

Juridical Analysis Of The Role Of Investigators In The Perspective Of Combating Criminal Acts Of Fraud Through Check Securities (Research Study At The Barelang Police Criminal Investigation Unit)

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Submission date: 03-Aug-2024 11:34AM (UTC+0700)

Submission ID: 2426557986

File name: IJELLACUSH_VOLUME_2,_NO._3,_AUGUST_2024_hal_121-133.pdf (895.85K)

Word count: 5218

Character count: 29556



Juridical Analysis Of The Role Of Investigators In The Perspective Of Combating Criminal Acts Of Fraud Through Check Securities (Research Study At The Bareleng Police Criminal Investigation Unit)

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Abstract. Fraud through cheque securities is a form of economic crime that harms many parties, both individuals and financial institutions. The background of this problem is the increasing number of fraud cases involving blank checks in Batam City, which causes significant financial losses and reduces public confidence in these payment instruments. This study aims to analyze the role of investigators in eradicating fraud through cheque securities, with a focus on the Bareleng Police Criminal Investigation unit. This study uses a normative juridical method with a case study approach, involving analysis of primary and secondary data in the form of interviews with investigators, literature reviews, and document studies related to check fraud cases in the jurisdiction of the Bareleng Police. The results of the study show that investigators have a crucial role in handling fraud cases through cheque securities, starting from receiving reports and complaints, collecting and securing evidence, to preparing case files for prosecution. However, there are several obstacles that reduce the effectiveness of investigations, such as lack of resources, lack of specialization in financial crimes, and limited access to information. To overcome these obstacles, this study provides several recommendations, including increasing the capacity and expertise of investigators through ongoing training, increasing budgets and technological resources, and strengthening cooperation between investigators and other financial institutions and law enforcement. The suggestions put forward in this study are that police investigators should improve internal and external coordination to speed up the investigation process, other law enforcers such as prosecutors and judges should increase collaboration with investigators to ensure a fair and transparent judicial process, and the public, especially victims of cheque fraud, should be educated on the steps to be taken when becoming victims of fraud. With the implementation of this recommendation, it is hoped that the handling of fraud cases through check securities can be more effective and public trust in the justice system can increase.

Keywords: Check Fraud, Investigators, Bareleng Police, Economic Crimes, Legal Investigation.

1. INTRODUCTION

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Indonesia, which declares itself as a country of law as regulated in Article 1 section (3) of the 1945 Constitution of the Republic of Indonesia, must be based on law to run the country and protect human rights. This means that laws and regulations play a very strategic basis for achieving state goals. A prohibited or criminal act in a law is subject to criminal law policy. One form of crime that is currently developing is fraud using blank checks. A check is a payment order (to the bank) from the person carrying it or whose name is stated in the check for the amount of money stated on it. Implementing payments through blank giro checks is one of the modus operandi of modern crime today. As a crime, payments through blank checks can be classified and included in the crime of fraud. The crime of fraud (bedrog) is contained in Chapter XXV Book II Criminal Code Law (KUHP) from Articles 378 to 395. The original title of this chapter is bedrog, which many experts translate as fraud, or some also translate as a fraudulent act.

The criminal law perspective of issuing blank checks is included in the crime of fraud. Fraud is contained in Article 378 KUHP namely, "Anyone to benefit themselves or others with unlawful intent, by using a false name or false dignity, by trickery or by a series of lies moves another person to hand over an object to him or to give debt or write off receivables, is threatened for fraud with a maximum imprisonment of 4 years. There are several reasons why the general public uses securities more often, especially in the business sector. Securities are safer and more practical than money, especially in agreements involving large amounts. In addition, for business people doing business or shopping, using securities such as checks has prestige for the securities owner. Currently, securities function as a means of payment and are also used as objects of agreement.

