

Non-Penal Policy in Combating Love Scamming

Kebijakan Non Penal dalam Menanggulangi Kejahatan Love Scamming

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Abstract

One of today's contemporary forms of crime, love scamming, inflicts huge financial and psychological losses on victims. This crime is increasingly complicated because it involves emotional relationships that are difficult for victims to recognize as a form of fraud. This research aims to examine and implement non-punitive policies as a prevention strategy against love scamming. The method used is a normative-empirical approach, which combines the study of applicable law and direct observation of existing social phenomena. With a socio-legal



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approach, this research analyzes the social response to love scamming. The results show that love scamming is influenced by structural factors such as economic inequality and weak emotional self. The research shows that in carrying out their actions, the perpetrators deceive the victims and take advantage of the emotional weakness and vulnerability of the victims. Non-penal efforts considered strategic for victims include increasing self-awareness in social media interactions. Meanwhile, to minimize crime, stakeholders can provide maximum limits on registering accounts in the application and prohibit creating anonymous accounts without a clear identity. This research not only contributes to prevention efforts in general for social media account users but also specifically for vulnerable groups such as women who are easily manipulated emotionally, and children and parents who are struggling with the use of technology and are at higher risk of becoming victims of love scamming.

KEYWORDS *Non-Penal Policy, Crime Prevention, Digital Fraud, Love Scamming*

Abstrak

Salah satu bentuk kejahatan kontemporer dewasa ini, *love scamming*, menimbulkan kerugian besar berupa finansial maupun psikologis pada korban. Kejahatan ini semakin rumit karena melibatkan relasi emosional yang sulit dikenali oleh korban sebagai bentuk penipuan. Penelitian ini bertujuan untuk mengkaji dan mengimplementasikan kebijakan non penal sebagai strategi pencegahan terhadap kejahatan *love scamming*. Metode yang digunakan adalah pendekatan normatif-empiris, dengan menggabungkan kajian hukum yang berlaku dan observasi langsung terhadap fenomena yang ada masyarakat. Dengan pendekatan sosio-legal, penelitian ini menganalisis respons sosial terhadap *love scamming*. Hasil penelitian menunjukkan bahwa *love scamming* dipengaruhi oleh faktor struktural seperti ketimpangan ekonomi dan lemahnya emosional diri. Penelitian menunjukkan bahwa dalam melancarkan perbuatannya, pelaku memperdaya korban dan

memanfaatkan emosional yang lemah serta rentan pada diri korban. Upaya non penal yang dianggap strategis bagi korban meliputi peningkatan kemawasan diri dalam berinteraksi di media sosial. Sedangkan dalam meminimalisir kejahatan, pihak yang berkepentingan dapat memberi batasan yang maksimal dalam pendaftaran akun di aplikasi dan larangan membuat akun anonim tanpa identitas yang jelas. Penelitian ini tidak hanya berkontribusi dalam upaya pencegahan secara umum pada pengguna akun media sosial, namun juga secara khusus pada kelompok rentan seperti perempuan yang mudah dimanipulasi emosionalnya, serta anak dan orang tua yang gagap penggunaan teknologi berisiko lebih tinggi menjadi korban *love scamming*.

KATA KUNCI *Kebijakan Non Penal, Penanggulangan Kejahatan, Penipuan Digital, Penipuan Berkedok Asmara*

Introduction

The rapid development of information and communication technology has made the internet a multifunctional tool. This progress has significantly impacted society, especially in supporting the development of knowledge, skills, and various other activities. Thus, current technological advances allow people to access various sources of information widely and according to their needs.¹ Information technology has a positive impact in making it easier for users, such as online shopping, buying and selling transactions, and accessing financial services. This convenience certainly provides a more practical means for the community to fulfill various needs.

On the other hand, the rapid development of information technology does not always bring benefits or convenience, but also has the potential to cause significant negative impacts. Some individuals utilize technological advances to commit crimes. In other words, the presence of technology opens up

¹ Yan Fathahillah Purnama, Herman Herman, and Oheo Kaimuddin Haris, "Cyberstalking Sebagai Perbuatan Melawan Hukum Dalam Hukum Pidana Indonesia," *Halu Oleo Legal Research* 6, no. 1 (2024): 103-21, <https://doi.org/10.33772/holresch.v6i1.813>.

opportunities for new forms of crime to emerge in society.² This progress can also be seen in the aspect of communication and social relationships that can now be established efficiently through various digital platforms. However, the presence of instant messaging applications and dating apps also creates an opening for criminals to target users.

One type of cybercrime that has recently been in the spotlight is fraud with the mode of romantic relationships or also known as love scamming. This phenomenon has received a lot of attention, both nationally and internationally, through news coverage in the mass media. In addition, a number of cases were also revealed by the victims independently through social media platforms and then spread widely among netizens. As technological advances continue to develop, crime patterns are increasingly diverse, causing serious anxiety for potential victims and the wider community.

