



## Legal Analysis of the Importance of Legal Protection for Victims of Identity Forgery Crimes

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Article Info	Abstract
<b>Article History</b> Received: 2025-08-25 Revised: 2025-08-29 Published: 2025-09-05  <b>Keywords:</b> <i>Legal protection, identity forgery, legal analysis.</i>	Indonesia is a country of law, with various legal regulations in place to protect a person's rights. However, this does not make Indonesia free from crime. Theft often occurs in society, with various methods, one of which is through identity fraud. Identity is a characteristic, sign, or identity inherent in a person, evidenced by an authentic deed. Having an identity is crucial in national life, as without it, it will be difficult to obtain legal protection and certainty in any relationship that arises or disappears in the interests of national life. The protection for owners of falsified personal data on the Pre-Employment Card assistance website is stipulated in Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions and Law Number 27 of 2022 concerning Personal Data Protection. This study uses a normative legal research method. Data collection was conducted through literature and document studies. Data analysis was conducted using descriptive analytical methods and a qualitative approach. The results of the study indicate that the implementation of personal data protection efforts is still far from being implemented, thus posing a risk of personal data leaks, which can lead to other related crimes such as identity forgery, identity misuse, and illegal identity trading, which result in losses for personal data owners.

### I. INTRODUCTION

The increasingly dynamic developments of the times have had a significant impact on the way humans interact, work, and manage their lives. Advances in information technology have become a key characteristic of the digital era currently facing nearly all countries, including Indonesia. Various aspects of people's lives are inseparable from the use of technology, particularly in the administrative field, which requires identity as a primary requirement for all legal and social activities. Identity, in a legal context, is understood as a unique characteristic or mark inherent in a person and proven by authentic documents, such as a resident identity card, birth certificate, or passport. Without a valid identity, it will be difficult for a person to obtain legal certainty, protection of rights, and access to various public services that are basic necessities of national life (Ismatullah, 2014).

However, despite the significant benefits brought by digital technology, new challenges have emerged: the increasing vulnerability of

individuals' identities to forgery or manipulation. Identity forgery is a form of crime that has evolved alongside technological advancements, where important documents can be easily manipulated using forgery software, image manipulation, and even 3D printing. At this point, society is faced with an irony: technology originally intended to simplify administration has instead opened up new opportunities for crime. Identity forgery not only causes material losses but also immaterial losses that have long-lasting impacts on the reputation and livelihood of victims (Khaila, 2024).

In everyday life, pressing needs often drive individuals to resort to various means to survive, sometimes even ignoring legal norms. This phenomenon can trigger the crime of identity fraud, where the perpetrator seeks personal gain by harming others. The crime of identity fraud is essentially an act that presents something as if it were true when in fact it is contrary to reality. This type of crime is very detrimental to the victim, because the victim's identity is used illegally for

illegitimate purposes, such as gaining access to public services, taking out loans, or committing other crimes in the victim's name. This causes losses that are not only physical, but also non-physical, such as loss of security, psychological trauma, and damage to social reputation (Sahetapy, 1987).

The losses resulting from identity fraud cannot be underestimated. When someone loses control of their identity, they lose not only documents but also access to all legal rights attached to that identity. The victim may be accused of committing a crime that was actually committed by someone else using a false identity. In such circumstances, the victim not only suffers financial loss, but also their basic human rights are threatened, namely the right to live safely and protected. This is in line with Article 28G paragraph (1) of the 1945 Constitution, which states that everyone has the right to protection of themselves, their family, their honor, their dignity, and their property under their control, and has the right to a sense of security and protection from the threat of fear.

Unfortunately, legal protection for crime victims in Indonesia is often neglected. The criminal justice system generally focuses more on punishing perpetrators than on rehabilitating victims. However, in the context of modern victimology, victims should be the focus, as they experience real losses that require immediate reparation (E. Sahetapy, 1987). Victim-oriented legal protection is necessary to prevent prolonged suffering. Furthermore, this effort is crucial to prevent further victimization due to weak regulations and law enforcement. Therefore, victim protection in cases of identity fraud is an urgent issue that cannot be postponed any longer.

