

Identification of Court Decisions Related to Online Arisan Cases in Indonesia from 2018-2024

Ashila Xaviena Almira Molla¹, Mochammad Tanzil Multazam²

^{1,2}Muhammadiyah University of Sidoarjo, Indonesia



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ABSTRACT

Objective: This research discusses the phenomenon of online rotating savings and credit associations (arisan) in Indonesia, which are becoming increasingly popular but also vulnerable to legal violations such as embezzlement and fraud. **Method:** Using the PRISMA method, this study identifies, screens, evaluates, and analyzes cases of online arisan from 2018 to 2024. **Results:** Based on data analysis from the Supreme Court Decisions, 249 cases related to online arisan were found, peaking in 2021. The study also explores the applicable legal framework, including the Electronic Information and Transactions Law (ITE Law) and the Civil Code (KUHPperdata), to understand the challenges and solutions in protecting arisan participants. The research results indicate that better legal awareness and regulation are needed to reduce the risk of violations in online arisan. **Novelty:** This research provides a systematic review of online arisan cases in Indonesia over a six-year period, combining legal case analysis with the PRISMA method to highlight trends, legal challenges, and the need for improved participant protection.

INTRODUCTION

This research is motivated by the growing popularity of online savings groups (arisan online) as a phenomenon in electronic transactions. Online savings groups, which have attracted much attention due to the convenience and transparency they offer in conducting financial transactions, have become an inseparable part of today's digital life. However, behind these conveniences, online savings groups also open opportunities for various forms of trust abuse [1]. In particular, risks related to the management of funds collected in these groups have become a major concern. Participants often must entrust their money to organizers or fellow members, which creates opportunities for fraudulent and embezzlement practices [2].

In this context, it is important to conduct a legal analysis of cases involving online savings groups that have occurred. Legal studies are necessary to understand how existing regulations can address misuse in online savings groups and whether there is a need for updated legal frameworks to more effectively protect the rights and interests of participants. This research aims to explore relevant legal aspects of online savings groups and provide recommendations for regulatory and policy improvements in this area. The ultimate goal is to create a safer and more trustworthy electronic transaction environment for the public.

With the increasing activities of online savings groups, the risk of legal violations is also rising [3]. Therefore, this study aims to analyze legal aspects related to online savings groups, especially in cases that have developed over the years [4]. First, to understand

existing cases in online savings groups, it is necessary to analyze the basic concept of what types of cases occur in these groups. One such case is embezzlement, which can occur when there is a misuse of participants' trust in managing and using the collected funds. This includes fraudulent or dishonest acts that result in losses to participants or parties with an interest in the savings group [5].

Online savings groups have certain characteristics that make them vulnerable to legal violations. For example, because participants are not always in the same physical location, coordination and supervision become more difficult. Additionally, the involvement of technology can create gaps for data and financial information manipulation, which may be exploited by irresponsible parties [6]. Data analysis was chosen as the research method to provide a concrete overview of how legal violations occur in online savings groups and how trust abuse can take place in electronic transactions. Through analyzing existing data in the context of online savings groups, this study is expected to provide a deeper understanding of legal protection for victims. In this case, it is necessary to examine the *modus operandi* of perpetrators, the impact on participants, and how the cases are addressed under applicable laws. It is important to analyze both the criminal and civil legal frameworks governing online savings groups. Through this analysis, the research aims to provide a deeper understanding of the legal challenges posed by the development of online savings groups and to identify solutions to enhance protection for participants [7].

RESEARCH METHOD

This research uses the ****PRISMA Method****, which refers to a stepwise or tiered approach in data collection and interpretation. This method generally involves several stages for analyzing data. The stages to be carried out are:

1. Identifying Data Sources.
2. Data Selection or Screening.
3. Evaluating and Analyzing Data.
4. Data Synthesis.
5. Interpretation or Conclusion based on the evidence found.