Checks have been regulated explicitly in the Commercial Code (KUHD) Articles 178 to 229. In addition, several regulations outside the KUHD include the Banking Law and BI Circular Letters. The existence of legal regulations governing checks ensures that their use as a payment instrument is carried out responsibly and not arbitrarily. However, in reality, in society, it often happens that when the check is presented by the bearer of the check to the bank, the funds in the checking account of the check giver are found to be insufficient, either in part or in full, for the amount listed, or because the checking account of the check issuer has been closed. This incident is called the giving or withdrawal of a blank check. Based on BI Circular Letter Number 2 of 2000, a blank check is a check that is shown and rejected by the drawee (bank) within the grace period for the obligation to provide funds by the drawer (account owner) because the balance is insufficient or the account has been closed. So it can be understood that a blank check is a check that, when it is to be cashed to the bank, is rejected by 3 banks because the account owner's balance is insufficient or because the account has been closed.

To eradicate fraud through cheque securities, investigators are critical in the law enforcement process. Investigators are responsible for collecting sufficient and accurate evidence related to fraud cases through cheque securities and identifying and arresting perpetrators of the crime. Based on the problems above, the author is interested in making it a scientific work in the form of a thesis entitled "Legal Analysis of the Role of Investigators in the Perspective of Eradicating Fraud Through Check Securities (Research Study at the Criminal Investigation Unit of the Barelang Police)".

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Based on the background description above, the author raises several problems that will be discussed further. The problems are as follows:

1. How is the legal arrangement of the investigator's role in the perspective of combating fraud through check securities?
2. How is the role of investigators implemented from the perspective of eradicating fraud through cheque securities?
3. What are the obstacles and solutions to investigators' role in eradicating fraud through cheque securities?

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Based on the formulation of the problem stated above, it can be seen that the objectives of this study are:

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1. To determine and analyze the legal regulation of investigators' role in eradicating fraud through cheque securities.
2. To find out and analyze the implementation of investigators' role in eradicating fraud through cheque securities.
3. To identify and analyze the obstacles and solutions to investigators' role in eradicating fraud through cheque securities.

2. LITERATURE REVIEW

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The definition of investigation is stated in Article 1 point 2 of the Criminal Procedure Code (KUHAP), namely in Chapter I concerning General Explanation, namely: "Investigation is a series of actions by investigators in matters and according to the methods regulated in this law to seek and collect evidence with which the evidence sheds light on the crime that occurred and in order to find the suspect". According to Article 1 point 1 of the Criminal Procedure Code (KUHAP), investigators are officers of the Republic of Indonesia National Police or certain civil servants who are given special authority by law to conduct investigations. The Criminal Procedure Code (KUHAP) further regulates investigators in Article 6, which provides limitations on investigators in the criminal process. The limitations of officials in the investigation stage are National Police investigators and Civilian investigators.

Investigators conduct examinations concentrated on legal issues. The suspect is the starting point of the examination in front of the investigator. He is the source of information about the criminal event being examined. However, the principle of acculturation must be

applied to the suspect, who is the starting point of the examination. The suspect must be placed in a valuable human position. He must be evaluated as a subject rather than an object. What is examined is not the suspected individual. The object of the examination is the crime he committed. The focus of the examination is the guilt of the suspect. Until a valid court decision, the suspect is considered innocent based on the legal principle of "presumption of innocence". In criminal investigations, suspects do not always have to be examined. There are times when the examination of experts or witnesses is necessary to increase transparency and clarity of the alleged criminal event. However, the suspect must be protected from dignity and human rights, and witnesses and experts must be treated well.

The police function as protectors of society in all kinds of social conditions and have an essential role in ensuring security and comfort in community life. The role of the police can be described as part of their position as protectors of society. According to Law Number 2 of 2002 concerning the Indonesian National Police, the definition of the police is everything related to the functions and institutions of the police under laws and regulations. The police function as a government organization and function, with the responsibility to supervise and force the authorities not to take actions prohibited by law. Law Number 2 of 2002 concerning the Police states, "The function of the police is to carry out one of the functions of the State Government in the task of enforcing the Law, in addition to protection, protection, and service to the community".