The Indonesian government has actually attempted to anticipate this problem by issuing various regulations. One of the most important is Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), which was enacted on April 21, 2008. This law was later updated by Law Number 19 of 2016. Broadly speaking, the ITE Law has two main functions: regulating electronic transactions and regulating prohibited acts, including various forms of cybercrime. With the enactment of this law, it is hoped that there will be clearer legal certainty for victims of digital crime, including victims of identity fraud (Nurul Qamar, 2017).

However, the reality on the ground shows that the implementation of legal protection for personal data remains far from ideal. Personal

data leaks still frequently occur, paving the way for other crimes such as identity forgery, data misuse, and illegal identity trading. This phenomenon demonstrates that legal protection in practice has not fully kept pace with the rapid pace of technological development. The public is becoming increasingly vulnerable because personal data that should be protected is easily accessed by irresponsible parties. This is evidenced by the increasing number of large-scale data leaks in various sectors, from financial services to digital platform providers, which often result in identity theft (Barda Nawawi, 2000).

This is where comprehensive legal reform is crucial. In addition to the ITE Law, Indonesia now has Law Number 27 of 2022 concerning Personal Data Protection (PDP Law). This law was enacted to strengthen the personal data protection regime, considering that data is a valuable asset that can be misused if it falls into the wrong hands. The PDP Law provides a stronger legal basis for preventing, prosecuting, and sanctioning those who misuse personal data, including identity fraud. With this regulation, it is hoped that victims will no longer be treated as individuals who must fight alone, but rather as legal subjects whose rights are guaranteed by the state (Soedjono, 2008).

However, the introduction of new regulations does not automatically solve the problem. The biggest challenge lies in implementation. Without public awareness of the importance of safeguarding their personal data and without a commitment from law enforcement to consistently enforce the rules, identity fraud cases will continue to occur. Therefore, synergy between regulations, law enforcement, and public participation is necessary. Law enforcement must go hand in hand with public education to foster collective awareness. This way, identity fraud can be suppressed and legal protection for victims can be realized.

Identity fraud crimes not only impact individuals but also pose a serious threat to public trust in the legal system and state administration. If identities are easily falsified, the state's authority to protect its citizens will be questioned. In this context, the state is required to be present through clear, firm, and effective legal instruments. Criminal law, as the ultimum remedium, should be an instrument to provide a deterrent effect on perpetrators while guaranteeing protection for victims. However, as Barda Nawawi (2000) reminds us, criminal law must not stop at punishment but must also

function preventively, namely preventing new victims through clear regulations and consistent law enforcement.

Furthermore, the development of identity forgery also indicates a shift in methods. While previously identity forgery was mostly carried out using conventional methods such as forging signatures or official stamps, these crimes are now committed digitally. Documents such as electronic ID cards, digital passports, or even social media accounts can be falsified simply by using specific software. This method further complicates law enforcement because the evidence produced is no longer a physical object, but rather digital data that is easily deleted, moved, or manipulated. In this regard, the presence of digital forensic experts is crucial to ensure that electronic evidence can be recognized and used in the legal process (Ismatullah, 2014).

On the other hand, the existence of a society that is not yet fully digitally literate increases vulnerability. Many people are unaware of the importance of protecting their personal data, so they easily provide copies of their ID cards, family cards, or other personal data without considering security. Low digital literacy makes people unaware that these documents can be used for identity fraud. Nurul Qamar (2017) emphasized that legal protection will not be effective if the public itself does not build legal awareness. Therefore, public education is a crucial factor that cannot be ignored in prevention efforts.

