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Author: **Muhammad Ripqi**

Law Enforcement against Fraudulent Offenses in Motor Vehicle Sales Transactions Conducted via Social Media

ABSTRACT

The development of social media has facilitated the buying and selling of motor vehicles, yet it has also introduced the risk of fraud. This study aims to analyze the status of electronic communication and transaction records as evidence in cases of fraud involving the sale of motor vehicles via social media. Employing a normative juridical method, this research utilizes both statutory and case-based approaches. Legal materials—including legislation, scholarly journals, legal textbooks, and relevant court rulings—were collected and analyzed descriptively. The findings indicate that electronic conversations, proof of payment transfers, and transaction documents qualify as valid legal evidence under current statutory regulations. However, such evidence must be scrutinized for authenticity, integrity, and its connection to the elements of the alleged offense, and must be evaluated in conjunction with other forms of evidence. Furthermore, the failure to fulfill a sales agreement does not automatically constitute fraud; the specific elements of the criminal offense must still be proven. Consequently, the precise collection and assessment of electronic evidence, alongside the correct application of legal provisions, are crucial factors in ensuring fair law enforcement and providing protection to the public.

Keywords: fraud, sale and purchase of motor vehicles, social media, electronic evidence, law enforcement.

INTRODUCTION

The development of information and communication technology has transformed the way people conduct transactions. Social media, which originally served as a means for social interaction, has now also become a marketplace—including for motor vehicles. Platforms such as Facebook Marketplace, Instagram, TikTok, WhatsApp, and Telegram allow sellers and buyers to connect, transcending the limitations of time and space. Convenience, speed, and efficiency are the primary appeals of digital transactions. However, beneath this convenience lies the risk of criminal activity, particularly fraud.

In the sale and purchase of motor vehicles via social media, fraud can occur through various schemes. Perpetrators may post fictitious advertisements, use photos and videos of vehicles belonging to others, offer prices well below market value, pose as authorized sellers, forge vehicle documents, or demand down payments and full settlements via bank transfer. Once the victim has made the payment, the vehicle is never delivered, and the perpetrator disappears or cuts off

communication. Victims not only lose their money but also face significant difficulty in tracking down the perpetrator, as digital identities can easily be falsified. This situation highlights that fraud in the digital realm possesses characteristics distinct from conventional fraud.

From a normative perspective, fraud is an offense governed by criminal law. Furthermore, electronic transactions are specifically regulated under Law Number 11 of 2008 concerning Information and Electronic Transactions, as amended several times—most recently by Law Number 1 of 2024. Article 28, paragraph (1) of the ITE Law prohibits any person from intentionally and without authorization disseminating false and misleading information that results in consumer losses within electronic transactions. Violations of this provision are subject to criminal penalties under Article 45A, paragraph (1) of the ITE Law. These provisions are highly relevant, as fraud involving the sale of motor vehicles via social media typically begins with misleading advertisements or information that causes harm to consumers. On the other hand, Article 5 of the ITE Law (Law on Information and Electronic Transactions) asserts that electronic information, electronic documents, and/or their printed versions constitute valid legal evidence. Article 6 of the ITE Law stipulates that an electronic document is considered valid provided that the information contained therein is accessible, displayable, guaranteed for its integrity, and attributable to a specific source.

Criminal procedural law faces its own unique challenges. While Article 184 of the Criminal Procedure Code (KUHAP) defines the types of admissible evidence, it does not explicitly mention electronic evidence. This has sparked debate regarding the status of evidence derived from electronic communications and transactions within the evidentiary process. Some view electronic evidence as an extension of documentary evidence or circumstantial evidence, whereas the ITE Law provides an independent legal basis for its validity. Priyana, Baluqia, and Darmawan (2021) explain that although the Criminal Procedure Code does not yet contain specific provisions, electronic information and documents can serve as an extension of the already recognized forms of evidence. Rahmanto (2019) further affirms that electronic information and documents constitute valid evidence and represent an expansion of the categories of evidence under criminal procedural law. Matondang, Maysarah, and Sitompul (2022) add that electronic data, electronic documents, and their printed versions can be utilized in proving criminal offenses.