In the context of Law Number 1 of 2023 concerning the Criminal Code (KUHP), the relevant articles to fulfill the criminal elements in cases of fraud include several provisions governing fraud and forgery of securities, including those stated in Article 492 of Law Number 1 of 2023 concerning the Criminal Code (KUHP) which states that "Any person who to benefit himself or another person unlawfully by using a false name or false position, using trickery or a series of lies, inciting people to hand over goods, giving debt, making a debt confession, or writing off receivables, shall be punished for fraud, with a maximum imprisonment of 4 (four) years or a maximum fine of category V.

Article 493 of Law Number 1 of 2023 concerning the Criminal Code (KUHP) regulates fraud committed by sellers against buyers by handing over goods different from those specified by the buyer or providing inappropriate information about the condition, nature, or the number of items handed over. The criminal threat for this offense is a maximum imprisonment of 2 years or a maximum fine of category IV. Article 496 of Law Number 1 of 2023 concerning the Criminal Code (KUHP) regulates fraudulent acts that result in other people suffering economic losses through false claims or by not disclosing

the actual situation. The criminal threat for this offense is a maximum imprisonment of 1 year or a maximum fine of category II.

Check fraud is a specific variant that focuses on using checks or similar payment instruments as a means of deception. In this context, fraud is committed by issuing or using checks without sufficient funds in the bank account or by intentionally using checks known to be uncashable for specific reasons, such as the account being closed or non-existent. This action aims to deceive the check recipient, usually as payment for goods or services, by pretending that the check is a legal means of payment and can be exchanged for cash according to the value stated. In criminal law, check fraud is considered severe because it concerns public trust in the payment and banking system. Elements of the act in check fraud include using a false name, false position, trickery, or a series of lies to induce others to hand over goods, provide debt, or write off receivables.

By considering these three assumptions, the study will focus on an in-depth analysis of the role of investigators in eradicating check fraud and how challenges and obstacles can be overcome to improve the effectiveness of law enforcement. These assumptions will help guide the research and provide a more comprehensive understanding of the role and performance of investigators in handling fraud cases using checks and their implications for law enforcement in Indonesia.

3. RESEARCH METHOD

The method used in research is a stage in searching for the truth. So, it will answer questions that arise about a research object. Research is a means used to strengthen, foster and develop knowledge. The specifications of this research only carry out analysis up to the level of synthesis, namely analyzing and presenting facts systematically so that they are easier to understand and conclude. The approach method in this research combines the normative approach "legal research" with the empirical approach method "Judicial Sociologies". The research mechanism using this combined approach method is carried out by decomposing research explanations from inductive to deductive methods and vice versa. The author carried this out to help explain the relationship between research variables and research objects to produce an understanding that is very helpful to readers, especially researchers and academics.

This research was conducted in the Riau Islands Province, which is precisely the jurisdiction of the Riau Islands Regional Police. This location was determined based on data on criminal acts of fraud via check securities, which is the object of this thesis research. The population consists of all law enforcement officers who investigate criminal acts of fraud via check securities. The sample researchers use a random technique to determine what is related to the research to be studied. The author's sample is a purposive sampling technique used to determine respondents and informants who will be interviewed to fulfill the primary data needed to complete the research.

