



Criminal act of fraud in selling tickets for foreign artist concerts in electronic transactions

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Abstract

Live music performances or concerts are one form of entertainment that is widely sought after by the public because they provide benefits for mental and physical health as well as positive social experiences. Along with the development of information technology, the pattern of transactions in purchasing concert tickets has shifted significantly towards digital transactions. Concert ticket sales, especially concerts with foreign artists, involve a legal relationship between business actors as music promoters and consumers as buyers, which is a sale and purchase agreement based on the principle of freedom of contract.

Methodology

This study uses a juridical-normative method with a statutory approach and case studies, and is supported by a literature study with a descriptive-analytical character.

Purpose

This study aims to examine the provisions of positive law governing online concert ticket purchases, analyze the mechanism of online concert ticket purchase transactions, and identify forms of accountability and criminal sanctions against perpetrators of fraud in online concert ticket sales.

Keywords: Music concerts, fraud, consumer protection, electronic transactions

Introduction

In the era of Society 5.0, the development of science and technology has brought about significant transformations in various sectors of life, including the entertainment industry and the digital economy. The use of technology by the community, especially in online concert ticket purchasing activities, has given birth to various forms of new services such as ticket purchasing concierge services (jastip). (Ramadhana n.d.)^[1]. However, this service is legally a form of contractual relationship between consumers and business actors, which is subject to the provisions of the Civil Code (KUHPerdata) and Law Number 8 of 1999 concerning Consumer Protection. Consignment service business actors are required to provide correct and transparent information, guarantee consumer rights, and act based on the principle of good faith as referred to in Article 1338 paragraph (3) of the Civil Code.^[2]

Here are some cases of online concert ticket purchase fraud that have occurred in Indonesia:

NO	Year	Information
1.	2023	Sheila on 7 Concert Tickets will be held from 2023 to early 2024.
2	2023	SMTOWN Concert Tickets held in September 2023 in Jakarta.
3.	2023	Coldplay Concert Tickets in Jakarta in May 2023 in Jakarta.
4.	2023	Coldplay Concert Tickets in Yogyakarta
5.	2024	NCT Dream Concert Tickets held in May 2024 in Jakarta.

Method

This study uses a juridical-normative (doctrinal) method that focuses on the analysis of positive legal norms, with a descriptive-analytical approach to describe and analyze laws and regulations relevant to the legal issues studied. Data

were obtained from literature studies in the form of primary legal materials (1945 Constitution, Consumer Protection Law, ITE Law, Criminal Code, Law No. 1 of 2023), secondary legal materials (journals and legal literature), and tertiary legal materials (legal dictionaries). Data were collected through literature studies by reviewing regulations and legal literature relevant to the problem. Data were analyzed descriptively qualitatively based on legal theory and arranged systematically to draw conclusions on the legal problems studied.

Result and Discussion

1. Positive law that regulates online ticket purchases

The case of online concert ticket fraud in Indonesia is comprehensively regulated by various applicable positive legal provisions. First, the Electronic Information and Transactions Law (UU ITE) is the main legal umbrella that regulates electronic transactions, including online ticket purchases. (Rizky and Gorda 2019)^[3].

Articles such as Article 9, which requires business actors to provide complete and correct information, and Article 11, which requires electronic transaction organizers to maintain system security and reliability, aim to protect consumers and maintain the integrity of digital transactions. In addition, the ITE Law strictly prohibits the spread of fake news that is detrimental to consumers (Article 28 paragraph 1) and provides severe criminal sanctions for violators (Article 45A paragraph 1). (Wilhelmina and Ruandi 2020)^[4]. In addition to the ITE Law, provisions in the Criminal Code (KUHP) are also relevant in overcoming online concert ticket fraud practices. Article 372 regulates embezzlement, namely when tickets that have been paid for are not handed over to the buyer. Meanwhile, Article 378 regulates fraud, which is often used in cases of fake tickets or identity fraud, with a maximum prison sentence of four years. In this context, perpetrators who sell fake tickets or use trickery to get