For this study, there are also specific processes or steps to follow in order to obtain data sources:

1. Access the website [<https://putusan3.mahkamahagung.go.id>] (<https://putusan3.mahkamahagung.go.id>)
2. Perform a search using the keyword ****"arisan online"**** on the Supreme Court website.
3. The search results will appear, showing data on cases related to online savings groups.
4. After the results appear, click on the menu for the year of the decision and select "putus" (decided).
5. Filter the data from 2018 until the total number of cases appears.

6. Screen each case to obtain the type of case that can be analyzed to identify the most dominant type of case during the period.
7. Repeat steps 5–6 until 2024, as each year shows a different number of cases.
8. The collected information is used to create a diagram visualizing the comparison of the minimum and maximum number of cases in those years.
9. A table is prepared to outline the articles/laws applied in these cases along with the type of decision rendered.
10. Calculations are performed to determine the region with the highest number of online savings group cases, taking into account the level of cases that occurred.
11. Each case is explained in detail through structured sub-sections in the discussion chapter.
12. The conclusion of this analysis will present findings on the patterns of online savings group cases during the specified period accurately.

RESULTS AND DISCUSSION

In Indonesia, a phenomenon that is increasingly occurring today is online savings groups (arisan online). From year to year, the legal violations related to online arisan cases are also diverse. According to

<https://putusan3.mahkamahagung.go.id/search.html?q=%22arisan+online%22> there have been approximately 249 cases recorded. Based on Law Number 19 of 2016, there are several differences or changes in the practice of arisan from one to another due to the current globalization developments [8]. With the advancement of technology, online arisan has both positive and negative aspects. One of the negative aspects is when a member fails to fulfill their responsibilities in the online arisan. Unfortunately, in this activity, there is often no formal written agreement based on applicable laws. This situation contributes to the high number of criminal and civil cases related to the online arisan phenomenon. Based on the data analysis from 2018 to 2024, the highest number of cases occurred in 2021, with 74 cases of various types. Comparing the periods before and after COVID-19, the most dominant cases were fraud, civil disputes, and divorce [2]. This analysis shows that online arisan has experienced significant dynamics year by year in the number of reported cases. The causes of these fluctuations can vary, including changes in user behavior, increased legal awareness, or regulatory actions.

The following is a diagram of online arisan cases from 2018 to 2024:



Figure 1. Online Arisan Case Diagram.

Based on the data above, when analyzed by the years before and after COVID-19, several cases dominated. The highest number of cases occurred in civil law in 2021. Approximately 70% of civil cases in 2021 were related to breach of contract (*wanprestasi*/fraud). The Civil Code (KUHPerdata) regulates agreements in the context of arisan with a specific approach, governed by legal norms and principles found in Chapters II to XVIII of Book III of the Civil Code [9].

The concept of performance (*prestasi*) in an agreement refers to fulfilling obligations, promises, or written agreements, while "*wanprestasi*" refers to the failure to meet these obligations, which can cause losses to the other party [10]. Disclosure of online arisan fraud cases is often difficult due to an inadequate evidence system, leading to an increase in fraud cases with minimal regulation addressing this phenomenon. Websites suspected of fraud remain difficult for the government to trace, making it challenging to reduce incidents of online arisan fraud.

Police often face difficulties in collecting evidence, so IT experts are crucial to support investigations involving social media. The use of technology by the public cannot be done freely, as it is regulated by ITE Law No. 19 of 2016, although many feel its implementation is still not optimal due to unclear provisions in regulating cybercrime offenses [8].

A. Criminal Cases of Embezzlement and Fraud in Online Arisan

Fraud and embezzlement have recently dominated cases in online arisan. One increasingly common crime is online arisan fraud operating through social media. The widespread use of the internet creates opportunities for irresponsible individuals to commit harmful acts. Several factors underlie this phenomenon, including public attraction to promises of high profits that are often too good to be true [11]. Perpetrators of online arisan fraud continuously develop new tricks to lure victims, exploiting people who are easily tempted by promises of high returns.