In general, love scamming is a form of scamming. Scamming is an act of fraud committed by individuals or institutions with the aim of building the trust of victims in order to achieve the success of their actions. In this case, the perpetrator systematically manipulates the victim in order to gain personal gain. Mulyadi et al define love scamming as a form of fraud in which the perpetrator pretends to have an emotional attraction to the victim. In this action, the perpetrator manipulates the victim's feelings by showing intense attention like a romantic couple. These actions make the victim feel trusting and emotionally attached, so they tend to follow the wishes of the perpetrator. In the end, the victim is encouraged to hand over property or a sum of money to the perpetrator in accordance with his request.³

² La Ode Muhammad Ichsan, Herman Herman, and Oheo Kaimuddin Haris, "Upaya Non Penal Dalam Penanggulangan Tindak Pidana Skimming," *Halua Oleo Legal Research* 6, no.1 (2024):173-82, <https://doi.org/10.33772/holresch.v6i1.815>.

³ Mulyadi Mulyadi, Aulia Anjani Nurdin, Axara Alejendra Anjani, Fiqih Dien Alamsyah, Firdha Sifana, Muhammad Albar Yudistio, Muhammad Kareem Maulana, dan Radiyya Alvaro Achmad Rabbani, "Analisis Penipuan Online Melalui Media Sosial dalam Perspektif Kriminologi," *Media Hukum Indonesia* 2, no. 2 (April–Juni 2024): 74–82,

In January 2025, Gambir Metro Police successfully uncovered a love scam, where a syndicate of perpetrators used dating apps to emotionally manipulate victims and lead them to fake investments. The raid was conducted in Central Jakarta, and police arrested 20 suspects and confiscated dozens of electronic devices. This case proved the existence of an organized network that caused significant financial losses to victims.⁴ Another case of love scamming hit President Prabowo's media staff and has been reported to the Police in Banten. The perpetrators used fake identities through social media to build emotional relationships and succeeded in financially exploiting the victims. The losses incurred reached tens of millions of rupiah.⁵

Love scamming has been studied from various scientific perspectives. This research was inspired by three articles that have been identified as providing an important foundation in understanding the phenomenon of *love scamming* from various perspectives. The article by Suleman Lazarus et al. (2023) entitled "What do we know about online romance fraud studies? A systematic review of the empirical literature (2000 to 2021)" in the *Journal of Economic Criminology*⁶ conducted a systematic review of empirical research on *online romance fraud* between 2000-2021. This research highlights the

<https://doi.org/10.5281/zenodo.11183088>.

⁴ Tribrata News Metro Jaya, "Polsek Metro Gambir Ungkap Kasus Penipuan Online dengan Modus Love Scam," *Tribrata News Polda Metro Jaya*, diakses 21 Juni 2025, <https://tribratanews.metro.polri.go.id/polsek-metro-gambir-ungkap-kasus-penipuan-online-dengan-modus-love-scam/>.

⁵ Tempo.co, "Modus Love Scamming Menjerat Staf Media Prabowo," *Tempo* (online), diakses 21 Juni 2025, <https://www.tempo.co/hukum/modus-love-scamming-menjerat-staf-media-prabowo-1735511>. Lihat juga dalam MetroTVNews, "Love Scamming Menjerat Staf Media Prabowo: Begini Kronologinya," *MetroTVNews* (video online), diakses 21 Juni 2025, <https://www.metrotvnews.com/play/kqYCYjqw-love-scamming-menjerat-staf-media-prabowo-begini-kronologinya>.

⁶ Suleman Lazarus, Jack M. Whittaker, Michael R. McGuire, Lucinda Platt, "What do we know about online romance fraud studies? A systematic review of the empirical literature (2000 to 2021)" *Journal of Economic Criminology* 2 (2023): 1–17, <https://doi.org/10.1016/j.jeconc.2023.100013>.

perpetrators' manipulation techniques, the impact on victims, as well as the limitations of research that still focuses on the aspects of victims and perpetrators, with little attention to public policy perspectives or non-penal prevention. Meanwhile, the article "Falling into a Black Hole: A Qualitative Exploration of the Lived Experiences of Cyberscam Victim-Survivors and Their Social Support Networks" (2025) in *Victims & Offenders: An International Journal of Evidence-based Research, Policy, and Practice*⁷ explores the experiences of love scam victims qualitatively, highlighting the psychological impact and challenges victims face in the reporting process and legal protection. In general, this article by Alyxandra focuses more on the subjective experiences of victims and barriers in the legal system. The last, the article "Phenomenon of Love Scam Cases in Legal Practice: Exploring Case Construction and Victim Responses" by Dewi Bunga (2025)⁸ analyzes love scamming as a form of cybercrime, describes its legal construction under Indonesian law, and explores victims' challenges to reporting.

