

# PRANATA HUKUM

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# ANALYSIS OF THE JUDGE'S VERDICT ON THE CRIMINAL ACT OF MONEY DOUBLING FRAUD COMMITTED BY THE PARANORMAL

Levi Olivia<sup>1</sup>

## **Abstract**

*Association is often abused, or also utilizes relationships that have been established so well. Many cases of fraud between friends of a certain group where the relationship is already well established, on the grounds of their economy by daring to commit a criminal act of fraud to their own friends. The problem in this study is 1) what is the factor that causes the criminal act of money doubling fraud committed by psychics?, 2) how is the law enforcement process against the perpetrators of money doubling fraud?, 3) how is the consideration of hakim against the perpetrators of money doubling fraud? The methods used in this research are through normative juridical approaches, and empirical approaches using secondary data and primary data, data analysis using qualitative analysis. Based on the results of the research, it can be concluded that the factors that cause the criminal act of money doubling fraud committed by the paranormal is due to economic, educational, social and environmental factors, the law enforcement process against the perpetrators of fraud crimes is carried out by the police, prosecutors and decided in court while the judge's consideration of the perpetrators of fraud fraud is multiplied by the paranormal based on article 378 of the Kuh. P Jo Article 55 Paragraph (1) and sentenced to imprisonment for 1 (one) year 6 (six) months. The advice in this study is to be more wary of all sorts of forms of deception, albeit with various seductions, because being confident and believing sudan's sustenance is governed by Allah SWT not in the way that psychics do. Law enforcement officials in sanctioning the accused must pay attention to the non juridical aspect of the perpetrator's actions.*

**Keywords:** *Crime, Fraud, Doubling of Money, Paranormal*

## **I. INTRODUCTION**

The diverse life of the upper class of the middle class and the lower class in terms of seeking satisfaction will get income or wealth can not be considered satisfied because satisfaction will be different views or achievements of thought from each individual. The upper and middle classes alone are many who always think they want better for the wealth they have, especially against the lower class who certainly want improvement in welfare, but there are times when people want

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to get it results easily and not through a good business process, even now many who do business outside of reason or beyond the logic of human thinking.

Indonesia's economic stability is currently not good and leads to an absence of growth rates. As a result, the level of welfare of Indonesian people becomes weak even though according to Article 33 Paragraph (3) of the 1945 Constitution, the earth and water fugsu and natural wealth contained therein are controlled by the state and used as much as possible for the people. The role of the government in building the economic growth of the people is less than optimal, the state should be a community organization that has an obligation to regulate that security is guaranteed and there is a reflection on the interests of each person, and in order to achieve equitable happiness in society. Not only one group can feel happy, but the whole group of people. In the field of law Aristotle's concepts according to Lili Rasjidi such as "justice according to law" or "justice according to habit", the nature of man as a "political animal" (zoon politicon, a political creature), that is, between freedom and slavery.<sup>2</sup>

Any violation of the law, will be subject to sanctions in the form of punishment in reaction to unlawful acts committed. In order to keep the rule of law in place and accepted by members of the public, the existing rule of law must be appropriate and must not conflict with the principles of justice. Thus, the law aims to ensure the certainty of the law in society and the law must also be based on justice, namely the principles of justice of the community. The level of community living needs that continues to increase, causing the level of public consumption to decrease due to the reduced income limit of the community, because criminal acts committed by the community now continue to increase from year to year both in terms of theft, fraud, extortion, corruption and so on. The desire to live together that is the bearer of human life, is a must of the body to carry out his life, this association of life results in mutual knowledge and influence between humans. Association is often abused, or also make good use of relationships. Many cases of fraud between friends of a certain group where the relationship is already well established, on the grounds of their economy by daring to commit criminal acts in the form of fraud to their own friends.