Another factor that exacerbates the situation is the weakness of victim protection mechanisms. In many cases, victims of identity fraud must struggle alone to prove their innocence of the alleged offense. Law enforcement officials tend to focus on proving the perpetrator's guilt, while victims are often neglected. However, within the framework of modern victimology, victim protection should be placed on a par with prosecution of the perpetrator. Sahetapy (1987) asserts that without victim protection, the criminal justice system loses its moral legitimacy because it fails to fulfill the sense of justice for those who suffer most from crime.

The Indonesian government, through the ITE Law and the Personal Data Protection Law, has provided a stronger legal basis to protect the public from identity fraud. However, these regulations will only be effective if law enforcement officials are able to implement them effectively. Officials must possess adequate technical capabilities, both in conducting investigations, gathering digital evidence, and

addressing cross-jurisdictional challenges. Cybercrime, including identity fraud, knows no national boundaries. Perpetrators can be located abroad, while victims are in Indonesia. This demands closer international cooperation to ensure perpetrators are apprehended and prosecuted. Without such cooperation, perpetrators will continue to exploit legal loopholes to escape prosecution (Soedjono, 2008).

It is also important to emphasize that identity falsification is not merely a technical crime, but is also closely related to the protection of human rights. Identity is a fundamental right of every individual inherent from birth. When that identity is falsified, a person's basic rights are indirectly violated. Therefore, identity protection must be viewed as an integral part of human rights protection. This is in accordance with Article 28D paragraph (1) of the 1945 Constitution, which affirms that everyone has the right to recognition, guarantees, protection, and fair legal certainty, as well as equal treatment before the law. Therefore, identity falsification is not only a criminal matter, but also a violation of constitutional principles upheld by the state (Khaila, 2024).

From the perspective of national legal development, the issue of identity fraud demonstrates that Indonesia still faces a gap between existing regulations and actual practice. Regulations often lag behind technological developments. By the time new laws are enacted, the modus operandi of the crime has already advanced. This results in the law always being in a position of "catching up." To address this situation, flexible, adaptive regulations based on general principles that can address future technological developments are needed. Laws should not be rigid but should be adaptable to remain relevant (Barda Nawawi, 2000).

Based on the above description, it is clear that legal protection for victims of identity fraud is an urgent need that must be met immediately. These cases demonstrate that victims are often at a significant disadvantage, both economically, socially, and psychologically. They need real legal protection, not just regulatory promises. The state cannot stand idly by, because identity fraud is fundamentally a threat to the very existence of the law. Without a valid identity, there is no legal certainty, and without legal certainty, national life will lose its very foundation.

## II. RESEARCH METHODS

This study uses a normative juridical approach that focuses on the analysis of laws and regulations, legal doctrine, and expert opinions regarding the issue of identity fraud. The normative approach was chosen because the problem under study focuses more on the positive legal aspect, namely the extent to which applicable laws can provide protection to victims of crime. Therefore, the primary data used comes from primary legal materials in the form of laws such as the Criminal Code, the ITE Law, and the Personal Data Protection Law, as well as secondary legal materials such as textbooks, scientific journals, and writings by relevant criminal law experts. The analysis is conducted by outlining existing legal norms, comparing them with field practices, and then drawing conclusions regarding gaps and the need for legal reform (Ismatullah, 2014).

Furthermore, this research is descriptive and analytical in nature, meaning it not only outlines written legal norms but also explains how these norms operate in practice, particularly in the context of victim protection. Analytical descriptiveness allows researchers to describe the actual conditions surrounding identity fraud, both in terms of *modus operandi*, the resulting impacts, and the effectiveness of law enforcement. In this way, the research is expected to provide a comprehensive overview of the issues studied and offer relevant recommendations for criminal law reform in Indonesia (Nurul Qamar, 2017).