In practice evidence from electronic communications and transactions is crucial. Conversations on platforms such as WhatsApp, Messenger, Instagram, or Telegram can reveal negotiations, promises, deceptions, and a series of falsehoods. Records of fund transfers and account statements can demonstrate material losses. Screenshots of advertisements, hyperlinks, photographs of vehicles, and electronic documents can link a perpetrator to the alleged offense. Furthermore, metadata, conversation logs, and account data can assist in identifying the perpetrator. Nevertheless, electronic evidence cannot be accepted at face value; it requires verification of its authenticity, integrity, and chain of custody. Chandra, Munawar, and Aini (2024) emphasize that investigating fraud involving electronic transactions requires digital forensics expertise, as evidence is typically stored on digital devices or within digital services.

The challenge is that fraud involving the sale of motor vehicles via social media possesses characteristics distinct from general online fraud. Such cases involve high-value assets and ownership documentation, with communications frequently spanning multiple platforms. While evidence of electronic communications and transactions forms the core of the proof, there is limited research specifically analyzing its legal standing in cases of this nature. Existing studies tend to focus on electronic evidence in online fraud more broadly or examine specific court rulings. Consequently, this research is essential to address this gap.

Based on the research question this article aims to analyze the legal standing of evidence derived from electronic communications and transactions in the prosecution of motor vehicle sales fraud conducted via social media.

RESEARCH METHODS

This study is a piece of normative legal research. It is classified as such because the issue under examination does not concern a social phenomenon requiring empirical field data; rather, it pertains to the legal status of a specific type of evidence within the criminal evidentiary system. In other words, this research analyzes legal norms, principles, doctrines, and court rulings to address the established research questions.

The study employs three approaches. First, the statute approach involves examining relevant legislation, such as the Criminal Procedure Code, the Criminal Code, Law Number 11 of 2008 concerning Information and Electronic Transactions—as amended by Law Number 19 of 2016 and Law Number 1 of 2024—along with other regulations concerning evidence and electronic transactions. Second, the case approach entails analyzing court rulings related to fraud in electronic transactions, specifically those involving the sale and purchase of motor vehicles via social media. This approach is used to examine how judges evaluate, consider, and interpret evidence derived from electronic communications and transactions within judicial practice. Third, the conceptual approach involves reviewing expert opinions, legal doctrines, and theories concerning evidence, evidentiary systems, and the validity of electronic evidence within criminal procedural law.

The legal materials utilized in this study consist of primary, secondary, and tertiary sources. Primary legal materials include legislation, Constitutional Court rulings, and relevant court decisions. Secondary legal materials comprise books, scholarly journals, articles, and research findings that address criminal law, the law of evidence, and electronic-based fraud offenses. Tertiary legal materials include legal dictionaries and encyclopedias, which are used to clarify specific terms.

Legal materials were collected through library research. These materials were identified, inventoried, classified, and subsequently analyzed in relation to the research questions. As this is a normative study, no interviews or questionnaires were required. The primary sources for this research consist of legal documents and literature available in libraries, legal documentation centers, and scholarly journal databases.

The analysis of legal materials was conducted using a descriptive-analytical approach, employing deductive logic. This means the analysis proceeds from general legal norms toward their application to a more specific issue: the status of evidence derived from electronic communications and transactions in proving fraud related to the sale of motor vehicles via social media. The analysis was carried out in several stages. First, the legal norms governing evidence and the burden of proof in criminal proceedings were inventoried. Second, these norms were interpreted using grammatical, systematic, and teleological methods. Third, a legal construction was developed to clarify the status of electronic evidence—a matter not explicitly addressed in Article 184 of the Criminal

Procedure Code (KUHAP). Fourth, the application of electronic evidence in relevant court rulings was evaluated. Fifth, the findings were synthesized to address the research questions and draw conclusions.