In this day and age the level of fraud crimes according to data downloaded from the <http://responsitory.fhunla.ac.id/?=node/129> website, juridical fists against the burden of proof, always increase and surprisingly often the victims of this fraud crime are his own close friends, which occur in general the crime of fraud is always done by persuading and moving someone to hand over goods or make debts or eliminate receivables and deeds that can give rise to confidence in the

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<sup>2</sup> Lili Rasjidi dan Liza Sonia Rasjidi, 2012, *Dasar-dasar Filsafat dan Teori Hukum*, PT. Citra Aditya Bakti, Bandung, p. 93-94.

actual confession of lies, on the picture of events that are actually made up in such a way that falsehoods can fool people who are usually careful.<sup>3</sup>

Actions that can cause the trust of others over the actual claims of lies, and on the image of the actual event are made so that falsehoods can fool people usually be careful. In fraud is often used almost similar terms, but have different meanings. Fraud is a form of chirping. The general nature of the debate is that the person is made mistaken, and therefore he is willing to give up the goods or money.

Determining which criminal acts are considered as criminal acts, Indonesia adheres to a principle of legality, which is the principle that determines that each criminal act must be determined according to Article 1 Paragraph (1) of the Criminal Code. The subject of the majority of criminal law begins with the word whoever commits a criminal act is threatened with criminality, but this does not mean that everyone who commits the act must then be matched. Because to punish someone in addition to doing prohibited acts, it is known not to be punished if there is no mistake.

The mode of criminal fraud in society is very diverse and ways, including fraud with opportunities, circumstances, tools, mind, and not a little bit by using deception. Fraud can endanger public order and interest and this act is contrary to the laws and norms that apply in society so that this fraud case can be reached by law, it can be possible or can be used extensive interpretation, by categorizing the fraud as fraud with a series of lies by guaranteeing a certain item.

This fraud case as research material is based on Hakin Decree No. 74/Pid/B/2011/PN. GS is a man who claims to be a psychic or is often called a shaman and can double the money he did together or more than 2 (two) people, the perpetrator named Bambang Wijayanto Bin Tugiono who is addressed in Kampung Sriwijaya District Bandar Mataram Lampung Tengah Regency which was done together with Gus Wasis alias Wasito who is addressed in Central Java, based on the decree the perpetrator was sentenced to 1 (one) year 6 (six) months in prison with the charge of fraud as stipulated in Article 378 of the Criminal Code.

Much happens in the scope of society, victims who believe in it always think that if the victim gives up some of his other property to be invested in the shaman then his property can produce many times the profit. But the case sometimes not many of the victims who report to the authorities, namely the Police, because the victim wants the money back through family channels and does not want to go through the applicable legal process. Sometimes settlement through legal channels becomes an option, if the family path finds a dead end. In general, the paranormal in carrying out the act of fraud to the victim, often telling the victim to buy magical ritual tools in order to double the money magically and the ritual must be routine to run if the ritual is rare or the conditions determined by the shaman are lacking it

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<sup>3</sup><http://responsitory.fhunla.ac.id/?=node/129>, tinjauan yuridis terhadap beban pembuktian.

will result in the failure of the process of making money carried out by the shaman through the occult ritual.

Money to perform rituals is mostly the result of the investment of the victims, the victim is told to perform the ritual also by the shaman is always carried out by his victims, because the lure of money that will be obtained by kornam that will multiply. Such fraud can clearly endanger public order and interest and after all such acts are contrary to the laws and norms that apply in society. If the perpetrator of the fraud case is not criminally convicted or escapes punishment, it will cause unrest in the community.

In the end the victims were harmed, but for some people who reported the fraud case to police officers as carried out by victims of Kiyem Binti Darmono Kiran who addressed at RT 04 RW 04 Dusun II Kampung Restu Baru Rb4 Rumbia District of Central Lampung Regency, law enforcement officials are police can arrest fraudsters who claim to be shamans for committing fraud to their victims so that suspects can be charged with Article 37. 8 criminal code.

The case description explains that society in general both the lower class and the upper middle class, in seeking the welfare of life often seeks money in an easy way, here the role of the paranormal in doing a series of false words often deceives the victim to give some money so that it can be doubled by the paranormal and after the paranormal gets money from the victims then the paranormal is stretched out. Fish yourself with the money they get.

This research is designed as normative-empirical legal research (applied law research), which is legal research on the implementation of normative law provisions in action at any particular legal event that occurs in society. In normative-empirical legal research according to Abdulkadir Muhammad there is always a combination of 2 (two) stages of study. The first stage, the study of the prevailing normative law, and the second stage of empirical legal study in the form of application or implementation of the legal event in concreto to achieve the objectives that have been set. <sup>4</sup>

The author uses normative juridical and empirical juridical approaches Normative juridical approaches are carried out by reviewing written legal materials in the form of laws and legal literature related to the issues studied. While the empirical juridical approach is done by obtaining information about the reality that occurs in the field or research location. Based on this approach, this study includes research on legal inventory in concreto which is an attempt to find out whether an existing regulation is appropriate when applied to concrete situations.