This research has a unique and novel contribution when reflecting on the three previous studies, specifically analyzing and offering non-penal policies in tackling love scamming. If previous studies have highlighted the victim-offender aspect, psychological impact, and challenges faced by victims, this research seeks to fill the gap by emphasizing the importance of preventive, educative, and social approaches in love scam prevention efforts. The novelty of the research lies in the development of a comprehensive non-penal policy model that has not been widely reviewed, for example, through account restrictions by verifying personal data in order to minimize the

⁷ Alyxandra Cazanis, Jao-Yue Carminati, Kimberly Chew, Cassandra Cross, Jennie Ponsford, dan Kate Rachel Gould, "Falling into a Black Hole: A Qualitative Exploration of the Lived Experiences of Cyberscam Victim-Survivors and Their Social Support Networks" *Victims & Offenders: An International Journal of Evidence-based Research, Policy, and Practice* (2025): 1–20, <https://doi.org/10.1080/15564886.2025.2481267>.

⁸ Dewi Bunga, Ni Nyoman Juwita Arsawati, I Nyoman Budiana, "Phenomenon of Love Scam Cases in Legal Practice: Exploring Case Construction and Victim Responses," *International Journal of Law Reconstruction* 9, no. 1 (Maret 2025): 42-61, <https://dx.doi.org/10.26532/ijlr.v%vi%i.37085>.

anonymity of social media account users, so that crime can at least be reduced. Thus, this research not only expands the horizon of love scamming countermeasures beyond the realm of criminal law but also provides an alternative solution that is more holistic and applicable in the scope of public policy.

Research related to the issue of love scamming is very important to do, especially considering the increase in cybercrime in today's digital era. The phenomenon of fraud based on emotional relationships shows that the current legal system is not fully capable of reaching and overcoming new modes born from virtual space. The weakness in the law enforcement aspect of romance fraud cases indicates the need for an alternative approach that is preventive and non-repressive. Therefore, a non-punitive policy approach is relevant to be put forward as part of a crime control strategy that not only relies on punishment, but also on prevention through community empowerment and improving security systems in cyberspace by verifying personal data on accounts.

The non-punitive approach emphasizes educative, persuasive, and participatory measures to reduce crime. This strategy includes raising public awareness about the modes and characteristics of love scamming crimes, as well as the importance of strengthening social resilience against digital manipulation vigilance. Through digital literacy efforts, the public is expected to have the ability to recognize patterns of fraud, especially those that target the emotions and trust of victims. In addition, reformulation of policies and regulations is also an important part so that the law can adaptively respond to the ever-changing development of digital crime. Thus, non-penal policies are not only reactive but also proactive in building a safer and more protected digital ecosystem.

This article departs from that urgency with the main objective of identifying the real impact of the crime of love scamming, both individually and socially, as well as exploring various non-punitive measures that can be applied as a preventive solution. This research also makes an important contribution in supporting the role of law as a tool for community protection in the digital era, which is full of new challenges. With a holistic analytical approach, this paper is not

only relevant for academics and law enforcement but also for the general public to be more prepared and aware of the risks of emotional relationship-based crimes in the online realm.