4. RESULTS AND DISCUSSION

A. Legal Regulations The Role of Investigators in the Perspective of Eradicating Crime Fraud Through Securities Checks

According to Article 1 point 1 of the Criminal Procedure Code (KUHP), investigators are officials of the Republic of Indonesia state police or certain civil servant officials who are given special authority by law to carry out investigations. Then Article 6 of the Criminal Procedure Code (KUHP) confirms that investigators consist of officials from the Republic of Indonesia state police and certain civil servant officials who are given special authority by law. The position of investigators is further regulated in Article 6 of the Criminal Procedure Code (KUHP), which divides investigators into two main categories: officials of the Republic of Indonesia state police and certain civil servant officials who are given special authority by law. Police investigators have broad authority in investigating various criminal acts, while civil servant investigators have more limited authority following their field of duties as regulated by specific laws. Article 7 paragraph (1) of the Criminal Procedure Code gives broad authority to investigators in carrying out their duties of investigating criminal acts. One of the leading authorities possessed by investigators is to receive reports or complaints from someone regarding a criminal act.

Article 8 of the Criminal Procedure Code (KUHP) regulates investigators' obligations to make official reports, submit case files, and conduct additional investigations. According to Article 8 section (1), investigators must make an official report regarding implementing investigative actions, including arrest, detention, search, and confiscation. This official report must contain details of the actions taken by the investigator, the time and place of the incident, and the parties' identities. Article 120 of the Criminal Procedure Code (KUHP) gives investigators the authority to ask for the

opinion of an expert or person with particular expertise in examining a case. This procedure is performed if investigators require explanations or technical information beyond their competence, such as in economic crimes, cyber crimes, or other criminal acts requiring particular analysis. Article 127 and Article 132 of the Criminal Procedure Code (KUHAP) regulate the actions of investigators in searching and examining fake documents. Article 127 gives investigators the authority to guard or close the place or house being searched for security and order.

B. Implementation of the Role of Investigators in the Perspective of Eradicating Fraud Via Securities Check

One of the law enforcement actions against criminal acts of fraud through checks is handled by investigators from the Bareleng Police Criminal Investigation Unit, namely Case Number: BP/107/VI/RES.1.11/2023/Reskrim with the suspect ASTON DOMED MARIHOT who is the Commissioner of CV. AMSAL KARYA SUKSES, which provides 1 (one) original Panin Bank Check with Number BE 096373 with Account Number 5585000771 in the name of CV. AMSAL KARYA SUKSES, dated 18 August 2022, amounting to Rp. 158,500,000 (one hundred fifty-eight million five hundred thousand rupiah) and 1 (one) Original Panin Bank Check with Number BE 321077 with Account Number 5585000771 in the name of CV. AMSAL KARYA SUKSES, dated 31 August 2022, amounting to Rp. 237,750,000 (two hundred thirty-seven million seven hundred and fifty thousand rupiah) for ordering and purchasing diesel fuel from PT. NIAGA INTRA ENERGIA with a total of 25 tons. However, when Mr Hendra Kurniawan, as director, will cash the check given by the suspect at Bank Mandiri. The check could not be cashed, so the victim suffered a total loss of Rp. 396,250,000 (three hundred ninety-six million two hundred and fifty thousand rupiah).

The implementation of the investigator's role in eradicating criminal acts of fraud through check securities in Case Number: BP/107/VI/RES.1.11/2023/Reskrim with the suspect ASTON DOMED MARIHOT begins with receiving a report or complaint from the victim. In many cases in Batam City, victims who received terrible checks reported the incident to the police. Investigators acted immediately by receiving the report and recording all the details provided by the accuser, including the perpetrator's identity, the amount of the check, and the context of the transaction involving the check. This initial step is crucial to ensure that all relevant information is collected and recorded

correctly as a basis for further investigation. According to AKP Thetio Hardiyanto, receiving reports and complaints is a crucial first step in investigating criminal acts of fraud via check securities in Batam City. When victims find that the check they received cannot be cashed because of insufficient funds or the account has been closed, they usually report the incident to the police.