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<sup>4</sup> Abdulkadir Muhammad, 2004, *Hukum dan Penelitian Hukum*, citra Aditya Bakti, Bandung, Cet. 1, hlm. 53

## II. DISCUSSION

Criminal law according to Wirjono Projodikoro is the rule of law regarding criminal. The word "criminal" means the thing that is "punished", that is, by the ruling agency is devolved to oknm as something that is not pleasant to feel and also things that are not everyday devolved. <sup>5</sup> According to Muladi and Barda Nawawi Arief, the criminal offense is intentionally imposed on people who commit acts that meet certain conditions. While Roeslan Saleh asserted that the criminal is a reaction to the delik, and this is a matter of what the State deliberately inflicted on the creator of the delik. <sup>6</sup>

Criminals themselves according to Muladi and Barda Nawawi always contain the following elements or characteristics:

1. The crime is essentially the imposition of suffering or other unpleasant consequences.
2. The criminal is given intentionally by a person or body that has power (by the authorities).
3. The crime is imposed on a person who has committed a criminal offence under the Law. <sup>7</sup>

According to Moeljanto in Pipin Syarifin, criminal law is part of the overall law that applies in one State, which is the basis and rules for:

- a. Acts that should not be done, which are prohibited, with the threat or sanctions in the form of certain criminal sanctions for whoever violates the prohibition.
- b. Determine when and in what case those who violate those prohibitions may be charged or criminally punished as threatened.
- c. Determine by means of how the criminal proceedings can be carried out if the person is suspected of having violated the prohibition. <sup>8</sup>

According to Pipin Syarifin the criminal is essentially the imposition of suffering against the delik maker where the criminal is expected to have influence over the person charged with the criminal. This criminal can only be realized by the convict when the judge's verdict is implemented effectively. The prosecution here is expected so that the convict does not commit a criminal act again. With the application, the new purpose of the application can be achieved. <sup>9</sup>

Based on the description that criminal is basically a form of implementation of the rule or legal norm for people who consciously commit an act of breaking the law. Criminal can also be said as a form of retaliation for what has been done by a person with the aim that the person has awareness of his actions.

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p. 1. <sup>5</sup> Wirjono Projodikoro, 2003, *Azas-azas hukum Pidana Indonesia*, PT. Repika Aditama, Bandung,

p. 2 <sup>6</sup> Muladi dan Barda Nawawi Arief, 1998, *Teori-teori dan Kebijakan Pidana*, Alumni, Bandung,

<sup>7</sup> *Ibid*, hlm. 4.

<sup>8</sup> Pipin Syarifin, 2000, *Hukum Pidana di Indonesia*, CV. Pustaka Setia, Bandung, hlm. 13.

<sup>9</sup> *Ibid*.hlm. 14.

The types of criminals according to the Criminal Code as contained in Article 10 of the Criminal Code are divided into two types:

The Principal Criminal consists of death penalty, imprisonment, criminal imprisonment, criminal fine and criminal cover (plus under Law No. 20 of 1946).

a. Additional criminals, namely the revocation of certain rights, the seizure of certain goods and the announcement of the judge's ruling.

Andi Hamzah describes it as follows:

(1) Death Penalty

The death penalty is the toughest type of criminal according to positive law in Indonesia. In the explanation of the Criminal Code mentioned that the death penalty is still needed, among others because of a special situation, namely danger, disruption of law order, other reasons because the vast territory of Indonesia and its population consists of various groups.<sup>10</sup>

(2) Imprisonment

Imprisonment of at least 1 (one) day Article 12 Paragraph (1) and (4) criminal code at least 1 (one) day and the highest for life and the longest for a certain time of 20 years. This type of criminal is the main criminal among the criminals of deprivation of independence. This criminal can be for life or for a while.<sup>11</sup>

(3) Criminal Confinement

This type of criminal is lighter than a prison sentence. The purpose of criminal confinement is to scare and not to fix it.<sup>12</sup>

This type of criminal is at least 1 (one) year 4 (four) months as stipulated in Article 18 Paragraph (3) of the Criminal Code.