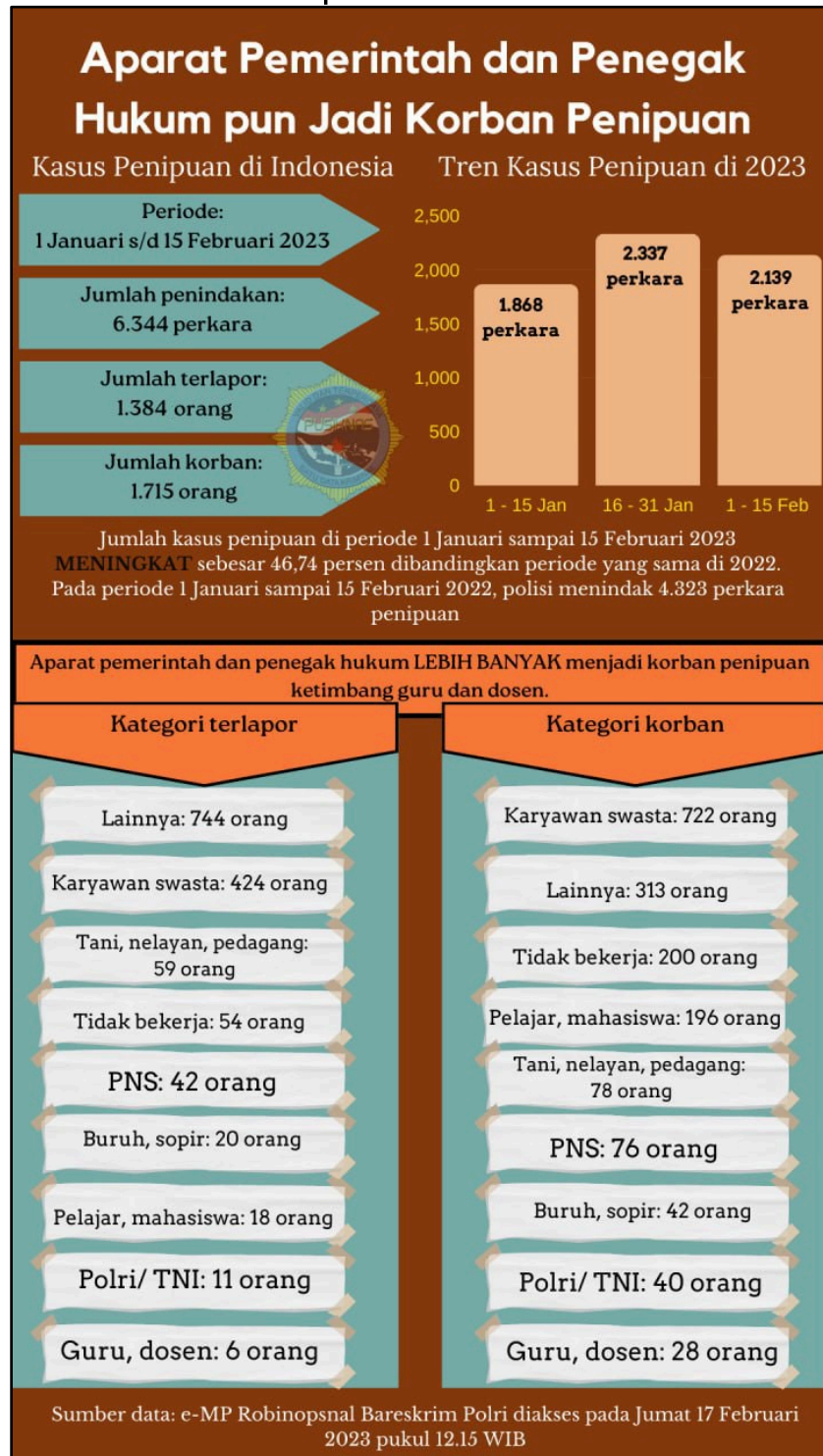


Figure 1: Infographic of the number of cases in 2023 by the National

Criminal Information Center (Pusiknas) POLRI⁹

Method

This research uses the normative-empirical legal research method, which is an approach to understanding written legal norms and the reality that occurs in society or the application of law as a result of legal norms.¹⁰ In the initial stage, this research focuses on the study of legislation (statute approach) that can be used as the basis for criminal law for love scamming offenders, as well as analyzing the extent to which these regulations are effective in overcoming and tackling these crimes. This includes an evaluation of the legal substance, institutions, and implementation of applicable legal policies. From the results of the study, the possibility of using a non-punitive policy approach as an alternative strategy that is more effective and sustainable in preventing and overcoming the love scamming phenomenon is analyzed.

Furthermore, this research uses a socio-legal approach¹¹ to understand the love scamming phenomenon not only from the juridical aspect, but also from the sociological side, namely how the community responds and interprets the crime in everyday life. This approach is important to explore the factors behind the rise of love scamming cases and see the extent of social awareness and resilience in the face of unstoppable digital manipulation. By directly observing people's social movements in cyberspace, this research seeks to provide a comprehensive picture of the love scamming phenomenon.

The results of this socio-legal approach can at least provide a strong basis for efforts to prevent love scamming by

⁹ Pusiknas Bareskrim Polri, "Fenomena Love Scamming: Jangan Gampang Percaya Kata-kata Cinta," *Pusiknas Polri*, 31 Maret 2023, diakses 21 Juni 2025,

https://pusiknas.polri.go.id/detail_artikel/fenomena_love_scamming:_jangan_gampang_percaya_kata-kata_cinta.

¹⁰ Wiwik Sri Widiarty, *Buku Ajar Metode Penelitian Hukum* (Yogyakarta: Publika Global Media, 2024).

¹¹ Naomi Creutzfeldt, Marc Mason, dan Kirsten McConnachie, eds., *Routledge Handbook of Socio-Legal Theory and Methods* (Abingdon, Oxon: Routledge, 2020).

taking into account social reactions and the wider good. Thus, the approach used in this research is not only descriptive of the applicable regulations, but also analytical of the programs that support the prevention of love scamming in Indonesia.

Result & Discussion

A. Love Scamming Characteristics and Criminogenic Factors of the Perpetrator

Love scamming, also known as romance scam, is a form of cybercrime that involves utilizing fictitious romantic relationships as a tool to emotionally and financially exploit victims. The perpetrator creates a false identity online through dating sites or social media to build a relationship with the victim, which is then used as a basis for requests for money or other favors. Whitty and Buchanan explain that this crime falls under the category of "Advance Fee Fraud," where the perpetrator creates an affectionate narrative to create trust with the victim before launching their financial scam.¹² Whitty emphasized that this crime causes a "double hit" to the victim, namely, financial loss as well as emotional loss due to a relationship that is perceived as real.¹³

Romance scams rely heavily on persuasion techniques and psychological manipulation. In *Scammers' Persuasive Technique Model*, Whitty outlines how the perpetrator gradually forms a hyperpersonal relationship, manipulates the victim's romantic expectations, and then extracts financial gain.¹⁴ In fact, perpetrators use emergency narratives such as the need for

¹² Monica T. Whitty and Tom Buchanan, "The Online Romance Scam: A Serious Cybercrime," *Cyberpsychology, Behavior and Social Networking* 15, no. 3 (2012): 181–183, <https://doi.org/10.1089/cyber.2011.0352>.