## III. RESULTS AND DISCUSSION

### A. Literature review

The study of identity fraud, victim protection, and the legal aspects surrounding it cannot be separated from the theoretical foundations of criminal law, victimology, and legal protection theory. Existing literature shows that understanding of identity fraud develops in line with societal dynamics. According to Sahetapy (1987), crime is essentially a human act that harms others and violates legal norms, thus requiring state intervention through criminal instruments. Identity fraud falls into the category

of crimes against public order because it attacks public trust in official documents and the state's administrative system. In this context, identity fraud not only harms individual victims but also undermines the social order as a whole.

Victimology studies emphasize that victims hold a central position in the criminal justice system. Modern victimology theory emphasizes that victim protection should not be viewed as merely an accessory but should be a central component of legal policy formulation. Sahetapy (1987) emphasized that victims often suffer the most from criminal acts, yet receive the least attention. In cases of identity fraud, for example, victims can lose access to their legal rights and may even be accused of crimes they did not commit. This victimology perspective further underscores the need to strengthen victim protection within the Indonesian legal system.

In addition to victimology, the theory of legal protection is also an important foundation in understanding the issue of identity fraud. According to Ismatullah (2014), legal protection is a guarantee provided by the state to individuals so that their rights are not violated by others. Legal protection has two dimensions: preventive and repressive. Preventive protection aims to prevent violations from occurring, for example by issuing clear and transparent regulations, while repressive protection aims to provide redress when violations have occurred, for example through judicial mechanisms and compensation for victims. In the context of identity fraud, both dimensions are crucial. Preventive protection prevents the misuse of personal data through strict regulations regarding identity use, while repressive protection provides redress for victims whose identities have been falsified.

From a criminal law perspective, Barda Nawawi (2000) emphasized that criminal law has a dual function: protecting the legal interests of society and providing a deterrent effect on perpetrators. Criminal law is referred to as the *ultimum remedium*, meaning it is used as a last resort when other legal means are unable to resolve the problem. However, in cases of identity fraud, criminal law is often the primary means due to the nature of the act, which directly attacks the public interest. When identities are falsified, it is not only the individual victim who is affected, but also public trust in the authenticity of documents and the state administration system. Therefore, Barda emphasized that criminal law must be used firmly to create legal certainty and a deterrent effect.



Another study highlighted the role of technology in increasing the risk of identity fraud. According to Nurul Qamar (2017), the development of digital technology presents new opportunities for crime because documents can easily be forged, manipulated, or traded online. Information technology, originally intended to simplify administration, has instead opened up new avenues for crime if not balanced with adequate legal protection. Therefore, laws and regulations such as the ITE Law and the PDP Law are needed to strengthen the protection of personal data. However, regulations alone are not enough; the public's digital literacy must also be improved so that they realize the importance of maintaining identity confidentiality.

Philosophically, identity protection is also linked to human rights protection. Identity is an inherent part of human existence. Article 28D paragraph (1) of the 1945 Constitution affirms that everyone has the right to recognition, guarantees, protection, and fair legal certainty. This means that identity falsification is not only a violation of criminal law, but also a violation of the constitution and human rights. Khaila (2024) emphasizes that when a person's identity is falsified, their basic rights have been violated, so the state has a constitutional obligation to provide protection.

Furthermore, Soedjono (2008) highlighted the importance of sociological aspects in law enforcement. According to him, law is not merely a written text, but must function within the social life of society. This means that the effectiveness of legal protection for victims of identity fraud will depend heavily on public legal awareness and the commitment of law enforcement officials to enforcing the rules. Without legal awareness, the public tends to neglect the importance of protecting their own identities, while without official commitment, existing regulations will simply be meaningless rules.

The literature review also shows that identity fraud has multidimensional impacts. Economic impacts are evident when victims lose access to accounts or property linked to their identity. Social impacts arise when victims lose their reputation or are even accused of a crime. Psychological impacts are equally serious, including trauma and feelings of insecurity. All of these impacts demonstrate that identity fraud is not merely an administrative violation, but a direct attack on the victim's personal integrity. Therefore, the literature emphasizes the importance of victim protection within the

framework of victimology, legal protection, and criminal law.

