

## Catfishing, Is it Unregulated Crime in Indonesia?

### *Catfishing, Apakah Kejahatan yang Tak Diatur di Indonesia?*

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#### ABSTRACT

Catfishing is a type of an international cybercrime. Unfortunately, it lacks clarity in Indonesia's national framework. Catfishing, which utilizes a fake identities on the internet, can be classified as fraud. This study examines the legal consequences in personal relationships stemming from the practice of online fraud. This study used a normative juridical approach with empirical data, this study raises the questions of why teenagers engage in catfishing on social media and explains the legal complexities it entails. As a result, this research shows that 99 percent of respondents - teenagers inside and outside North Sumatera Province - lack self-awareness about catfishing issues in building online relationships. This type of fraud is often committed when registered on social media, even though this can be an entry point for catfishing and subsequent legal offenses, especially fraud as regulated in Article 378 of the Criminal Code.

**Keywords:** Catfishing, Legal Consequences, Social Media, Teenager

#### ABSTRAK

*Catfishing* adalah bentuk kejahatan cyber dan dikenal sebagai salah satu bentuk kejahatan dunia maya secara internasional. Namun, hal ini membutuhkan penjelasan lebih lanjut dalam konteks nasional, Indonesia. Sebagai aktivitas penggunaan identitas palsu di internet, tergolong penipuan yang diatur dalam Pasal 378 KUHP. Studi ini mengkaji konsekuensi hukum dalam hubungan pribadi yang berasal dari praktik online yang menipu. Dengan menggunakan pendekatan yuridis normatif yang dilengkapi dengan data empiris, penelitian ini mendiskusikan tentang mengapa remaja melakukan tindakan *catfishing* di media sosial dan menjelaskan kompleksitas hukum yang diakibatkannya?. Hasil penelitian menunjukkan bahwa 99 persen responden remaja dalam dan luar Provinsi Sumatera Utara kurang memiliki kesadaran diri terhadap isu *Catfishing* dalam membangun relasi online. Konsekuensinya, penipuan seperti ini biasa terjadi saat terdaftar di media sosial, padahal hal ini dapat menjadi awal terjadinya *ctafhising* dan pelanggaran hukum, khususnya penipuan sebagaimana diatur dalam Pasal 378 KUHP.

**Keyword:** *Catfishing*, Konsekuensi Hukum, Media Sosial, Remaja



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### 1. Introduction

Nowadays, most people find friends or partners online. Some research showed the trend which showed the increased number of online matchmaking applications. There are currently 75 million active users of the online dating app Tinder worldwide by 2022 (Iqbal, 2023). The presentation of Tinder users is greater in the age group starting from adolescence, from 18 to 24 years, as much as 35% (Iqbal, 2023). In Indonesia, the Tinder application can be accessed by someone aged 17 years. Most matchmaking applications like Tinder provide an age limit for its use. Although it is not uncommon for underage teenagers to use it since there are restrictions, it is not efficient. Underage teenagers may fake their age to access online applications, which is undoubtedly detrimental, mainly if the forgery includes their entire identity. This phenomenon is referred to as catfishing. These teenagers deliberately "offer themselves" to get a partner (O. N. News, 2015). From this, it is evident that looking for a partner on social media is no longer necessary for adults but has become a

trend among teenagers. Catfishing can cause teens to get caught up in things they should not. Catfishing can lead to illegal behavior or falling victim to illegal behavior. That can happen because adolescents' limited knowledge is easily misused or drawn into negativity, such as sexual violence. The use of the internet for sexual abuse of children and young adolescents is not a new form of violence but rather a digital technology that makes it easier for perpetrators to shape sexual approaches to minors and early adults (Weingraber et al., 2020). It may be more challenging to get convictions for catfishing when the tactics used entail psychological and emotional manipulation rather than fraud or threats (Dr Marilyn McMahon, n.d.).

## 2. Method

This study applies a juridical normative approach supported by a survey using g-form distributed to youth in and out of North Sumatra. Respondents from North Sumatera (71.7% of total respondents) are 12 years to 24 years old. Respondents from out of North Sumatera (28.3% of total respondents) comprises university students (59.6%), senior high school students (38.4%) and junior high school students (2%).