This study has certain limitations. As a normative study, it does not provide an empirical account of evidentiary practices across all courts in Indonesia. Furthermore, the analysis is restricted to court rulings that are publicly accessible. Additionally, technological advancements and changes in legislation may affect the future relevance of these findings. Nevertheless, this methodology is considered appropriate, as it enables an in-depth analysis of the status of evidence from electronic communications and transactions in proving criminal fraud involving the sale of motor vehicles via social media.

RESULT AND DISCUSSION

The Status of Electronic Communication and Transaction Evidence in Proving Fraudulent Motor Vehicle Sales via Social Media

Based on an analysis of legislation, legal doctrine, and judicial practice, evidence derived from electronic communications and transactions holds a valid and strategic position in proving cases of fraud involving the sale of motor vehicles via social media. The validity of such evidence is rooted in Article 5, paragraph (1) of Law Number 11 of 2008 concerning Information and Electronic Transactions—as amended by Law Number 19 of 2016 and subsequently by Law Number 1 of 2024—which affirms that electronic information, electronic documents, and/or their printed outputs constitute legally valid evidence. This provision establishes electronic evidence as an extension of the forms of evidence already recognized under Article 184 of the Criminal Procedure Code (KUHAP).

However the formal validity of electronic evidence does not automatically guarantee its probative weight. Article 6 of the ITE Law stipulates that an electronic document is considered valid provided that the information contained therein is accessible, displayable, possesses guaranteed integrity, and is accountable, thereby serving to clarify a given set of circumstances. In this context, the Constitutional Court, through Decision Number 20/PUU-XIV/2016, has asserted that investigators must not selectively gather only incriminating

evidence; rather, they are also obligated to evaluate electronic evidence that may be exculpatory. The decision further underscores the importance of maintaining the integrity and authenticity of electronic information to prevent any manipulation that could prejudice any of the parties involved.

Accordingly the status of electronic communication and transaction evidence in proving fraudulent motor vehicle sales via social media can be formulated as follows. First, electronic evidence is a valid form of evidence, possessing probative value equivalent to other types of evidence recognized under the Criminal Procedure Code (KUHAP). Second, the formal validity of electronic evidence requires the fulfillment of criteria regarding accessibility, integrity, and accountability—ideally established through digital forensics, resulting in an audit trail, a chain of custody, and an official record of the examination of evidence. Third, electronic evidence cannot stand alone; it must be supported by other forms of evidence to establish the judge's conviction. Fourth, judges have the authority to interpret electronic evidence as an extension of documentary evidence or circumstantial evidence (indications), as stipulated in Article 184 of the Criminal Procedure Code.

Analysis of Court Rulings on Fraud Involving the Sale of Motor Vehicles via Social Media

To provide a concrete illustration of how the law is applied in cases of fraud involving the sale of motor vehicles via social media, several relevant court rulings are analyzed below.

1. Judgment Number 53/Pid.Sus/2025/PN Sdn

This case concerns the fraudulent sale of non-existent motorcycles via Facebook accounts, perpetrated by a syndicate consisting of several defendants. The defendants carried out the fraud by posting advertisements for the sale of Honda Scoopy and Yamaha N-Max motorcycles on Facebook Marketplace, communicating with prospective buyers via WhatsApp, and requesting shipping fees from them. The defendants also utilized vehicle registration documents (STNK and BPKB) that did not correspond to the actual motorcycles and posed as members of the Indonesian National Armed Forces (TNI) by using forged, digitally altered military identification cards (KTA).

In this ruling the panel of judges took into account electronic evidence, including screenshots of the Facebook accounts used by the defendants, records of the fraudulent communications regarding the motorcycle sales, and physical evidence in the form of the mobile phones used to commit the fraud. In its deliberations, the panel of judges stated that the defendants' actions fulfilled the elements of Article 45A paragraph (1) in conjunction with Article 28 paragraph (1) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Information and Electronic Transactions. Each of the defendants was sentenced to 2 (two) years and 6 (six) months of imprisonment.