(4) Criminal Fines

This criminal fine is different from other types of criminals, because the criminal in addition to the fine is a criminal deprivation of independence and is aimed at the soul of the person, while the criminal fine is aimed at the property of the convict.<sup>13</sup>

(5) Criminal Cover

It is a type of criminal that has been regulated in Law No. 20 of 1946 on Criminal Cover, namely as one of the criminal lost independence, more severe than criminal fines.

(6) Disenfranchisement

The revocation of certain rights only for delik-deliiks expressly determined by law. It is sometimes possible by law to revoke some concurrent rights in an act, for example Article 350 of the Criminal Code.<sup>14</sup>

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<sup>10</sup> Andi Hamzah, 1994, *Azas-azas Hukum Pidana*, PT. Rineka Cipta, Jakarta, hlm hlm. 192

<sup>11</sup> *Ibid*, hlm. 194

<sup>12</sup> *Ibid*, hlm. 197

<sup>13</sup> Andi Hamzah, *Op. cit.* hlm. 201

<sup>14</sup> *Ibid*, hlm. 205



#### (7) Confiscation of Certain Items

The crime of plunder is a criminal of wealth, as is the case with criminal fines. There are two kinds of goods that can be seized, namely the first items obtained for crime and secondly items that are deliberately used in committing crimes.

#### (8) Announcement of the Judge's Ruling

In PAasal 43 of the Criminal Code it is determined that if the judge orders that the verdict be announced based on this Law or other general rules, it must also be determined how to carry out the order at the expense of the convict.<sup>15</sup>

Based on the above description it can be said that in conjunction with the types of criminals in the concept of the latest development of the main criminal into prison, criminal supervision, criminal fines and also criminal social work. Criminal giving to criminal offenders must also pay attention to the background of the perpetrator for example because of mental disabilities, children who are not old enough, beggars and homeless.

Criminal acts according to Bambang Poernomo is an act committed by someone by committing a crime or criminal offense that harms the interests of others or harms the public interest. Some criminal law scholars in Indonesia use different terms calling it the word "criminal" there are some scholars who mention criminal acts, criminal acts or decals.<sup>16</sup>

According to the Criminal Code (Criminal Code) the general term used is a criminal offence because it is neutral, and the understanding includes passive and active actions. So it can be said that the notion of criminal acts means an act against the law or not doing something that by the closeness of the Invitations is declared as prohibited and threatened with criminality. In addition to the above opinions, some other opinions found by scholars about criminal acts or criminal acts include:

a) In Van Hammel's opinion it was formulated that:

Strafbaar feit is the behavior of a person formulated in a wet that is against the law that deserves to be punished and done by mistake. While in the opinion of Simons Strafbaar feit is a behavior (handeling) that is threatened with criminal acts that are against the law related to the problem of error and done by people who are able to be responsible.

b) Moeljanto

Criminal acts are acts prohibited by law, which prohibitions are accompanied by threats / sanctions in the form of certain criminals for anyone who violates the prohibition. Determining when and what things those who have violated the ban can be criminally charged as threatened.<sup>17</sup>

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<sup>15</sup> *Ibid*, hlm. 208

<sup>16</sup> Bambang Poernomo, *Azas Hukum Pidana*, Ghalia Indonesia, Seksi Kepidanaan Fakultas hukum UGM, Yogyakarta, 1982 hlm. 86

<sup>17</sup> Moeljanto, 2002, *Asas-asas Hukum Pidana*, PT Rineka Cipta, Jakarta, hlm.37-38

Definition of criminal fraud according to data downloaded from the website <http://raytama.blogspot.com/2012/02/pengertian-dan-unsur-tindak.html>, fraud comes from the word trickery which means acts / words that are dishonest or false, false and so on with the meaning to mislead, outsmart or seek profit. An act of fraud is an act that harms others including acts that can be subject to criminal penalties.

Article 378 of the Criminal Code contains the determination that the crime of fraud (*oplichting*) is established in its general form while listed in Chapter XXV of Book II of the Criminal Code, contains various forms of fraud against objects formulated in 20 articles, each of which has special names (fraud in special form). The entire chapter in Chapter XXV is known as *bedrog*/ fraudulent acts.