## 3. Result and Discussion

### 3.1. A Brief History of the Term Catfishing

The term "catfish" originates from an American documentary called by the same name. The film was produced in 2010 by Henri Joost and Ariel Schulman, and tells the story of an individual who is victimized by a relationship with someone who uses a false identity or an identity that does not exist in real life (Dewi & Irwansyah, 2021). The beginning of the use of the word catfish stole the world's attention because, in the movie, a catfish named Angela pretends to be a woman much younger than herself to have a relationship with a photographer named Nev (Milan & Waring, 2022). To commit the crime, Angela steals photos from Aimee Gonzales, a professional model and photographer whom she has never met. Moreover, Angela also had 15 other fake profiles on Facebook (Milan & Waring, 2022). The term 'catfishing' comes from an analogy made by Angela's husband, Vince (Milan & Waring, 2022). Vince said that the mythical catfish used to be kept in tanks that transported small fish overseas; the purpose was to keep the small fish active on the trip; if there were no catfish, the small fish would be lethargic so that when consumed, it would taste bad (Milan & Waring, 2022). Vince then commented that, like the little fish in the tank, we need to remain actively vigilant about who we talk to online so as not to fall victim to catfishing, just like the small fishes in the tank are targeted by catfish (Milan & Waring, 2022).

Furthermore, catfishing is a slang word. Catfish in the formal sense is catfish, but in the slang word, "catfishing is a person who assumes a false identity or personality on the internet, especially on social media websites, in order to deceive, manipulate, or swindle" (Catfish, n.d.-a). There are other definitions of catfishing from various sources, namely, according to Dr. Sienny Agustin, "Catfishing is a term used to describe online identity forgery. This behavior aims to lure someone into a romantic relationship" (Agustin, 2021). In addition, according to Meriam Webster's Dictionary, it is written "a catfish is a person who sets up a false personal profile on a social networking site for fraudulent or deceptive purposes," which means a catfish is someone who creates a fake profile on a social networking site for fraudulent purposes (Catfish, n.d.-b).

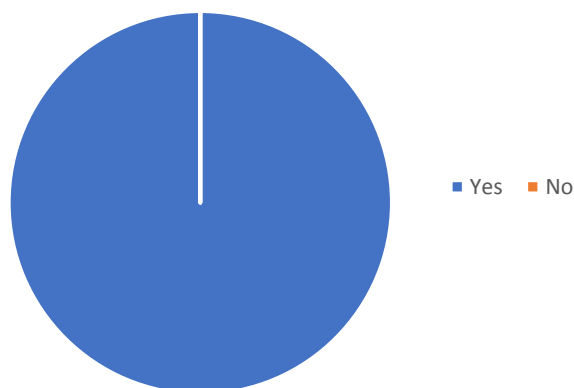


Diagram of teenagers having social media

The catfishing phenomenon arises because users of social networking sites can choose an identity that they regard as an ideal identity even though this identity does not match the actual reality (Dewi & Irwansyah, 2021). Based on a survey conducted by the research team, it was determined that 100% of teenage respondents surveyed stated that they had a social media account. Owning a social account shows that teenagers can potentially be involved in catfishing behavior both as perpetrators and victims.

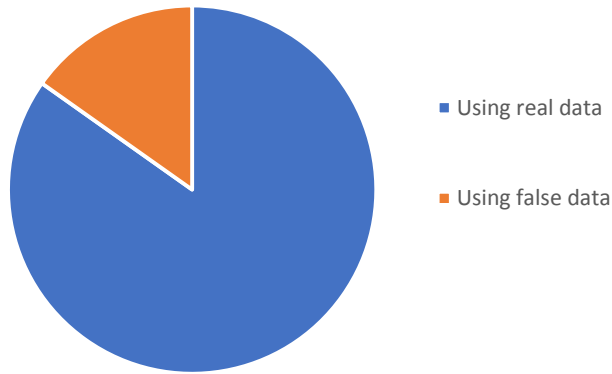


Diagram of teenagers using real data when creating social media accounts

The survey results prove it is widely recognized that 84.8% of adolescents stated that they created social media accounts with accurate data. The remaining 15.2% of teenagers said they did not create accounts with accurate data.