victims to transfer money can be subject to criminal law according to the provisions of the Criminal Code. Although the nominal in Article 379 concerning minor fraud is no longer relevant, the principle is still used to distinguish the level of loss experienced by the victim. (Tanjaya and Simalango 2022) ^[5]. From a civil law perspective, purchasing concert tickets online is considered a sales agreement that is subject to the provisions of the Civil Code (KUHPerdata). The requirements for a valid agreement are regulated in Article 1320, which emphasizes the existence of an agreement, capacity, a certain object, and a lawful cause. If the seller does not fulfill his obligations, for example failing to submit tickets or submitting fake tickets, then there is a breach of contract according to Article 1243, which gives the buyer the right to claim compensation. The Consumer Protection Law also provides additional protection, by emphasizing the consumer's right to convenience, correct information, and compensation in the event of a loss. Violations by business actors such as misleading information, loss of consumer rights, and dishonesty can be subject to criminal sanctions under the Consumer Protection Law, thus providing a strong legal umbrella for victims of online concert ticket fraud. (Press n.d.) ^[6].

2. Transaction process for purchasing concert tickets online

The online concert ticket purchase transaction process is now the main choice for consumers because it provides easy access without having to come directly to the physical sales location. Consumers can buy tickets through the official e-commerce platform or use a titip (jastip) service that utilizes social media or other digital accounts. In transactions through the official application, consumers must first register and log in to the application, then select the desired concert event, determine the category and number of tickets, fill in personal data, and make payments via the digital method provided. After the payment is successful, consumers will receive a valid e-ticket that can be used as legal proof to attend the event. This process is strictly regulated by the organizer and sales platform to ensure the security and transparency of transactions.

(Hasibuan 2024) ^[7]. On the other hand, transactions through consignment services present a different mechanism based on a relationship of trust between consumers and intermediaries who act as representatives of buyers. Consumers must be careful in choosing a trusted consignment service by looking at the reputation, testimonials, and transparency of the system implemented. After making an order and payment according to the agreement, consumers are required to receive proof of ticket purchase from the consignment service in the form of an e-ticket screenshot, order number, or QR Code.

However, transactions with jastip have a higher risk, especially since not all titip services are officially bound by concert organizers or official sales platforms. Therefore, the principle of good faith and caution is very important so that consumers avoid fraudulent practices or defaults. (Rozak 2024) ^[8]. Legally, both forms of transactions are binding agreements between the parties based on the principles of freedom of contract and good faith as stipulated in the Civil Code and the Consumer Protection Law. Consumers have the right to obtain services in accordance with promises, while organizers and service providers are obliged to fulfill

their obligations, including sending valid tickets. If there is a breach of contract, such as late ticket delivery, fake tickets, or fraud, the victim can claim compensation through applicable legal channels, both civil and criminal under the Electronic Information and Transactions Law. Thus, it is important for consumers to understand their rights and obligations in order to conduct transactions safely and obtain adequate legal protection. (Media and Sebgai n.d.) ^[9].

3. Punishment for perpetrators of online concert ticket sales fraud

The punishment for perpetrators of fraud in online concert ticket sales can be imposed based on two legal instruments, namely the Criminal Code (KUHP) as *lex generalis* and the Electronic Information and Transactions Law (UU ITE) as *lex specialis*. Article 378 of the Criminal Code stipulates that perpetrators of fraud who intentionally commit deception, spread false information, or create misleading conditions for personal gain can be subject to criminal sanctions of up to four years in prison. (Anon 2023) ^[10].

However, in cases of fraud committed through electronic means such as social media, online sites, or communication applications, the provisions of the ITE Law are more relevant because they specifically regulate cybercrime. Based on Article 28 paragraph (1) in conjunction with Article 45A paragraph (1) of Law No. 11 of 2008 which has been amended by Law No. 19 of 2016, perpetrators who intentionally and without the right to spread false or misleading information in electronic transactions can be sentenced to a maximum of six years in prison and/or a maximum fine of one billion rupiah. (Sunarto *et al.* 2023) ^[11].