2. Judgment Number 6834 K/Pid.Sus/2025

This Supreme Court judgment is a cassation ruling that upholds the decision of the *judex facti* (the Makassar High Court) regarding a case of online fraud involving the sale of motorcycles via the Facebook marketplace. In this case, the defendants sought information on Facebook regarding motorcycles listed for sale, requesting that the sellers provide images/photos, videos, and proof of ownership documents for the vehicles. The defendants then posed as members of the Indonesian National Armed Forces (TNI) who were being reassigned to a new post; they sent forged, edited military identification cards (KTA) and used the photos, videos, and ownership documents—obtained from the original sellers—on their own Facebook accounts to offer the motorcycles at prices lower than those set by the actual sellers.

As a result of the defendants' actions, the victim, Agus Kristianto, suffered a loss of IDR 13,300,000.00 (thirteen million three hundred thousand rupiah). In its ruling, the Supreme Court declared that the defendants were legally and convincingly proven guilty of the criminal offense of "intentionally distributing and/or transmitting electronic information and/or electronic documents containing false notifications or misleading information that results in material loss to consumers in electronic transactions," as stipulated under Article 45A, paragraph (1), in conjunction with Article 28, paragraph (1) of the ITE Law (Law on Information and Electronic Transactions), and in conjunction with Article 55, paragraph (1), item 1 of the Criminal Code. The Supreme Court also adjusted the sentences imposed by the *judex facti* (lower court), as the original sentences created a disparity in sentencing when compared to those handed down to other defendants in similar cases, particularly given that the financial loss suffered by the victim was relatively minor.

3. Judgment Number 68/Pid.Sus/2024/PN Bjm

This case involves online fraud carried out by several defendants through a vehicle sales scheme on Facebook, targeting three victims: Risnawati, Taufik Rahman, and Sudarto. The defendants posted advertisements for a Suzuki Ertiga, a Honda Brio, and a Toyota Avanza on the Facebook marketplace, using photographs taken from other accounts. The defendants then communicated with prospective buyers via WhatsApp and requested that payments be transferred to bank accounts they had prepared.

In this judgment, the panel of judges took into account electronic evidence, including screenshots of the Facebook advertisements, records of WhatsApp communications, and proof of bank transfers. In its deliberations, the panel of judges stated that it had been proven, legally and convincingly, that the defendant—acting in complicity with others—had intentionally and without authorization or legal basis manipulated electronic information and/or electronic documents, with the intent that such information or documents appear as authentic data, an act committed on multiple occasions. This constitutes the offense charged under the first alternative count, pursuant to Article 51, Paragraph (1), in conjunction with Article 35 of the Republic of Indonesia Law Number 19 of 2016 (amending Law Number 11 of 2008 on Electronic Information and Transactions), in conjunction with Article 55, Paragraph (1), item 1 of the Criminal Code, and Article 65, Paragraph (1) of the Criminal Code.

4. Judgment Number 758/Pid.B/2024/PN Blb

This case concerns fraud involving the sale of a motorcycle via the social media platform Facebook. The defendant, Mohamad Irfan (alias Ipong), son of Yulianto, was found legally and convincingly guilty of committing fraud, as charged under the second alternative count by the Public Prosecutor. The panel of judges sentenced the defendant to 1 (one) year and 10 (ten) months of imprisonment. Evidence considered in this judgment included a collection of WhatsApp conversation screenshots, photocopies of the vehicle registration certificate (STNK) and ownership document (BPKB) for a two-wheeled vehicle, an original receipt for the purchase of said vehicle, and an original spare key bearing the Yamaha logo.

5. Judgment Number 742/Pid.B/2025/PN Sby

This case concerns fraud involving the sale of a Kawasaki EX (Ninja 250) motorcycle via the social media platform Facebook. The defendant saw an advertisement on the social media platform Facebook, subsequently made an offer for the motorcycle, and requested a test drive. After the victim handed over the ignition key and the motorcycle, the defendant did not return and instead sold the vehicle. In its ruling, the panel of judges took into account electronic evidence, specifically screenshots of the Facebook advertisement and records of communication between the defendant and the victim. The defendant was found legally and convincingly guilty of committing the criminal offense of "fraud," as stipulated under Article 378 of the Criminal Code.