Thus, the literature review shows that the issue of identity forgery has long received attention in legal literature. Victimology theory emphasizes the importance of victim protection, legal protection theory emphasizes the role of the state in guaranteeing individual rights, while criminal law theory emphasizes the function of law as a deterrent and sanctioning tool. Coupled with sociological and human rights perspectives, it is clear that identity forgery is a complex and multidimensional crime. All of these theories form a conceptual framework that serves as the basis for research to examine how legal protection for victims of identity forgery can be implemented in practice in Indonesia.

## **B. Legal Protection as a Victim of Identity Fraud**

Legal protection for victims of identity fraud is a crucial issue in the Indonesian legal system, particularly in the digital era marked by the rapid flow of information and global connectivity. Identity, which should be a personal characteristic and authentic proof of a person's legal existence, is now vulnerable. When an identity is falsified, not only are individual civil rights threatened, but also the state's authority to guarantee legal certainty. This demonstrates that victim protection is not merely individual but also has social and constitutional implications (Khaila, 2024).

From a criminal law perspective, victim protection can be understood in two main aspects: preventive protection and repressive protection. Preventive protection encompasses state measures to anticipate crime by formulating clear regulations and limiting opportunities for violations. Repressive protection encompasses efforts to provide reparation when victims have suffered losses due to a crime. According to Ismatullah (2014), legal protection can only be considered effective if both aspects are balanced. If the focus is solely on the repressive aspect, the state will always be late; while if it relies solely on the preventive aspect without real law enforcement, victims will continue to suffer.

In cases of identity fraud, preventive protection can include a robust population administration system, the implementation of data security technology, and restrictions on access to personal information. For example, the implementation of the Electronic Identity Card (e-KTP) is essentially intended to minimize the

opportunity for identity fraud. However, as Nurul Qamar (2017) points out, the existence of a system alone is insufficient without strict oversight and public awareness. Many e-KTP data leaks have actually opened up opportunities for identity fraud. This means that the existing preventive system does not fully protect victims.

On the repressive side, legal protection is realized through strict enforcement of criminal law against perpetrators of identity forgery. The Criminal Code (KUHP) has regulated a number of articles related to forgery, for example Article 263 paragraph (1) which reads:

*"Whoever makes a false letter or falsifies a letter that can give rise to a right, obligation or release from debt, or which is intended as evidence of something with the intention of using or ordering another person to use the letter as if its contents were true and not falsified, is threatened, if the use can cause a loss, due to the falsification of the letter, with a maximum prison sentence of six years."*

This article can be used to ensnare perpetrators of identity forgery because identity is an official document that gives rise to legal rights and obligations.

However, practice in the field shows that repressive protection is often less than optimal. Many victims of identity fraud struggle to prove their innocence in the alleged crime. Law enforcement officials focus more on proving the perpetrator's guilt than on ensuring the victim's recovery. In this regard, victimology emphasizes the importance of placing the victim at the center of attention. Sahetapy (1987) stated that the criminal justice system must prioritize victim-oriented behavior, placing the victim's interests alongside the state's interest in punishing the perpetrator. If victims are left to fend for themselves, the legal system loses its moral legitimacy.

This aspect of victimology becomes even more relevant when considering the multidimensional impact of identity fraud. Victims suffer not only economic losses, but also social and psychological ones. For example, someone whose identity is falsified to commit a crime may lose their reputation and even be rejected by their social circle as a criminal. Psychological burdens such as fear, anxiety, and lack of self-confidence also have long-term consequences. Therefore, legal protection should not be understood solely as imposing criminal sanctions on perpetrators, but must also include efforts to restore victims, whether in the form of

rehabilitation, compensation, or restitution (Ismatullah, 2014).