The understanding of fraud in accordance with the above understanding and based on Article 378 of the Criminal Code seems clear that what is meant by fraud is a ruse / series of false words so that someone feels deceived because of the talk that seems to be true. Usually a person who commits fraud is to explain something as if it were true, but actually his words are not in accordance with reality because the purpose is only to convince the targeted person to follow his wishes, while using a false name so that the person concerned is not identified as well as using a false position so that people are sure of his words.<sup>18</sup>

The crime of fraud is contained in Chapter XXV of Book II of the Criminal Code, from Article 378 to Article 394. In this chapter *bedrog* which many experts translate as fraud, or some translate it as fraudulent acts. Based on data downloaded from the website <http://pakarhukum.site.go.net/frauds.php>, the word fraud itself has two meanings, *takni*:

1. Fraud in the broadest sense, i.e. all crimes formulated in Chapter XXV of the Criminal Code
2. Fraud in the narrow sense, is a form of fraud formulated in Articles 378 of the Criminal Code (its principal form) and 379 (special form), or commonly called *oplichting*.<sup>19</sup>

In article 378 of the Criminal Code stipulates that:

(1) Using false sense

A false name is a different name from the actual name, although the difference seems small, for example the real person named Ancis, when in fact someone else, who wants to deceive it knows, that only to the person named Ancis will one believe in giving an item. So that he might get the goods, he forged his name from Anci to Ancis. But if the *sipenipu* uses the same other person's name as his own, then he is not said to use a false name but he is still blamed.

(2) Using false positions

A person who can be blamed for cheating by using false positions for example: X used the position as a businessman of company P, even though he had been

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<sup>18</sup> <http://raytama.blogspot.com/2012/02/pengertian-dan-unsur-unsur-tindak.html>

<sup>19</sup> <http://pakarhukum.site.go.net/penipuan-penipuan.php>

dismissed, then went to a store to order the store, saying that he X was told by his employer to take the items. If the store handed the items over to X, it was known as the power of company P, and the store knew it, X could be blamed for defrauding the store of using a false position.

(3) Using deception

(4) What is meant by deception are actions that can give rise to a picture of events that are actually made up in such a way that falsehood can fool people who can be careful.

(5) Using a lying arrangement

The lie must be so convoluted that it is an or all that seems to be true and not easily found everywhere.

According to Moeljanto, the elements of the criminal act of fraud are also stated as follows:

- a. The element of moving others is action, both deeds and words, thereby receiving goods that must be handed over to the person whose name was mentioned earlier.
- b. The element of wearing false dignity. False dignity is meant to mention himself in an untrue state and which results in the victim believing in him, and based on that belief he gives up an item or gives a debt or writes off the receivable.
- c. Elements using deception and elements of a series of lies. The element of deception is a series of words, but from an act in such a way, so that it engenders trust in others. While a series of lies is a series of false words or words that contradict the truth that gives the impression as if what is said is true.<sup>20</sup>

Based on all these opinions he is above, then a new person can be said to have committed a criminal offence as referred to in Article 378 of the Criminal Code, if the elements mentioned in the article have been fulfilled, then the perpetrator of the fraud can be sentenced criminally according to his actions.

The causative factor of fraud doubling money by the paranormal is the existence of economic pressure that occurs in society becomes the main problem. People who take shortcuts to get wealth many choose to perform occult rituals that are considered to be able to double the money in this case done by Bambang Wijayanto bin Tugiono who claims to be a psychic and done together with Gus Wasis als Wasito. Fraud can endanger public order and interest and this act is contrary to the laws and norms that apply in society even though it formally does not meet the formulation of the Law, so that this case can be reached by law, can be allowed or can be used exentive interpretation, by categorizing the fraud as fraud with a series of lies by guaranteeing a certain item. In the criminal sense there is no accountability. Criminal acts only refer to the prohibition of the act, whether the

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<sup>20</sup> Moeljanto, *Op, cit*, hlm. 72.

person who did the act is then also convicted, depending on whether he in doing the deed has a mistake or not. Because in the criminal law applies the principle of *geen straf zonder which* means no criminal without error.