The city of Surabaya has reported a significant increase in online arisan fraud cases over the past two years. These cases are regulated under Articles 372 and 378 of the

Indonesian Criminal Code (KUHP), providing a legal basis for prosecuting fraud and embezzlement with strict sanctions. This regulation reflects legal efforts to address and prevent fraudulent activities using information technology to harm the public [6]. Research indicates that some terrorism funding cases also use FinTech digital payments as an online funding tool. To maintain financial system integrity and strengthen government control functions, a comprehensive legal framework, including the establishment of FinTech legislation, is necessary [12].

Modern technology benefits society but also attracts fraudsters and criminals seeking financial gain. Internet fraud has increased drastically, causing annual losses of billions of dollars to customers and service providers worldwide. The existence of embezzlement and fraud in online arisan emphasizes the need for comprehensive regulations, such as specific laws to govern FinTech and prevent the misuse of technology for illegal funding. Individuals need strong governance and oversight systems to prevent fraudulent practices and anticipate questionable financial risks. Fraud detection and prevention technology are crucial to protect consumers from significant financial losses due to online fraud [13].

B. Civil Cases of Breach of Contract (Wanprestasi) in Online Arisan

Case studies on online arisan show that wanprestasi occurs when either the creditor or debtor is negligent, as reported on the Supreme Court's website. In online arisan, the creditor is the person who should receive the money, while the debtor is the person who must deliver the money. A statement of negligence serves as a warning to the party failing to fulfill their obligations to do so within a specified period. For example, if a member fails to pay arisan dues on time, the arisan administrator can declare the member negligent and grant an extension for payment along with a pre-agreed fine [15].

In addition to the negligence statement, the creditor can issue a formal written warning to the debtor through the district court. Typically, the creditor or bailiff performs at least three summonses. If these are ignored, the creditor has the right to file a lawsuit to determine whether the debtor has committed a breach. According to the Civil Code, there is a fundamental difference between a breach of contract claim and a tort claim. A breach of contract claim is based on an existing contractual relationship between the plaintiff and defendant, whereas a tort claim is not based on any contractual relationship. According to Article 1320 of the Civil Code regarding the validity of an agreement, one of the initial elements of wanprestasi is the existence of a legally valid agreement [7].

C. Divorce Cases in Online Arisan

Many Indonesians have low incomes that often do not meet their basic needs. The management and allocation of family finances significantly affect their well-being [16]. Economic problems have become complex due to increasing needs while income remains limited. Article 39 stipulates that divorce can only occur in court after attempts to reconcile both parties fail, based on the inability of the husband and wife to live in harmony. Insufficient income is a primary factor causing conflicts and unhappiness in families. Divorce procedures are regulated under separate legislation [17].

According to Article 38 of Law No. 1 of 1974, a marriage can end due to death, divorce, or court decision. Recent studies report that online arisan has contributed to some divorce cases. Divorce may arise from conflicts and dishonesty between spouses, creating economic problems in the household. Some cases report that one party, usually the woman, leaves debts from online arisan participation, worsening the household condition. Continuous conflicts, such as disagreements and disputes, can erode love and trust between spouses [18]. Article 40 specifies that divorce petitions must be submitted to the court, with procedures regulated by separate legislation. Therefore, online arisan can be considered one of several factors affecting household stability and potentially triggering divorce.

D. ITE Cases in Online Arisan

The Electronic Information and Transactions Law (UU ITE) regulates special criminal acts, including online arisan fraud conducted via fake social media platforms. This type of fraud is categorized as a criminal offense outside the KUHP provisions, though it involves elements mentioned in Article 378 KUHP [19]. Online arisan fraud has increased in electronic transactions. Perpetrators can be sanctioned under Article 45A paragraph (1) of Law No. 19 of 2016, amending Law No. 11 of 2008 concerning ITE. Although not explicitly regulated in the ITE Law, the use of different methods and media categorizes it as a special crime.