Notably, it is fascinating that some teenagers are open to using fake data without realizing and understanding that they have become perpetrators of catfishing. This attitude is reinforced by the fact found from the survey results that 44.4% of teenagers stated that they did not use actual data when creating an account on a matchmaking application, followed by the fact that 32.3% of teenagers chose not to mention whether they used actual data. It shows that teenagers who use fake identities when creating an account on a partner search app are normal. This is corroborated by the fact that approximately half of the teenagers who responded to the survey thought using false data was acceptable and normal. Experiencing catfishing, either as the one deceiving or being deceived, is a probable occurrence among teenagers in the current digital landscape. This likelihood is evident from survey findings elucidating the motives behind teenagers resorting to matchmaking apps for companionship.

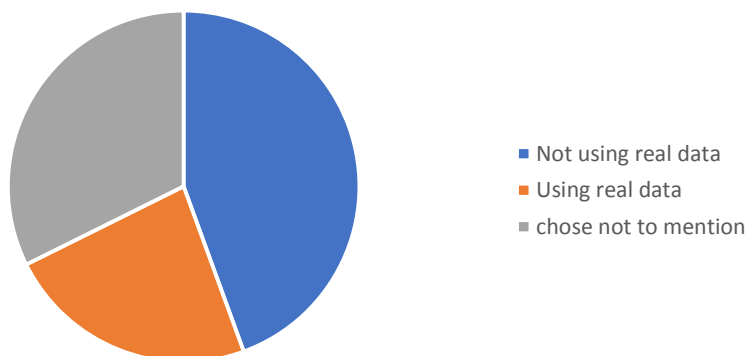


Diagram of teens using/not using real data when creating an account on a matchmaking app

The diverse reasons cited, notably the pursuit of amusement, underscore a need for more earnestness in application usage, revealing a primary focus on entertainment and curiosity rather than forming meaningful connections. This inclination aligns with the prevailing perception of the internet as an entertainment realm

for today's teenagers. Although there is a fact from the survey results that some of them are aware of the existence of regulations on personal data protection, becoming a catfishing perpetrator to have "fun" is still done because there is a preventive side behind the negative side of falsifying data.

It can be inferred that an artificial identity, pilfered from someone else or fabricated by the perpetrator, is employed to initiate a connection with another individual because they use it for social media or matchmaking apps. Usually, catfishing perpetrators commit fraud on online dating apps to create romantic relationships or friendships with victims or online couples who have never met before (Dewi & Irwansyah, 2021). While both involve false identities, catfishing differs from impersonation and posing (Dewi & Irwansyah, 2021). Essentially, while both involve the use of false identities, catfishing differs from impersonation and posing (Dewi & Irwansyah, 2021). Impersonating is mimicking, while posing is pretending to be someone you are not or being part of a culture or genre just to fit in (MechaniX, 2008). Catfishing is more than impersonating and pretending; catfishing aims to trick its target and is more inclined to online dating scams.

In addition to catfishing, there is a word for the act of catfishing but not deceiving the entire identity, namely kittenfishing. Quoted from NBC News (2019), kittenfishing describes someone who makes small lies (white lies), such as only deceiving age, editing photos (old to young), using old photos that have different physical conditions, and so on (Lim, 2014). According to Jonathan Bennet, founder of Double Trust Dating, "on a basic level, kittenfishing is 'catfishing light'" (Page, 2019). Kittenfishing, often practiced by adolescents on dating applications in their quest for a partner, can be viewed as a milder form of catfishing. Nevertheless, the term "kittenfishing" is not as commonly employed, as the broader category of catfishing already encompasses deceptive practices on online dating platforms.

