezzlement. The testimony of digital forensic experts helps corroborate the evidence, and the court uses this evidence to convict the perpetrator and order the refund of the embezzled funds. Evidence of fictitious transactions has a significant influence on court decisions. Valid, relevant, and supported electronic evidence by expert testimony can strengthen the judge's confidence in the veracity of the allegations and determine the severity of the sentence. A rigorous verification process and in-depth forensic analysis are essential to ensure the reliability of the evidence.

Law enforcement officials work closely with prosecutors to prepare cases and prepare charges against the perpetrators.<sup>12</sup> It involves the preparation of legal documents and evidence necessary for the

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<sup>8</sup> Rahmalia, S., Ariusni, A., & Triani, M. (2019). Pengaruh Tingkat Pendidikan, Pengangguran, Dan Kemiskinan Terhadap Kriminalitas Di Indonesia. *Jurnal Kajian Ekonomi Dan Pembangunan*, 1(1), 21–36.

<sup>9</sup> Putri, N. C. R., Fauzi, A., Ali, M. K., Ramadhan, N. A., Salsabilla, P. J., Cahya, L. J., & Ernawati, F. A. (2024). Strategi Peningkatan Keamanan Data Pelanggan dalam Penjualan Online di Tokopedia. *Jurnal Siber Multi Disiplin*, 2(1), 54–67.

<sup>10</sup> Personal, I. (2018). Legality of Electronic Evidence in the Criminal Justice System. *Lex Renaissance*, 3(1), 4.

<sup>11</sup> Azzani, I. K., Purwantoro, S. A., & Almubaroq, H. Z. (2023). Urgensi Peningkatan Kesadaran Masyarakat Tentang Kasus Penipuan Online Berkedok Kerja Paruh Waktu Sebagai Ancaman Negara. *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial*, 10(7), 3556–3568.

<sup>12</sup> Setiawan, A. (2019). Law Enforcement in the Investigation of Narcotics Abuse Civil Disputes. *Journal of Law*,

judicial process. One of the activities carried out is to prepare complete documentation about electronic evidence and the results of forensic analysis. Collaborate with the Prosecutor to ensure that all evidence is presented in a manner that is acceptable in court. The next step is to prepare an indictment that will be used to litigate in the trial. At the judicial stage, electronic evidence that has been collected and verified is presented in front of the judge and jury. Cyber police and digital forensics experts are often called to testify. Based on the evidence presented, the judge makes a verdict regarding the perpetrator's mistake and determines the appropriate punishment. The role of law enforcement officials, especially cyber police, is very important in handling fictitious transaction cases. From initial identification and investigation to the arrest of the perpetrators and the judicial process, the actions taken by law enforcement officials ensure that these crimes are taken seriously and that the perpetrators are punished in accordance with applicable laws. Close cooperation between cyber police, other law agencies, and e-commerce platforms, as well as effective public education, is key to preventing and reducing cases of fictitious transactions in the future.

Effective monitoring enables early detection of suspicious activity and quick preventive measures. Regular policy evaluations ensure that policies remain relevant and effective. The downside is that reliance on automated systems can lead to missing important details.<sup>13</sup> In addition, manual audits require considerable resources and time. Tokopedia's internal policies and regulations in preventing and handling fictitious transactions in general are quite effective. Merchant identity verification processes, security and fraud detection systems, refund policies, consumer protection programs, and user education and awareness campaigns play an important role in keeping the platform secure and protecting consumers. However, there are several areas that need to be improved, such as the adoption of more advanced verification technology, the efficiency of the investigation process, the expansion of the scope of consumer protection programs, and the increase in the frequency and diversification of educational campaigns.

Criminals choose to commit criminal acts when they believe that the benefits outweigh the risks. Perpetrators see immediate financial benefits from making fictitious transactions, such as getting money or goods without giving them an equal reward. The perpetrator may judge that the risk of being arrested or prosecuted is low due to a lack of effective oversight or law enforcement. Crime occurs when there is a motivated perpetrator, a suitable target, and no capable guard.<sup>14</sup> Pelaku transaksi fiktif Motivated by financial gain, the target is unsuspecting consumers, and the lack of effective oversight or control makes crime more likely. Tension or stress caused by the loss of positive values, acceptance of negative values, or failure to achieve desired goals can increase the likelihood of criminal behavior. Fictitious transaction actors may feel depressed by difficult economic or social situations.<sup>15</sup>

## CONCLUSION

Based on the analysis and case studies conducted, it is evident that the strength of evidence in civil disputes related to fictitious transactions is influenced by factors such as authenticity, integrity, relevance, and reliability of electronic evidence. This study highlights the critical role of electronic evidence—such as

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35(2), 145–164.

<sup>13</sup> Pribadi, I. (2018). Legalitas Alat Bukti Elektronik Dalam Sistem Peradilan Pidana. *Lex Renaissance*, 3(1), 4.

<sup>14</sup> Hikmatulloh, R., & Nurmiati, E. (2020). Analisis Strategi Pencegahan Cybercrime Berdasarkan UU ITE Di Indonesia (Studi Kasus: Penipuan Pelanggan Gojek). *Kosmik Hukum*, 20(2), 123–129.

<sup>15</sup> Salle, S. (2020). *Sistem Hukum dan Penegakan Hukum*. CV. Social Politic Genius (SIGn).

transaction data, activity logs, and digital communication—in resolving fraud-related civil disputes in marketplaces. Additionally, the study underscores the importance of collaboration between e-commerce platforms, internet service providers, and other stakeholders to ensure effective and efficient dispute resolution. Proper coordination between Tokopedia, authorities, and legal representatives ensures the protection of consumer rights and the ability to pursue compensation for fraudulent acts in accordance with applicable civil law. Fictitious transactions in marketplaces like Tokopedia are classified as fraudulent civil disputes governed by Indonesian laws and regulations. Specifically, Law Number 11 of 2008 on Information and Electronic Transactions (UU ITE) and the Civil Code (KUHPerdata) provide a clear legal framework for resolving disputes related to fictitious transactions. Provisions in the ITE Law, such as Article 28(1) prohibiting the dissemination of misleading information and Article 45A(1) regulating administrative sanctions, offer a foundation for protecting consumers against fraudulent practices in electronic transactions. Within civil law, Article 1365 of the Civil Code regarding unlawful acts supports aggrieved consumers in seeking compensation for losses resulting from fictitious transactions

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