Proving whether the accused is guilty or not in a criminal matter, according to Lilik Mulyad, *kuhap* in Indonesia adheres to the system of proof according to the law negatively. In the system of proof according to the law negatively (*negative wettelijke bewujs theorie*) there is a dominant element in the form of at least two evidences while the element of the judge's belief is only a complementary element.<sup>21</sup>

From the results of this study, the results of the author's analysis are that there are several factors that cause the criminal act of fraud doubling the money, among others:

1. Internal factors are factors that are influenced from within the perpetrator, including:
  - a. Economics, being the cause of people committing criminal acts of fraud, in the search for wealth has not been considered satisfied because satisfaction will differ views or perceptions of each individual's thinking. The perpetrator commits the ruse the goal is so that others can give up objects by giving debts and eliminating debt receivables aimed at enriching themselves.
  - b. Education, being the cause of fraud, because most victims of fraud are people whose level of education is still low, because their mindset or perspective is very short and easily influenced by persuasion and seduction without knowing the truth first. People still have an irrational mindset. This irrational mindset not only applies in lower class communities with low levels of education, but the rational mindset is also contagious in upper class economic communities, middle class and lower class.
2. External Factors, namely factors that are influenced from outside the perpetrator include:
  - a. Environments that affect the mindset of society itself, which results in forms of social interaction, usually use false dignity / position in society and result in some parties who use social interactions to commit criminal acts, namely committing lies by claiming to be psychics who can double money.
  - b. Social, namely the existence of others who are moved often who become victims are close friends or people who are around themselves because what happens is by persuading and moving someone to give up goods or make debts or eliminate receivables and actions that can lead to trust in confessions that actually lie.

Based on the background of the cause of the criminal act of money doubling fraud committed by the paranormal, the fraud crime committed by Bambang Wijayanto can be proven through several provisions, namely through his mistakes.

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<sup>21</sup> Lilik Mulyadi, *Hukum Acara Pidana Suatu tinjauan Khusus Terhadap Surat Dakwaan, Eksepsi dan Putusan Pengadilan*, PT. Citra Adithya Bakti, Bandung, 2007, hlm.76.

Speaking of criminal liability, it cannot be released with a criminal offense. Although in the sense of criminal acts do not include the issue of criminal liability. A crime refers only to the prohibition of an act. A crime refers only to the prohibition of an act. Criminal acts do not stand alone, it only means when there is criminal responsibility. This means that anyone who commits a criminal offence should not be punished by himself. The basis of a criminal act is the principle of legality while the basis for the conviction of the maker is the principle of error. This means that the criminal maker will only be convicted if he has an error in committing the crime. When is someone said to have a mistake in committing such a crime? And when is someone said to have a mistake? It's a matter of criminal liability. A person has a mistake when at the time of committing a criminal act, seen in terms of society he can be reproached by the act.

According to J.E. Sahetapy, the principle of error is a fundamental principle in criminal law. So fundamentally so pervasive and echoing in almost all teachings and is important in criminal law. But it must be realized that this is not about necessity according to empirical law, but about normative principles.<sup>22</sup>

Based on the above, Soedarto also stated the same thing that the punishment of a person is not enough if the person has committed an act that is contrary to the law or is against the law, so although the act meets the formulation of the law and is not justified (an objective breach of a provision), but it has errors or guilt (subjective guilt). In other words. That person can only be accountable to that person.<sup>23</sup>

Based on the opinion above, by embracing a two-day view, this makes it easier to systematize elements of a criminal act. Whichever elements go into the deed and which elements, enter into the error. So that this has an influence in deciding a criminal case, it will be easier to determine the elements of a criminal act in accordance with the field (elements of deeds and elements of error), so that one type of intentional error can be accounted for.