¹³ Monica T. Whitty, "Do You Love Me? Psychological Characteristics of Romance Scam Victims," *Cyberpsychology, Behavior, and Social Networking* 20, no. 2 (2017): 94–98, <https://doi.org/10.1089/cyber.2016.0729>.

¹⁴ Monica T. Whitty, "The Scammers Persuasive Techniques Model: Development of a Stage Model to Explain the Online Dating Romance Scam," *British Journal of Criminology* 53, no. 4 (2013): 665–684, <https://doi.org/10.1093/bjc/azt009>.

medical expenses, airline tickets, or business projects to justify requests for money. Yosiandra and Sakariah also agree that this technique is effective because it capitalizes on the victim's desire to help a partner who is believed to be in distress, and is heavily influenced by emotional dramatization and sad scenarios.¹⁵

The concept of romance scams is also understood through psychological and criminological approaches. Cross, Dragiewicz, and Richards compare this variation of fraud to psychological abuse in domestic relationships, emphasizing the systematic use of emotional control by the perpetrator.¹⁶ Meanwhile, Chuang said in her research that victims often experience continued emotional attachment despite knowing that the relationship is fake, causing post-traumatic stress. Love scamming is not just a financial crime, but also a form of psychological abuse with long-lasting effects on the victim's mentality.

Kopp stated that in his research, he found that the personal love story constructed in the fake profile is a key factor in attracting victims because it matches the romantic imagination expected by many individuals.¹⁷ The success of the scam is not solely due to the cunning of the perpetrator, but also due to the psychological and social conditions of the victim, who is open to the hope of a love relationship.

There are significant factors that potentially contribute to this crime. Several reasons were found that motivated the perpetrators (criminogenic factors), including:

- 1) Unmet Life Needs

¹⁵ Syakira Yuniar Yosiandra and Dewi Saraswati Sakariah, "Unveiling the Romance Scam Scheme: Psychological Manipulation and Its Impact on Victims," *Humanika* 31, no. 2 (2024): 185–187, <https://doi.org/10.14710/humanika.v31i2.67604>.

¹⁶ Cassandra Cross, Molly Dragiewicz, and Kelly Richards, "Understanding Romance Fraud: Insights from Domestic Violence Research," *British Journal of Criminology* 58, no. 6 (2018): 1303–1322, <https://doi.org/10.1093/bjc/azy005>.

¹⁷ Christian Kopp, Robert Layton, Jim Silitoe, Iqbal Gondal, "The Role of Love Stories in Romance Scams: A Qualitative Analysis of Fraudulent Profiles," *International Journal of Cyber Criminology* 9, no. 2 (2015): 205–217, <https://doi.org/10.5281/zenodo.56227>.

The problem of poverty has become a classic issue in Indonesia. Economic problems are not new, but they turn into serious problems when they lead to criminal acts. Poverty is identified with deprivation, be it material deprivation, social needs, or a person's inability to meet the needs of daily life. This is the image that often comes to mind when talking about poverty. Lack of income and income so that it is unable to providing the necessities of life.

According to Robert Chambers, poverty is an unfavorable condition for a person, so that they are unable to adjust. The conditions of poverty experienced make it difficult to deal with the conditions of social change that occur in society.¹⁸

Since the beginning, the relationship between economics and crime has always received attention. According to Plato, as quoted by R. Soesilo, the condition of poverty will cause harm to the souls of others. In other words, poverty will cause negativity from one person to another. Being poor makes it difficult for people to fulfill the integrity of their lives. On the other hand, he harbors a sense of inferiority that ends in the desire to commit a crime. Inadequate economic conditions make it easier for crime to occur.¹⁹ Criminality is motivated by poverty, essentially because it is to fulfill one's needs. Although it is undeniable that there are also other factors, it is not solely a stand-alone factor.²⁰

It can be drawn to a relationship, the reason that dominates the crime of romance scam is the economic motivation that wants to blackmail and deceive its victims with the aim of getting money in an instant way. Not only financial needs, but also other motives of the perpetrators are also motivated by greed and the desire to live excessively.

Deprived living conditions support perpetrators in

¹⁸ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana: Perkembangan Penyusunan Konsep KUHP Baru Edisi Kedua* (Jakarta: Kencana, 2008).

¹⁹ R. Soesilo, *Kriminologi: Pengetahuan tentang Sebab-Sebab Kejahatan*, (Bogor: Politeia, 1985).

²⁰ Moh. Dulkiah, "PENGARUH KEMISKINAN TERHADAP TINGKAT TINDAK KRIMINALITAS DI KOTA BANDUNG". *JISPO Jurnal Ilmu Sosial Dan Ilmu Politik* 8, no.1 (2018): 36-57, <https://doi.org/10.15575/jp.v8i1.2770>.

committing crimes to easily obtain practical assets. By committing the love scam, the perpetrator takes advantage of victims who are already under his control and power to be blackmailed. The proceeds from the crime are used to fulfill the perpetrator's life desires. Based on strain theories, there is a link between social class and criminal behavior. All members of society follow the cultural values of the middle class, where the most important cultural value is economic needs. People from the lower class do not have legal means to achieve their goals, forcing them to use illegal means.²¹ Thus, economic problems are one of the factors that cause love scams. Low economic conditions lead to the intention to commit criminal acts for personal gain.