In law enforcement, consideration refers not only to Article 378 KUHP but also to criminal provisions in the ITE Law. The choice of media is a key differentiator, making electronic or online media significant in execution. One *modus operandi* in online arisan fraud is the use of false news or hoaxes to attract victims. Hoaxes are false and harmful information presented as factual. In the context of online arisan fraud, hoaxes are used to lure victims and execute the scam. Arisan, ideally a social and financial activity, can be exploited by certain individuals to defraud participants. False information is created and disseminated to persuade, manipulate, or influence readers to act against the truth or prevent proper action [20].

E. Legal Basis for Cases in Online Arisan

Table 1. Legal Basis for Online Arisan Cases.

No.	Case	Article	Decision Type
1.	Fraud	Articles 372 and 378 KUHP	General Criminal – Fraud
2.	Civil	Articles 1320 and 1338 KUHPPerdata	Civil – Breach of Contract
3.	ITE	Law No. 19 of 2016 (UU ITE)	Special Criminal – ITE
4.	Divorce	Article 116B Marriage Law	Religious Civil – Divorce
5.	Embezzlement	Articles 372 and 378 KUHP	General Criminal – Embezzlement
6.	Assault	Article 354 KUHP	General Criminal – Assault

In the civil law domain, Articles 1320 and 1338 of the Indonesian Civil Code (KUHPPerdata) emphasize the validity requirements of an agreement and the principle of

freedom of contract. Article 1320 outlines four conditions for a valid agreement: the consent of the parties, legal capacity to enter into obligations, a definite object, and a lawful cause. Article 1338 ensures that all legally valid agreements have the force of law. These provisions are commonly applied in contract violation cases [21].

In the realm of general criminal law, Articles 372 and 378 of the Indonesian Criminal Code (KUHP) provide the legal basis for prosecuting fraud and embezzlement with strict criminal sanctions [22]. Article 378 KUHP characterizes fraud as an act intended to benefit oneself or another by false statements or clever deceit, while Article 372 KUHP governs the embezzlement of another's property unlawfully, maintaining trust in social and economic interactions.

In the special criminal law domain, Law No. 19 of 2016 concerning Electronic Information and Transactions (UU ITE) regulates violations related to information technology, including fraud through electronic media. Article 354 KUHP covers severe assault in general criminal law. Religious civil law aspects are also addressed, such as in Article 116B of the Marriage Law, which governs grounds for divorce. These regulations reflect the legal complexity in Indonesia encompassing various aspects of societal life.

F. Number of Online Arisan Cases by Region

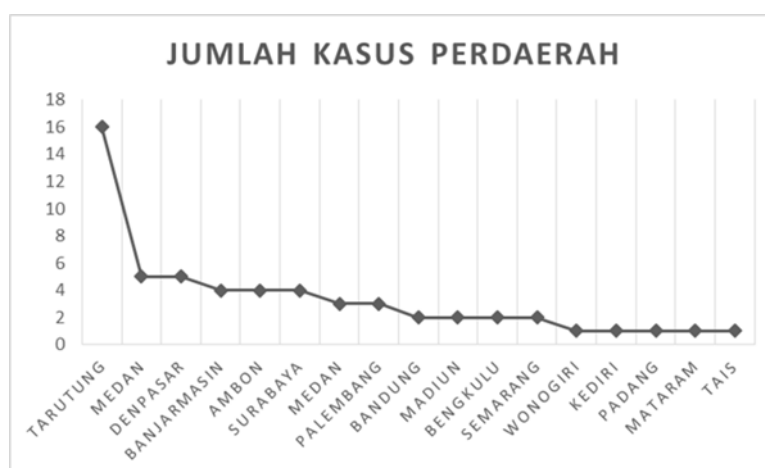


Figure 2. Graph of Number of Cases by Region.