Effective legal protection for victims of identity fraud also requires a clear redress mechanism. Law Number 31 of 2014 concerning Witness and Victim Protection actually regulates victims' rights, including the right to restitution and compensation. However, its implementation in cases of identity fraud remains very limited. Many victims do not know how to apply for restitution or are even unaware that they are entitled to redress. This situation is exacerbated by a lack of public awareness from the government and law enforcement. Without redress, victims will continue to suffer losses even after the perpetrator has been punished.

In addition to national legal instruments, an international legal perspective also reinforces the importance of victim protection. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the UN in 1985, affirms that victims have the right to access justice and fair treatment, restitution, compensation, and assistance. This principle aligns with Indonesia's constitutional obligations as stipulated in Article 28D paragraph (1) of the 1945 Constitution concerning fair legal certainty. Therefore, protecting victims of identity fraud is also part of Indonesia's commitment to international standards.

Despite a strong legal basis, implementation remains a major challenge. Many cases of personal data leaks, which are then used for identity fraud, are not fully investigated. This gives the impression that the state is not serious about protecting victims. Soedjono (2008) emphasized that law must be viewed not merely as text, but as a living tool within society. This means that the effectiveness of legal protection will be largely determined by the awareness of law enforcement officials and their courage to take action against violations. Without this commitment, the rule of law will lose its meaning.

Strengthening legal protection for victims of identity fraud requires a multidimensional strategy. First, legal reforms must be continuously implemented to ensure regulations keep pace with technological developments. The 2022 Personal Data Protection Law (PDP) is a step forward, but its implementation must be closely monitored to prevent it from becoming merely symbolic. Second, law enforcement officers need to be provided with intensive training in digital forensics and victim protection, enabling them to handle identity fraud cases more professionally.

Third, the public must be encouraged to improve their digital literacy and become more aware of safeguarding their personal data. Without active public participation, optimal legal protection will be difficult to achieve.

From the above description, it is clear that legal protection for victims of identity fraud is not merely a technical issue, but also a philosophical and sociological one. Legal protection is a concrete manifestation of the state's presence in protecting the rights of its citizens. Without adequate protection, victims will continue to suffer, and public trust in the law will erode. Therefore, the Indonesian legal system needs to strengthen victim protection mechanisms by positioning them as the primary subjects, not merely objects, in the judicial process. With a more holistic approach, it is hoped that legal protection for victims of identity fraud can be realized in practice.

### C. Analysis of Legal Protection Based on the ITE Law and the PDP Law

Legal protection for victims of identity fraud in Indonesia has undergone significant developments with the enactment of several modern regulations. Prior to the introduction of specific regulations, law enforcement officials relied solely on articles in the Criminal Code (KUHP) that address document forgery, such as Articles 263 and 264. However, these provisions are deemed inadequate to address the complexities of identity fraud in the digital age. Identity is no longer merely a physical document; it has evolved into electronic data stored in various systems. This shift in the form of identity requires legal instruments that can adapt to technological developments. This is where the Electronic Information and Transactions Law (ITE Law) and the Personal Data Protection Law (PDP Law) play a crucial role.

The ITE Law was first enacted in 2008 through Law No. 11 of 2008, which was later amended by Law No. 19 of 2016. This law provides a legal framework for electronic transactions and regulates a number of prohibited acts in cyberspace. In the context of identity fraud, the ITE Law provides a clearer legal basis for prosecuting perpetrators. For example, Article 35 of the ITE Law states:

*"Any person who intentionally and without authority or against the law manipulates, creates, changes, deletes, damages, or removes electronic information and/or electronic documents with the aim of making the*

*electronic information and/or electronic documents appear to be authentic data."*

This article is very relevant to prosecuting digital-based identity fraud, where the perpetrator creates or modifies someone's personal data to make it look genuine when in fact it is fake (Suhariyanto, 2012).

Furthermore, Article 30 of the ITE Law can also be used to prosecute perpetrators who illegally access electronic systems to steal or falsify personal data. The article reads:

*"Any person who intentionally and without authority or against the law accesses another person's computer and/or electronic system in any way."*

When linked to identity fraud, this article targets perpetrators who obtain personal data through hacking, wiretapping, or misuse of access. Thus, the ITE Law provides a more comprehensive legal framework than the Criminal Code for combating identity fraud in the digital age (Wahid, 2005).