Although the ITE Law has regulated criminal sanctions against perpetrators of digital fraud, there are still weaknesses in the aspect of consumer protection, especially regarding the recovery of losses experienced by victims. The ITE Law does not explicitly regulate the obligation of perpetrators to compensate for losses incurred due to the criminal act of fraud, so that victims often do not receive material compensation even though the perpetrators have been punished. (Tanjaya and Simalango 2022). This shows that there is a legal gap in enforcing justice for victims of online fraud. Therefore, efforts are needed to harmonize the ITE Law and consumer protection regulations so that the legal process is not only repressive towards the perpetrators, but is also able to provide justice and legal certainty for the victims. Moreover, amidst the increasing public interest in online transactions, including purchasing concert tickets, comprehensive legal protection is urgently needed to prevent and overcome similar crimes in the future. (Solim *et al.* 2019) ^[12].

Conclusion

Online concert ticket purchase transactions are part of e-commerce activities that are subject to various positive legal provisions in Indonesia, such as Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE), the Criminal Code (KUHP), the Civil Code (KUHPerdata), and Law Number 8 of 1999 concerning Consumer Protection. If fraud occurs in the implementation of the transaction, such as the dissemination of misleading information, use of fake identities, ticket embezzlement, or violation of agreements that have been made, then the

perpetrator can be subject to criminal sanctions based on Article 378 of the Criminal Code and Article 28 paragraph (1) in conjunction with Article 45A of the ITE Law. On the other hand, victims can also demand civil liability on the basis of breach of contract in accordance with Article 1243 of the Civil Code. In addition, business actors who commit fraud in online concert ticket sales transactions can be subject to administrative and criminal sanctions based on Article 8, Article 9, and Article 62 of the Consumer Protection Law. Consumers who are harmed are entitled to compensation or a refund, so that positive law in Indonesia provides comprehensive protection, both criminally and civilly, against fraudulent crimes in the digital ecosystem.

Online concert ticket purchase transactions, either through official applications or personal shopping services (jastip), are a form of legal obligation that is subject to the principles of freedom of contract and good faith, but still contain various legal risks such as default, ticket forgery, and fraud that harm consumers. Especially in the transaction model through personal shopping services that have not been strictly regulated, consumers are very dependent on trust in service providers, making them vulnerable to violations of the law that can cause financial losses and violations of consumer rights to obtain services as promised. Therefore, it is important for consumers to understand the legal aspects of service providers or platforms, examine the terms and conditions of transactions, and verify the validity of tickets and payment methods used. If a violation occurs, consumers have a legal basis to demand compensation and protection as regulated in the Civil Code, Law Number 8 of 1999 concerning Consumer Protection, and Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning Information and Electronic Transactions. Therefore, the process of online concert ticket transactions requires caution, strict law enforcement, and legal awareness from the public in order to create a safe and fair digital ecosystem.

The crime of fraud in purchasing concert tickets online is a form of crime that has fulfilled the elements as regulated in Article 378 of the Criminal Code and Article 28 paragraph (1) in conjunction with Article 45A paragraph (1) of Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016. Perpetrators generally utilize social media and electronic means to spread false and misleading information in order to obtain unlawful benefits, so that these acts can be qualified as fraud both according to the general provisions of the Criminal Code and specifically based on the ITE Law. In this case, the principle of *lex specialis derogat legi generali* emphasizes that the ITE Law as a special regulation is more appropriate for ensnaring perpetrators of cyber crimes such as concert ticket fraud. However, although the criminal provisions have regulated sanctions against perpetrators, the ITE Law has not explicitly provided a legal basis for the obligation to compensate victims, thus creating a vacuum in terms of material restoration of consumer rights. This imbalance shows that the legal protection system still focuses on the repressive aspect against perpetrators, not on restorative justice for victims. Therefore, harmonization and regulatory updates are needed to integrate the aspect of loss recovery in the criminal justice system, so that victims of fraud in digital transactions such as purchasing concert tickets can obtain comprehensive justice.

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