In criminal liability, one must be able to be proven wrong. About this error according to Moeljanto, namely intentionally, intentionally known there are 3 (three) patterns, namely:

- a. Intentionality with the intention (*dolus directus*), is intentionality that contains a purpose to achieve something
- b. Intentionality as a certainty and necessity (*opzet bij zekerheids bewotszijn*) is intentionality that does not contain a purpose, but accompanied by realization, that a consequence will inevitably occur.
- c. Intentionality with possibility (*dolus eventualis*) is intentionality that does not contain a purpose, but with the realization there is only possibility (not error),

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<sup>22</sup>Schaffmeister, N. Keijer, E. PH Sutorius, *Hukum Pidana*, editor penerjemah J.E. Sahetapy, Liberty, Yogyakarta, 1995, hlm. 82

<sup>23</sup> Soedarto, *Hukum Pidana I*, Badan Penyediaan Bahan-bahan Kuliah FH, UNDIP, Semarang, 1987/1988, hlm. 85

that an effect will occur, then (opzetbijmogelijkheidsbewustzinj) or intentionally inshalant possibility.<sup>24</sup>

From the results of the above analysis that the criminal responsibility of fraud criminals is threatened and convicted as referred to in Article 378 Jo. Article 55 Paragraph (1) of the Criminal Code. On the basis of these elements, the accused can be threatened with a maximum prison term of four years or a maximum fine of ten million rupiah. Given the provisions of the criminal threat as referred to in Article 378 of the Criminal Code, the defendants are sentenced to imprisonment for 1 (one) year 6 (six) months in prison. The prison sentence imposed on the accused has been in accordance with the threat of the longest prison sentence in the Criminal Code which is only 4 (four) years in prison. Thus, the imposition of criminal threats in the law enforcement process against accused perpetrators of fraud crimes committed by law enforcement officials has been maximized, because the imprisonment is based on the maximum threat (longest).

### III. CONCLUSION

Based on the results of the research and discussions that have been put forward, it can be concluded as follows;

1. Factor causes the criminal act of money doubling fraud due to several factors. Fraud itself can endanger public order and interest and this act is contrary to the laws and norms that apply in society.
2. The law enforcement process against the perpetrators of money doubling fraud is a series of actions carried out by law enforcement officials in order to carry out the duties and authorities of law enforcement officers, especially the Police, Prosecutors and Judiciary in the event that there has been a criminal act of money doubling fraud committed by the paranormal. Thus, in essence, law enforcement is an application to the Laws and Regulations of the apparatus in implementing regulations. Law enforcement can also be interpreted as the implementation of the law by law enforcement officers and by everyone concerned in accordance with their respective authorities according to the law as well as applicable laws and regulations.
3. The judge's consideration of the perpetrators of money doubling fraud crimes committed by psychics is threatened and punished as referred to in Article 378 of the Jo Penal Code. Article 55 Paragraph (1) to 1 of the Criminal Code. On the basis of these elements, the accused can be threatened with a maximum prison term of four years. Before deciding the case the judge gave several considerations, namely:
  - a. Only participate in helping to commit fraud committed to the victim
  - b. Never been punished.

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<sup>24</sup> Moeljanto, *Op.cit*, hlm 73

- c. Polite in the trial
- d. Weighed from the work and responsibilities of the perpetrator in the family as the backbone of the family.

Based on these considerations and in view of the provisions of criminal threats as referred to in Article 378 of the Criminal Code, the defendants are sentenced to 1 (one) year and 6 (six) months. Legal considerations in Case Decision No. 74/Pid/B/2011/PN. GS is a juridical and non juridical consideration. The juridical considerations that are meant here are considerations of the existence of evidence of crime and witness statements. Non juridical considerations based on the prosecutor's indictment and as well as the judge's consideration in deciding the fraud case.

Society should be more wary of all forms of fraud, albeit with various seductions, more active in working to get something desired in a reasonable way and benefit more than just believing things that do not make sense such as the doubling of money done by psychics. Economic factors should not make humans or society itself to cut corners to get rich quick or richer faster. Improving the level of education that is equal, so that the mindset of the community is more advanced and developed. In association, people do not easily trust people who often do persuasion and seduction to avoid all forms of fraud, you should first find the truth. Actively working and getting closer to Allah SWT can also prevent us from all forms of money doubling fraud, because believing and believing sustenance has been arranged by Allah not in a supernatural way done by the paranormal.

The provision of strict sanctions for perpetrators of fraud in order to provide a deterrent effect to the perpetrator by paying attention to the actions of the perpetrator who can alleviate and incriminate the perpetrator. For law enforcement officials, the Judge can sanction the accused must be in accordance with the prevailing laws and regulations with principle on justice by looking at and maintaining the good name of the accused because it will affect the psychological side of the defendant himself.

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