The following is an analysis of the court rulings:

1.Case Number /Pid.Sus/2025/PN Sdn. Defendants involved in a syndicate for fraudulent motorcycle sales (fictitious transactions). Charged under Article 45A paragraph (1) in conjunction with Article 28 paragraph (1) of the ITE Law (Law on Information and Electronic Transactions). Each defendant was sentenced to 2 years and 6 months of imprisonment.

2.Case Number 6834 K/Pid.Sus/2025. Defendants involved in motorcycle fraud via an online marketplace. Charged under Article 45A paragraph (1) in conjunction with Article 28 paragraph (1) of the ITE Law, in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code. The appellate court upheld the lower court's (judex facti) decision with a modification to the sentence.

3.Case Number 68/Pid.Sus/2024/PN Bjm. Defendants involved in fraudulent automobile sales (fictitious transactions). Charged under Article 51 paragraph (1) in conjunction with Article 35 of the ITE Law, in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code, and Article 65 paragraph (1) of the Criminal Code. Sentenced to imprisonment in accordance with the first alternative charge.

4.Case Number 758/Pid.B/2024/PN Blb. Mohamad Irfan, alias Ipong, son of Yulianto. Charged under Article 378 of the Criminal Code. A prison sentence of 1 year and 10 months under the Criminal Code (KUHP).

5.Case Number 742/Pid.B/2025/PN Sby. The defendant committed fraud involving a Kawasaki Ninja 250 motorcycle, in violation of Article 378 of the Criminal Code. The prison sentence is imposed in accordance with Article 378 of the Criminal Code.

Synthesis: Patterns in Judicial Reasoning Regarding the Adjudication of Fraud in Motor Vehicle Sales via Social Media

Based on an analysis of the aforementioned court rulings, the following patterns in judicial reasoning can be identified in cases involving fraud in the sale of motor vehicles via social media:

First judges employ a *lex specialis* approach, utilizing Article 28, paragraph (1), in conjunction with Article 45A, paragraph (1) of the ITE Law (Law on Information and Electronic Transactions) as the primary legal basis, rather than Article 378 of the Criminal Code (KUHP) concerning fraud. This aligns with the perspective of Panjaitan and Rusdiana, who argue that the defendant's actions more accurately satisfy the criminal elements defined in Article 28, paragraph (1) of the ITE Law—specifically, the dissemination of false and misleading information that results in consumer losses within electronic transactions. Article 28, paragraph (1) of the ITE Law stipulates that "any person who intentionally and without authorization disseminates false and misleading information that results in consumer losses in an electronic transaction" shall be subject to a maximum imprisonment of six (6) years and/or a maximum fine of IDR 1 billion.

Second judges accept and consider electronic evidence—such as screenshots of Facebook accounts, records of communications via WhatsApp and messenger, and proof of fund transfers—as valid forms of evidence. This demonstrates that judicial practice in Indonesia has progressively adopted the provisions set forth in Article 5 of the ITE Law. As noted by Matondang, Maysarah, and Sitompul (2022), electronic data, electronic documents, and their printed outputs may be utilized as evidence in the process of proving a criminal offense.

Third judges do not rely solely on electronic evidence; rather, they also consider witness testimonies, expert opinions, and other physical or documentary evidence to form their judicial conviction. In Judgment Number 53/Pid.Sus/2025/PN Sdn, the panel of judges heard testimony from an expert, who explained that the defendants' actions fulfilled the elements of Article 45A paragraph (1) in conjunction with Article 28 paragraph (1) of the ITE Law (Law on Information and Electronic Transactions). This aligns with the principle of *unus testis nullus testis* (one witness is no witness) in criminal procedural law,

which dictates that electronic evidence must be supported by other forms of evidence.

Fourth the judges considered the value of the losses suffered by the victim when determining the severity of the sentence. In Judgment Number 6834 K/Pid.Sus/2025, the Supreme Court modified the sentence imposed by the *judex facti* (trial court), as it created a sentencing disparity when compared to sentences handed down to other defendants in similar cases—particularly given that the financial loss to the victim was relatively minor.