Although the ITE Law provides broader scope, several weaknesses remain. First, the provisions in the ITE Law emphasize prohibitions and criminal sanctions, but do not fully regulate the redress mechanism for victims. Second, in judicial practice, many law enforcement officials still interpret the ITE Law's articles differently, creating legal uncertainty. Third, the ITE Law is often seen as placing greater emphasis on protecting state and institutional interests than on protecting individual victims. This is in line with criticism from Ismatullah (2014), who emphasized that true legal protection must be victim-oriented, not solely focused on punishing perpetrators.

This gap led to the enactment of Law Number 27 of 2022 concerning Personal Data Protection (PDP Law). This law is considered a significant milestone in the Indonesian legal system, as it provides the first comprehensive regulation governing personal data. Article 1, number 1 of the PDP Law defines personal data as data about an individual that is identified or identifiable individually or in combination with other information, either directly or indirectly through electronic and/or non-electronic systems. This definition demonstrates that identity is now viewed not only in the form of physical documents but also digital data that has significant legal and economic value (Nurul Qamar, 2017).

The PDP Law provides stronger legal protection for victims of identity fraud. Article 4 paragraph (1) of the PDP Law states that everyone

has the right to protection of their personal data. This right includes the right to obtain information regarding the purpose of data collection, the right to access personal data, the right to correct or update data, and the right to delete data from the system if it is no longer relevant. With these rights, victims of identity fraud have a strong legal basis to sue parties who misuse their personal data.

Furthermore, the Personal Data Protection Law also provides administrative and criminal sanctions for violations. Article 58 of the Personal Data Protection Law, for example, stipulates that anyone who unlawfully collects or uses personal data without consent can be subject to imprisonment and/or a fine. This provision is highly relevant for prosecuting identity fraudsters, who typically obtain victims' personal data without permission and then use it for illegal purposes. Thus, the Personal Data Protection Law expands protections not previously covered in detail in the Electronic Information and Transactions (ITE) Law.

However, the effectiveness of the PDP Law also depends on its implementation. As Soedjono (2008) notes, the law is not only judged by its text, but also by its implementation in social practice. In cases of data breaches that lead to identity theft, for example, the biggest challenge is establishing responsibility. Is it the hacker, the service provider, or a third party who negligently maintained data security? This question is often difficult to answer because accountability mechanisms remain weak. Therefore, the PDP Law requires detailed implementing regulations to ensure victims' rights are truly upheld.

The existence of the ITE Law and the PDP Law truly reflects the state's commitment to responding to technological developments that bring new risks to the legal field, particularly related to identity fraud. However, as previously described, the implementation of both laws faces several serious obstacles. First, the limited capacity of law enforcement officials to understand the technical aspects of digital-based identity fraud. Identity fraud does not always take the form of physical forged documents, but can also involve altered data within electronic systems. Tracing these crimes requires digital forensic skills, which are still not widely available among investigators and court officials (Wahid, 2005).

Second, there are challenges in inter-agency coordination. Identity fraud is often linked to data leaks from government and private agencies. When data leaks occur, reporting and

accountability mechanisms remain ineffective. In some cases, the institutions whose data is leaked are reluctant to take responsibility and shift the blame to others. This is despite the PDP Law clearly obligating data controllers to report data leak incidents to the data owner and relevant authorities. This lack of coordination demonstrates that regulatory implementation has not been as expected (Nurul Qamar, 2017).