2) Opportunities from Advances in Technology and Weak Law Enforcement

Information about personal lives is easily accessible in the digital space. As with social media, users can view and share posts without limits. This allows perpetrators to lurk and carry out stalking. The existence of loopholes in law enforcement in the field of Electronic Information and Transaction (ITE)-based crimes is one of the factors for perpetrators to commit criminal acts.

Love scamming has massive consequences for its victims. These impacts are not only limited to significant financial losses, but also include deep psychological damage, such as emotional trauma, depression, and loss of self-confidence.

1) Financial Loss

Falling in love makes people lose control and not hesitate to obey their partner's wishes. When the target is trapped in this condition, it is difficult to refuse when the perpetrator asks for help, including material things. The moment created by the perpetrator when deceiving the victim is characterized by conditions that are deliberately made an emergency so that the victim is pressured and narrows the time space to refuse. This condition encourages the victim to

²¹ Topo Santoso dan Eva Achjani Zulfa, *Kriminologi*, (Jakarta: Rajagrafindo Persada, 2004).

act quickly and without thinking, transfer a certain amount of money. The victim realizes too late that he or she has just been taken advantage of and targeted for fraud. The financial loss varies with each occasion. In the long run, the victim's financial stability is compromised, and even their ability to survive can be threatened.

2) Psychological and Emotional Disorders

The unpleasant experience of the impact of this crime leaves the victim psychologically shaken. Some of the consequences are losing trust in other people, feeling inferior, losing their minds, becoming moody, and even attempting suicide. If the condition is allowed to become fertile, new problems will arise in the community that are also victims, ranging from family, close relatives, neighbors, to the surrounding environment.

B. Weaknesses of the Penal Approach and the Urgency of Non-Penal Policy as an Alternative to Counter Love Scamming

Efforts to prevent and control crime are part of criminal policy. Efforts made with criminal policy include social policy with the aim of seeking social welfare and efforts to provide protection to the community. Criminal policy does not only look from the point of view of social welfare but also pays attention to the protection of society against threatening crimes.²²

According to G. P. Hoefnagels, as quoted by Barda Nawawi Arief, in terms of crime prevention can be done through several steps, namely, first, the application of criminal law; second, prevention without punishment; and third, influencing public views through the mass media regarding crime. Based on these three steps in crime prevention, the first step is part of crime prevention from penal policy. In contrast, the second and third steps are part of crime prevention from non-penal policies. Therefore, crime prevention can be done with two approaches,

²² Barda Nawawi Arief, *Masalah Penegakan Hukum Dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan* (Jakarta: Kencana, 2007).

namely penal policy and non-penal policy.²³

Penal policies to combat love scamming include the Criminal Code (KUHP) and the Electronic Information and Transaction Law (ITE Law). Article 378 of the old Criminal Code regulates fraud in general, where the perpetrator can be subject to a maximum imprisonment of four years if proven to have committed fraud by using a false name or deception to obtain unlawful gain.²⁴ However, this article does not specifically regulate fraud that occurs in the digital realm. In 2026, the new Criminal Code will come into effect with a slightly different article on fraud in Article 498.

Article 378 of the Old Criminal Code:

“Barang siapa dengan maksud untuk menguntungkan diri sendiri atau orang lain secara melawan hukum, dengan memakai nama palsu atau martabat palsu, dengan tipu muslihat, ataupun rangkaian kebohongan, menggerakkan orang lain untuk menyerahkan barang sesuatu kepadanya, atau supaya memberi hutang maupun menghapuskan piutang, diancam karena penipuan dengan pidana penjara paling lama 4 tahun.”

Article 498 of the New Penal Code:

“Setiap orang yang dengan maksud menguntungkan diri sendiri atau orang lain secara melawan hukum dengan memakai nama palsu atau kedudukan palsu, menggunakan tipu muslihat atau rangkaian kata bohong, menggerakkan orang supaya menyerahkan suatu barang, memberi utang, membuat pengakuan utang, atau menghapus piutang, dipidana karena penipuan, dengan pidana penjara paling lama 4 tahun atau pidana denda paling banyak kategori V, yaitu Rp500 juta.”

Article 28 paragraph (1) of the ITE Law:

“Setiap orang dengan sengaja dan/atau mentransmisikan informasi elektronik dan/ atau dokumen elektronik yang

²³ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana: Perkembangan Penyusunan Konsep KUHP Baru Edisi Kedua* (Jakarta: Kencana, 2008).