Fifth in a civil case (Judgment Number 113/Pdt.G/2024/PA.Spt), the judge asserted that electronic evidence not accompanied by digital forensic results can only be classified as preliminary evidence. This indicates a stricter standard of proof in civil cases compared to criminal cases; in criminal proceedings, electronic evidence is admissible provided it meets the requirements of accessibility, integrity, and accountability, as stipulated in Article 6 of the ITE Law.

Final Court Judgments and Critical Analysis of Law Enforcement

1. Recapitulation of Court Judgments

Based on an examination of court judgments concerning fraud in the sale and purchase of motor vehicles via social media, the final judgments can be summarized as follows:

2. Critical Analysis of the Judges' *Ratio Decidendi* (Legal Reasoning)

a. Trends in the Application of Article 28 Paragraph (1) in conjunction with... Article 45A, Paragraph (1) of the ITE Law as the Primary Legal Basis

Of the five rulings analyzed, three (Ruling Number 53/Pid.Sus/2025/PN Sdn, Ruling Number 6834 K/Pid.Sus/2025, and Ruling Number 68/Pid.Sus/2024/PN Bjm) applied the provisions of Article 28, Paragraph (1) in conjunction with Article 45A, Paragraph (1) of the ITE Law (Law on Information and Electronic Transactions) as the primary legal basis. This choice indicates that the judges view the fraudulent sale of motor vehicles via social media as a specific type of criminal offense (*lex specialis*)—namely, the dissemination of false and misleading information that results in consumer losses within electronic

transactions—rather than merely as conventional fraud, as stipulated under Article 378 of the Criminal Code.

From a juridical perspective this approach is justifiable because the elements contained in Article 28, Paragraph (1) of the ITE Law more specifically describe the *modus operandi* of online fraud. The element of "disseminating false and misleading information" is satisfied through the use of fictitious advertisements on the Facebook marketplace, while the element of "resulting in consumer losses within electronic transactions" is fulfilled when the victim transfers funds. Furthermore, applying this provision serves as a stronger deterrent, as it carries a heavier penalty—up to six years of imprisonment and/or a fine of IDR 1 billion—compared to Article 378 of the Criminal Code, which carries a maximum sentence of four years of imprisonment.

However there is a critical note regarding this choice. In several cases—specifically Judgment Number 742/Pid.B/2025/PN Sby and Judgment Number 758/Pid.B/2024/PN Blb—judges instead applied Article 378 of the Criminal Code (KUHP). This creates the potential for sentencing disparities and legal uncertainty, as cases involving nearly identical *modus operandi* may be classified differently. This situation aligns with the critique offered by Panjaitan and Rusdiana, who argue that public prosecutors often lack diligence in selecting the appropriate legal articles for an indictment, leaving judges bound to the charges as presented, even when those charges are substantively inaccurate.

b. Admission and Evaluation of Electronic Evidence in Court

All the judgments analyzed accepted electronic evidence, including social media account screenshots, WhatsApp or Messenger conversations, transaction receipts, and mobile devices. This acceptance is consistent with the provisions of Article 5 of the ITE Law (Law on Information and Electronic Transactions) and Constitutional Court Judgment Number 20/PUU-XIV/2016. Nevertheless, there is a notable variation in the depth to which judges evaluate the validity of such electronic evidence.

In Judgment Number 53/Pid.Sus/2025/PN Sdn, the panel of judges explicitly considered expert testimony, which clarified that the defendants' actions satisfied the elements of Article 45A paragraph (1) in conjunction with Article 28 paragraph (1) of the ITE Law. This demonstrates that the judges did not merely accept the electronic evidence in a formal sense but also verified its validity through expert testimony. Conversely, in Judgment Number

742/Pid.B/2025/PN Sby and Judgment Number 758/Pid.B/2024/PN Blb, the panels of judges treated the electronic evidence merely as documentary evidence or circumstantial evidence (*petunjuk*), without conducting an adequate digital forensic verification. This situation potentially casts doubt on the integrity and authenticity of electronic evidence, particularly if the defendant raises an objection regarding the manipulation of such evidence.