Third, existing legal protection often lacks a balance between the interests of victims and perpetrators. In many cases, the legal focus is directed more toward punishing perpetrators, while paying less attention to victims' rights. However, as emphasized in modern victimology theory, victims should be the primary subjects of legal protection. Sahetapy (1987) states that true justice can only be achieved if victims receive adequate restitution, whether in the form of restitution, compensation, or rehabilitation. In the context of the Personal Data Protection Law, for example, questions remain about the extent to which victims can claim compensation when their personal data is falsified and used unlawfully.

Fourth, legal and digital literacy among Indonesians remains relatively low. Many people are unaware of the importance of protecting their personal data, readily handing over copies of documents such as ID cards, family cards, or passports without considering the security risks. This leaves people vulnerable to identity fraud. The Personal Data Protection Law (PDP) provides individuals with the right to refuse the use of their personal data without valid consent. However, this right is often not exercised because people do not understand the procedures. Ismatullah (2014) emphasized that legal protection will be difficult to implement without public legal awareness.

Fifth, identity fraud often involves transnational elements. The victim's personal data can be used by perpetrators located outside of Indonesian jurisdiction. In situations like this, law enforcement requires international cooperation, either through extradition treaties or mutual legal assistance. Without international cooperation, perpetrators will be difficult to prosecute. This is a fundamental weakness in the national legal system, as the ITE Law and the PDP Law are still limited in their application to perpetrators operating abroad. Soedjono (2008) stated that national law will always face limitations without global collaboration.

Nevertheless, these two laws represent significant progress compared to their



predecessors. While the Criminal Code only regulates conventional document forgery, the Electronic Information and Transactions (ITE) Law and the Personal Data Protection (PDP) Law have expanded their scope to the digital realm. The ITE Law provides a strong criminal basis for prosecuting data manipulation, while the PDP Law recognizes personal data as a fundamental citizen right that must be protected. The combination of the two creates a more modern and comprehensive legal framework. Thus, while implementation still faces challenges, the direction of legal policy is clearer and favors victims (Khaila, 2024).

Going forward, legal protection for victims of identity fraud must be enhanced through several strategies. First, strengthen derivative regulations under the PDP Law to make them more operational and readily available to victims when their rights are violated. Second, increase the capacity of law enforcement through specialized training in cybersecurity and digital forensics. Third, establish a more transparent inter-agency coordination mechanism, particularly in handling data breaches. Fourth, educate the public about the importance of maintaining personal data confidentiality, for example through ongoing public campaigns. With these strategies, the implementation of the ITE Law and the PDP Law will not only remain legal texts but will be truly present in people's lives.

Thus, it can be concluded that the ITE Law and the Personal Data Protection Law are important legal instruments for protecting victims of identity fraud, particularly in the digital age. The ITE Law provides a clear criminal basis for prosecuting perpetrators of manipulation and illegal access, while the Personal Data Protection Law affirms victims' rights to their personal data. Despite ongoing challenges, these two laws offer new hope for victim protection and affirm the state's commitment to upholding the principles of legal certainty, justice, and human rights protection.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

Identity fraud is a serious crime regulated by Article 270 of the Criminal Code. Penalties include imprisonment and fines, both for the perpetrator of the fraud and for those using the fraudulent identity. Victims of identity fraud have rights to protection, including prevention of fraud, legal protection with strict sanctions for perpetrators, the right to restitution or compensation for losses

suffered, and the right to delete digital traces associated with their fraudulent identity. Effective implementation of laws and strict law enforcement are crucial to ensure adequate protection for personal data and victims of identity fraud. This is not only to provide justice to victims but also to prevent future identity misuse.

Identity fraud perpetrators may be subject to criminal sanctions, such as fines or imprisonment, depending on the severity of their actions. For example, identity fraud in the form of falsifying a license or passport can be subject to imprisonment under Article 270 of the Criminal Code. In the digital age, identity fraud perpetrators may also be required to delete digital traces associated with the false identity they created, or compensate the victim for the losses incurred. Victims of identity fraud have the right to seek compensation for financial or reputational losses suffered as a result of the identity fraud. This includes the costs of restoring their identity to its original state before the fraud.

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