²⁴ Sultan Sultan, Aji Titin Roswitha Nursanthi, and Eli Tri Kursiswanti, “LOVE SCAMMING DALAM JERAT HUKUM PIDANA,” *The Juris* 8, no.2 (2024): 592-98. <https://doi.org/10.56301/juris.v8i2.1440>.

berisi pemberitahuan bohong atau informasi menyesatkan yang mengakibatkan kerugian materiel bagi konsumen dalam transaksi elektronik.”

This article is particularly relevant for love scamming offenders who use fake identities and digital media to trick victims into sending money or providing other material benefits. Article 45A paragraph (1), which contains the punishment:

“Setiap orang yang dengan sengaja mendistribusikan dan/atau mentransmisikan informasi elektronik dan/atau dokumen elektronik yang berisi pemberitahuan bohong atau informasi menyesatkan yang mengakibatkan kerugian materiel bagi konsumen dalam Transaksi Elektronik sebagaimana dimaksud dalam Pasal 28 ayat (1) dipidana dengan pidana penjara paling lama 6 (enam) tahun dan/atau denda paling banyak Rp1.000.000.000,00 (satu miliar rupiah).”

The principle of *lex specialis derogat legi generali*, which states that special laws can override general laws, can be applied in this case. The use of Article 378 of the old Criminal Code, Article 492 of the new Criminal Code, and Article 28 paragraph (1) jo. Article 45A paragraph (1) of the ITE Law prioritizes special laws so that they can be applied in dealing with specific criminal law cases, such as love scamming that occurs in the digital space.

Crime prevention through penal policy means that the countermeasures are repressive in nature, which means that actions are more directed towards eradication and suppression by looking at crimes that have already occurred. Meanwhile, crime prevention through non-punitive policies is more preventive in nature, which focuses on prevention, deterrence, and control by looking before the crime occurs. Non-punitive crime prevention is pursued through various fields in the social policy sector and national development. This is in line with the main objective of the non-punitive policy itself, which is to improve social conditions that can have a preventive influence on crime.²⁵ Non-punitive policy plays an important role that has

²⁵ Barda Nawawi Arief, *Kebijakan Legislatif dalam Penanggulangan Kejahatan dengan Pidana Penjara* (Yogyakarta: Genta Publishing, 2010).

a strategic and effective position in tackling crime.²⁶ In the process of overcoming, non-punitive policies prioritize the cause of the crime itself by removing conducive factors that can foster crime.²⁷

The approach with non-punitive policies prioritizes the identification of things that are preventive in nature so that they do not recur in the future. So it is necessary to analyze to recognize the factors behind the emergence of a criminal act, both directly and indirectly related to social conditions. This factor must be anticipated and addressed so that crime can be prevented appropriately.

From the various negative consequences caused and the known factors of love scamming crime, some of these things can be considered as preventive efforts in dealing with it:

1) Community Welfare

One of the results of the 8th Congress in Cuba in 1990 document number A/CONF.144/L/17 regarding the causes of crime, is the problem of urban crime, including the problem of poverty. Poverty is an element that hinders national development and economic growth globally.

In other words, poverty can be one of the factors that cause the emergence of love scams. A concrete solution is offered by providing welfare to the community. This welfare is carried out using a social welfare approach, because the principle of social welfare is a policy that leads and focuses on rational efforts to achieve community welfare.²⁸

Community welfare can be started by opening up jobs to provide opportunities for people to work. In line with that, it is necessary to encourage and intensify massively to participation in skills development in the skills training program as has been organized by the

²⁶ Barda Nawawi Arief dan Muladi, *Teori-Teori dan Kebijakan Pidana* (Bandung: Alumni 2010).

²⁷ Barda Nawawi Arief, *Kebijakan Legislatif dalam Penanggulangan Kejahatan dengan Pidana Penjara* (Yogyakarta: Genta Publishing, 2010).

²⁸ Barda Nawawi Arief, *Kebijakan Legislatif dalam Penanggulangan Kejahatan dengan Pidana Penjara* (Yogyakarta: Genta Publishing, 2010).

Department of Manpower every year through the Regency and City Regional Governments. If expertise has been applied so that welfare increases, then the intention to commit criminal acts is increasingly nil. Perpetrators do not have the time and space to commit crimes.

For individuals who are employed, an increase in income becomes an urgent necessity as the cost of living and basic needs continue to rise. The imbalance between stagnant income and the increasing needs of life can reduce people's purchasing power and affect their overall quality of life. Therefore, wage adjustment, especially the Provincial Minimum Wage (UMP), is a strategic step that needs to be taken by the government. In this case, the President has a constitutional responsibility to encourage policies that are adaptive to regional economic dynamics through the establishment and periodic adjustment of UMP standards. This adjustment must consider economic indicators such as inflation, economic growth, and decent living needs in order to create economic justice and support the welfare of workers in all regions of Indonesia.

2) The Importance of Community Supervision of Criminal Behavior

Community participation in tackling crime is very important. Crime can increase if people are indifferent and apathetic. Social countermeasures involving the community can reduce the number of crimes. The community actively participates in monitoring the environment and individuals who are suspected of being vulnerable to crime. Supervision by the community can minimize the incidence of love scamming crimes.