Furthermore, it can be argued that there is a lack of standardized criteria for assessing the validity of electronic evidence. While Article 6 of the ITE Law (Law on Information and Electronic Transactions) stipulates that electronic information must be accessible, displayable, have its integrity guaranteed, and be attributable, in practice, not all judges possess the technical understanding required to verify these conditions. Specific guidelines—perhaps in the form of a Supreme Court Regulation—are necessary to govern the procedures for the admission and evaluation of electronic evidence in court proceedings.

c. Consideration of the Value of Loss in Determining the Severity of a Sentence

Supreme Court Decision Number 6834 K/Pid.Sus/2025 serves as a significant example of how the Supreme Court may rectify a sentence imposed by a lower court (*judex facti*) by addressing sentencing disparities. The Supreme Court determined that the original sentence was disproportionately harsh when compared to sentences handed down to other defendants in similar cases, especially given that the victim's financial loss was relatively minor—amounting to IDR 13,300,000.00. This reasoning demonstrates that the Supreme Court justices look beyond purely legalistic aspects, incorporating considerations of fairness and proportionality.

Conversely in Decision Number 68/Pid.Sus/2024/PN Bjm, where the victims' financial losses were substantially higher—totaling IDR 105,000,000.00, IDR 82,000,000.00, and IDR 85,000,000.00—the value of the loss was not explicitly factored in as an aggravating circumstance. This raises the question of whether the value of a loss is truly a consistent consideration in sentencing, or if it remains entirely dependent on the individual discretion of each judge. Clearer sentencing guidelines are needed to ensure that the determination of penalties in cases involving fraud in the sale and purchase of motor vehicles via social media is more measurable and proportionate.

3. Evaluation of Law Enforcement Regarding Fraud in the Sale and Purchase of Motor Vehicles via Social Media

Based on an analysis of the aforementioned court rulings, law enforcement concerning fraud in the sale and purchase of motor vehicles via social media can be evaluated as follows:

a. Positive Aspects

First there is a clear recognition of the status of electronic evidence as a valid form of evidence. This is reflected in the acceptance of electronic evidence across all the rulings analyzed. Second, there is a tendency among judges to apply the ITE Law (Law on Information and Electronic Transactions) as *lex specialis* in cases of online fraud, demonstrating a progressive understanding of the characteristics of cybercrime. Third, there are efforts to maintain sentencing proportionality by considering the value of the losses incurred and addressing sentencing disparities, as evidenced in Ruling Number 6834 K/Pid.Sus/2025.

CONCLUSION

Based on a review of scholarly journals legal texts on criminal law and the law of evidence it can be concluded that addressing fraud in motor vehicle transactions conducted via social media requires law enforcement efforts supported by valid and relevant evidence. Electronic communications and transaction records—such as conversations between a seller and a buyer, screenshots of advertisements, proof of payment transfers, and other electronic documents—can help reconstruct the sequence of events, identify the parties involved, and clarify the circumstances surrounding alleged fraud.

The status of electronic evidence in Indonesian criminal proceedings is recognized under existing legislation, specifically Articles 5 and 6 of the Law on Information and Electronic Transactions (as amended). However, the mere existence of electronic evidence does not automatically establish guilt. Its authenticity, integrity, relevance, and the manner in which it was obtained must be carefully scrutinized and evaluated alongside other forms of evidence, in accordance with applicable criminal procedural law. Consequently, such items—whether they are conversations or records of fund transfers—must be linked to the specific elements of the alleged criminal offense to provide a clear picture of the acts that took place.

Therefore, electronic communications and transaction records play a crucial role in proving fraud in motor vehicle transactions conducted via social media, serving both the investigative process and the presentation of evidence in court. Law enforcement that incorporates a thorough, professional, and legally compliant examination of electronic evidence is expected to provide legal certainty, protect the rights of victims, and bolster public trust in digital transactions. Furthermore, the public is advised to exercise caution before making payments by verifying the seller's identity and the legitimacy of the vehicle, as well as by retaining records of all communications and transactions to safeguard against potential disputes or criminal activity.

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