From 249 data points available on the Supreme Court platform, involving 140 district courts across Indonesia, online arisan cases are most frequently found in Tarutung, North Sumatra, with a total of 16 decisions. Of these, the majority are civil breach of contract cases (*wanprestasi*), with 14 classified as civil cases and 2 as religious civil cases, specifically divorces. Conversely, the fewest online arisan cases occurred in Tais, Bengkulu, with only one decision reported in 2022, which was a civil breach of contract case.

Based on data from 2018 to 2024, civil cases, particularly *wanprestasi*, dominate online arisan disputes. Courts across Indonesia consistently handle breach of contract cases related to online arisan [23]. This prevalence reflects the legal challenges arising from parties' inability to fulfill agreed contractual obligations. The dominance of *wanprestasi* cases indicates a consistent pattern of non-compliance in online arisan

schemes, where participants frequently fail to meet payment or other commitments, triggering legal disputes.

A deeper analysis shows that wanprestasi cases outnumber other types of civil cases in the context of online arisan. This phenomenon highlights a significant tendency toward contract violation disputes compared to other civil cases and criminal cases, including religious civil disputes, general criminal cases, or special criminal cases [24]. These findings underscore the need for enhanced regulation and supervision in online arisan practices to reduce the risk of wanprestasi and protect participants' rights.

The dominant case types vary by year. In 2018, fraud and divorce were the most prevalent, while in 2020, fraud, divorce, and civil cases were the primary issues. Year-to-year changes in case patterns are clearly observed in the diagram above [25]. For instance, ITE and assault cases appeared in the early years but decreased in frequency or did not recur in subsequent years, particularly after COVID-19. In 2024, there was a drastic decline in the number of reported cases, with only three cases recorded. This may reflect changes in online arisan user behavior, regulatory adjustments, or increased awareness of associated risks.

CONCLUSION

Fundamental Finding : This study provides an in-depth overview of the dynamics of online arisan in Indonesia from a legal perspective, focusing particularly on criminal and civil aspects. Based on data analysis from 2018 to 2024, it was found that online arisan cases showed varied trends, with a peak in 2021. The most dominant cases were fraud, civil default (wanprestasi), and divorce. Fraud and embezzlement: Online arisan fraud conducted through social media has become increasingly common, especially in major cities such as Surabaya. The main factor behind this is the public's attraction to promises of high returns, which are often too good to be true. These fraud cases are regulated under Articles 372 and 378 of the Criminal Code (KUHP), providing a legal basis to prosecute offenders with strict penalties. Civil default (wanprestasi): Wanprestasi cases in online arisan occur when there is a breach of contract between arisan participants. Articles 1320 and 1338 of the Civil Code (KUHPerdata) regulate the requirements for a valid agreement and the principle of freedom of contract, which are often applied in wanprestasi disputes. Divorce: Divorce cases related to online arisan often occur due to disputes and dishonesty between spouses regarding financial matters. This shows that economic issues, including financial management and debts, greatly affect marital stability. Divorce is regulated under Articles 38, 39, and 40 of Law No. 1 of 1974 on Marriage. **Implication :** Technology and ITE: Regulations regarding information technology and electronic transactions, such as Law No. 19 of 2016 on Information and Electronic Transactions (ITE Law), also play an important role in handling online arisan cases. **Limitation :** However, their implementation still faces challenges due to unclear provisions regarding cybercrime, limiting the effectiveness of legal enforcement in online arisan cases. **Future Research :** Future research could explore strategies to improve the clarity and application of ITE regulations, assess the effectiveness of existing legal frameworks in preventing fraud and

wanprestasi, and analyze the social and economic impacts of online arisan on family stability.

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Ashila Xaviena Almira Molla

Muhammadiyah University of Sidoarjo, Indonesia

***Mochammad Tanzil Multazam (Corresponding Author)**

Muhammadiyah University of Sidoarjo, Indonesia

Email: tanzilmultazam@umsida.ac.id