Efforts to make a good social environment and a healthy environment, according to Barda Nawawi Arief, require the role of society and all its potential as a crime prevention factor.²⁹ By conducting surveillance, the

²⁹ Barda Nawawi Arief, *Kebijakan Legislatif dalam Penanggulangan Kejahatan dengan Pidana Penjara* (Yogyakarta: Genta Publishing, 2010).

community has a crucial role in tackling love scams.

3) The Role of Digital Platforms in Increasing User Vigilance

To prevent victims, especially among vulnerable groups, an active role is needed from social media users in increasing awareness of the modus operandi of love scam perpetrators. Vulnerable groups such as children, women, and the elderly have certain characteristics that make them easier targets. Children, for example, tend not to have a full understanding of how social relations work or digital threats, making it easier to trust unknown parties. Women, on the other hand, are often targeted due to the emotional closeness manipulatively built by the perpetrators, who use romantic approaches and persuasive words to trick victims. Meanwhile, the elderly often experience limitations in digital literacy and technology, which makes them less able to identify indications of online fraud.

Thus, digital vigilance becomes a crucial instrument in interacting in the cyber world, especially for vulnerable groups, with the ability to recognize signs of love scams. The participation of social media users includes increased self-awareness, caution in establishing communication with strangers, and verification of identity and information received online. In addition, the community also needs to be encouraged to share information about emerging digital crime modes in order to build a digital ecosystem that is safer and more resilient to emotion-based fraud efforts.

Technology awareness education through the application is carried out through flyers when opening the platform. The substance of education can be in the form of 1) general characteristics, motives, modus operandi and the impact of fraud with love bombing mode; 2) fostering an attitude of caution and prudence of the community in using dating applications, reporting suspicious events and actions, identifying scammers and how to protect themselves online and protect personal data.

One of the non-punitive efforts in crime prevention,

according to Barda Nawawi Arief, is by using the press media or the use of technology itself. So that social media platforms must take responsibility as a means of tackling crime.³⁰ These efforts are aimed in order to cut the number of crimes and preventing the emergence of new victims.

4) Access Restrictions Based on Identity Verification by Social Media Platform Providers

Restricting access to social media applications to accounts that have undergone a rigorous identity verification process is a strategic step in enhancing digital security and platform system integrity. This verification process includes the authentication of users' personal data through official documents or biometric technology, which allows platform providers to ensure that each account is operated by a real and clearly identified individual. By doing so, platforms can create a more transparent and responsible online environment while reducing the presence of fake accounts that are often used for love scamming. This approach can also be used by platforms to implement more effective controls over user activity, so that the potential for abuse can be minimized from the start.

The implementation of access restrictions based on data verification is also a significant protection measure for vulnerable groups, such as individuals who are emotionally vulnerable to online manipulation. Love scamming, as a form of interpersonal relationship-based cybercrime, often utilizes fake identities to build trust and then perform financial or emotional exploitation. By only allowing verified accounts to access core features of the app, platform providers are not only creating a safer system but also encouraging a more ethical and responsible culture of social media use. This step is in line with the precautionary principle of personal data protection and upholding users' digital rights in the

³⁰ Barda Nawawi Arief, *Kebijakan Legislatif dalam Penanggulangan Kejahatan dengan Pidana Penjara* (Yogyakarta: Genta Publishing, 2010).

information age.

Departing from the efforts that can be made, non-penal policy plays an important role that has a strategic and effective position in tackling crime.³¹ In the process of overcoming, non-penal policies prioritize the cause of the crime itself by removing conducive factors that can foster crime.³²

The approach with non-punitive policies prioritizes the identification of things that are preventive in nature so that they will not be repeated in the future. So it is important to know and recognize what the factors are behind the emergence of a criminal act, both directly and indirectly related to social conditions.

Conclusion

Love scamming or romance scam is a form of online emotional relationship-based fraud that utilizes psychological manipulation and romantic expectations of victims for financial gain. Among the criminogenic factors of love scamming are the unfulfilled needs and/or desires of life and the opportunity of this era's technological advances. In dealing with crime, two approaches are taken, namely penal policy and non-penal policy. Penal policy using a statutory approach can be accommodated with Article 378 of the old Criminal Code, Article 498 of the new Criminal Code, Article 28 paragraph (1) of the ITE Law, with criminal threats in Article 45A paragraph (1). In prevention efforts, otherwise known as non-punitive policies, love scamming can be minimized by public welfare, involving the public to participate in monitoring criminal behavior, involving platform providers to increase user vigilance, and limiting access based on identity verification. This research seeks to contribute to the prevention of love scamming crimes with a non-punitive approach. The limitation is that all of these recommendations have not been tested, so future researchers are needed to evaluate the application of these non-punitive

³¹ Barda Nawawi Arief dan Muladi, *Teori-Teori dan Kebijakan Pidana* (Bandung: Alumni, 2010).

³² Barda Nawawi Arief, *Kebijakan Legislatif dalam Penanggulangan Kejahatan dengan Pidana Penjara* (Yogyakarta: Genta Publishing 2010).

measures.

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