The investigation process involves collecting relevant evidence to prove that a criminal act of fraud has occurred. Investigator collects various types of evidence, including banking documents, transaction records, communications between victims and perpetrators, and witness statements. Investigators can also check the perpetrator's bank account to ensure that the check issued does not have sufficient funds. In some cases, investigators may work with financial experts to analyze financial evidence and ensure the authenticity of the documents collected. According to Inspector Agusnul Yaqin, the process of investigation and collecting evidence is the core of investigators' efforts to prove criminal acts of fraud through checking securities in Batam City. After the first actions at the scene, investigators continue with systematic and thorough evidence collection. This evidence collection includes an in-depth examination of related documents, such as checks that were reported as empty, the transaction history of the perpetrator's bank account, and communications between the victim and the perpetrator, both in the form of emails, text messages, and recorded conversations.

C. Obstacles and Solutions to the Role of Investigators in the Perspective of Eradicating Crime Fraud Through Securities Checks

The obstacles to the role of investigators in the perspective of eradicating criminal acts of fraud through check securities in Batam City are:

1) Lack of resources

The lack of resources is one of the significant obstacles investigators face in eradicating criminal acts of fraud via check securities. Budget constraints can prevent investigators from accessing sophisticated equipment and forensic technology to analyze complex financial evidence. In addition, insufficient personnel, especially those with particular expertise in finance and banking, can slow down the investigation process and reduce the effectiveness of the investigation. This condition is exacerbated by the high workload, where investigators must handle many cases simultaneously without adequate support. This lack of resources affects the quality and speed of investigations and can also reduce the motivation and performance of investigators, thereby hampering optimal law enforcement efforts.

2) Lack of specialization

According to Inspector Agusnul Yaqin, investigating cases of fraud via checks requires particular expertise in the fields of finance and banking. The lack of investigators specializing in this field can hamper the investigation process. General investigators may not have sufficient knowledge or skills to identify and analyze complex financial evidence, thereby reducing the effectiveness of the investigation. The lack of specialization among investigators in handling criminal acts of fraud through checking securities is a significant obstacle that reduces the effectiveness of investigations. Financial crimes such as check fraud require a deep understanding of financial systems, banking, and forensic analysis methods.

3) Limited access to information

According to Brigadier Daniel Mangasih, limited access to information is the main obstacle in investigating criminal acts of fraud via check securities. Although investigators have the legal authority to request information from financial institutions, banks often have strict policies regarding the privacy and confidentiality of customer data that slow or hinder such access. The bank's complex and stringent internal procedures for protecting customer data can delay obtaining important information such as account transaction history, account holder details, and financial status regarding the check in question. Additionally, if a financial institution refuses or is slow to respond to a request for information, investigators must go through a lengthy legal process to obtain a court order, which can take up valuable time in the investigation.

4) International cooperation

Ineffective international cooperation is a significant obstacle in investigating criminal acts of fraud through check securities, especially when the case involves cross-border perpetrators or transactions. Complicated and time-consuming extradition processes, differences in legal systems between countries, and the lack of bilateral solid or multilateral agreements can slow or thwart investigative efforts. In addition, bureaucracy and lengthy administrative procedures in obtaining mutual legal assistance from other countries often hamper investigators' access to evidence and witnesses located abroad. Weak coordination between international law enforcement agencies can also delay the exchange of critical information needed to uncover

internationally organized crime networks.

The solution to overcome obstacles to the role of investigators in the perspective of eradicating criminal acts of fraud through checking securities in Batam City is:

- a. Increased resources
- b. Training and skills development
- c. Mark for access to information
- d. Active international cooperation

Responsive legal theory, introduced by Philippe Nonet and Philip Selznick, emphasizes the importance of adaptive law and responsiveness to social changes and community needs. In investigating criminal acts of fraud via check securities in Batam City, investigators must be able to respond to the dynamics of financial crimes, which continue to develop rapidly. This means that investigators must have flexibility in investigative methods, use advanced technology, and adapt to continually evolving regulations. A responsive legal approach also requires investigators to interact actively with the community, listen to victims' complaints, and work with various stakeholders to find practical solutions. In addition, ongoing training and skills development, as well as increasing access to information, are part of the strategy to make investigations more responsive to the challenges of modern crime. With this approach, the law is not only seen as a tool for punishment but also as a mechanism for social healing and the prevention of future crime.

The role of investigators in eradicating criminal acts of fraud via check securities in Batam City must be seen from a holistic and integrated perspective based on justice theory, legal system theory, and responsive legal theory. Within the framework of justice theory, investigators are tasked with ensuring that justice is served for victims and perpetrators. Through the lens of legal system theory, investigators are an integral part of the legal system that requires coordination and efficiency. Meanwhile, responsive legal theory requires investigators to adapt and proactively face ever-growing crime challenges. By applying these three theories, investigations can be carried out more effectively, efficiently, and relatively, thereby increasing public confidence in the legal system and providing better protection for victims of criminal acts of fraud.

4. CONCLUSIONS AND RECOMMENDATIONS

2.2 A. Conclusion

Based on the results and discussion depicted, it can be concluded that:

- 1) The legal regulation of the role of investigators in eradicating criminal acts of fraud through check securities, especially in Batam City, includes various aspects regulated in the Criminal Procedure Code (KUHAP) and other related regulations. Investigators have the authority to receive reports, take action at the scene, collect evidence, examine and arrest suspects, and compile case files to be submitted to the public prosecutor. Challenges such as lack of resources, specialization, limited access to information, and ineffective international cooperation require strategic solutions in the form of increasing resources, training, and skill development and strengthening access to information and international cooperation. Through the effective implementation of these legal regulations, it is hoped that investigators can carry out their role more efficiently and fairly so that fraud through checking securities can be eradicated and public confidence in the justice system can be increased.
- 2) Implementing the investigator's role in eradicating criminal acts of fraud via check securities in Batam City involves systematic and structured steps, from receiving reports and complaints, first action at the scene, to thorough investigation and evidence collection. Investigators are responsible for ensuring that each report is followed up with high professionalism, evidence is collected and secured carefully, and the examination and arrest process is carried out under applicable legal procedures. Challenges such as minimal resources, lack of specialization, and limited access to information require strategic solutions such as increased budgets, ongoing training, and closer collaboration with financial and international institutions. Through implementing these steps, investigators can increase the effectiveness and efficiency of investigations, ensure justice for victims, and strengthen public trust in the law enforcement system.
- 3) Obstacles in the investigator's role in eradicating criminal acts of fraud through check securities, such as lack of resources, lack of specialization, limited access to information, and less effective international cooperation, require comprehensive and strategic solutions. Increasing resources through adequate budgets and modern equipment, training and developing specific expertise in financial crimes,

strengthening access to information with clear cooperation agreements with financial institutions, and increasing international cooperation through extradition agreements and mutual legal assistance are steps that must be taken. Implementation of these solutions will enable investigators to work more effectively and efficiently, ensuring that every aspect of the criminal act of check fraud can be fully uncovered, the perpetrators brought to justice, and justice for the victims achieved.

B. Recommendations

Based on the conclusions above, several suggestions are given as follows:

- a. It is recommended that police investigators continue to increase their capacity and specialization in financial crimes through ongoing training and relevant certification programs. This training should cover the technical aspects of financial forensic analysis, fraud detection technology, and proper legal procedures for collecting and safeguarding evidence.
- b. It is recommended that prosecutors and judges need to increase coordination and collaboration with police investigators to ensure that all evidence collected is processed correctly and according to legal procedures. Other law enforcers must also be open to providing clear guidance and instructions to investigators in compiling complete and accurate case files and ensuring a fair and transparent judicial process.
- c. It is recommended that the public, especially victims of check securities fraud, be given adequate education and information regarding the steps they must take when they become victims of fraud. Socialization about reporting fraud, the importance of keeping evidence of transactions, and understanding their rights as victims can help increase cooperation between the community and law enforcement and speed up investigating and handling cases.

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