### 3.2. The Forms of Catfishing

First, the catfishing type that traumatizes and disturbs the target's life (cyberstalking). A YouTube video on the Vice News channel titled "The World's Most Complex Catfishing Scam" shows a woman named Kirat from the United Kingdom, who had been a catfishing target for ten years in a love scam. The scam started when Kirat was introduced to a man named Bobby by her cousin Simran. Simran told her that Bobby was her boyfriend's brother (V. News, 2022). Kirat got harassed emotionally. She lost the people around her, left her job, and the other harmful effects. Simran had around 60 (sixty) catfish accounts to launch her action. Kirat regretted that there was no regulation on catfishing activities. After an 18-month court proceeding, the offender was directed to provide compensation and cover legal expenses (V. News, 2022).

The second form of catfishing is pedophiliac catfishing. This form can be seen in the CNN America story, a 28-year-old catfish named Austin Lee Edwards pretended to be a teen to fool his underaged victim whom he met on social media. The perpetrator established an online relationship with the underaged victim and acquired her data. Authorities also suspect that Edwards killed the teen's mother, grandmother, and grandfather at some time before fleeing with the victim.

Third, catfishing as a form of sexual violence and blackmail. According to *abuselawsuit.com*, "a perpetrator lies about his or her identity in digital communications to start a romantic or sexual relationship" (*Monero, n.d.*). In this case, catfishing crimes can cause mental health problems, such as anxiety and depression, and can also cause financial loss, especially if the person who has been scammed sends explicit images or 'sexted' (the activity of sending sexually explicit messages or images, or displaying sexual material through an internet-connected technology product, in this case a smartphone) with a catfish (Website, 2022). As a result, victims may feel betrayed and become worried and paranoid or feel threatened.

Looking at some of the forms of crime that start from catfishing above, it can be concluded that catfishing is said to be cybercrime because catfishing fulfills the elements of the characteristics of crime in the field of cybercrime. These elements are: (a) like cybercrime, catfishing crimes also utilize computer technology carried out on social networking sites/websites or social media applications in cyberspace (Setiawan, 2005); (b) the consequences of catfishing crimes are the same as the consequences of other cybercrime crimes, namely causing material and immaterial losses (time, value, services, money, goods, self-esteem, dignity, confidentiality of information) which tend to be greater than conventional crimes (Setiawan, 2005); and (c) catfishing crimes also include identity fraud (Dewi & Irwansyah, 2021). There are three forms of identity fraud; identity concealment, identity theft, and identity forgery (Setiawan, 2005).

### 3.3. Catfishing vs Simping (Bucin)

Adolescence is a transition period from childhood to adulthood. According to the World Health Organization (WHO) and Badan Koordinasi Keluarga Berencana Nasional (BKKBN), adolescence covers ages 12 to 24 (Rustianingsih et al., 2004). In adolescence, a person experiences development, including biological, psychological, and social changes (Hidajahturrokhmah et al., 2018). Adolescents experience many issues in this biological transition period, one of which is the problem of free sex (Febrianto et al., 2014). In this case, society considers it taboo, but for teenagers, free sex has become commonplace and is no longer a shameful thing to do with their partners. This problem is also not only happening in big cities but has reached remote villages. In this case, society considers it taboo, but for teenagers, free sex has become commonplace and is no longer a shameful thing to do with their partners. This problem is also happening in big cities and has reached remote villages. One of the reasons why promiscuous sex occurs is because of romantic relationships during adolescence. According to Indonesia Demographic and Health Survey 2017, the average teenager dates for the first time when they are 15-17 years old (Faradila, 2022). Whether it is a boy or a girl, they have done various activities during dating, and some of them are sexual activities (Faradila, 2022). Adolescents do not genuinely fall in love; they are falling into a more complex and interesting (Pickhardt, 2012). The problems that come from the internet or social media for teenagers arise from the kindergarten age. As explained by Elly Risman, today, it is typical for a person to start experiencing attraction to the opposite sex starting from kindergarten age (O. N. News, 2015).

In addition, she explains that the phenomenon of falling in love with adolescents or attraction to the opposite sex occurs because, first, the words "dating," falling in love, and so on may have entered the ears of children from the womb because adults talk about these things. Secondly, children reach puberty earlier due to improved nutrition and good stimulation (including social media). When a teenager has a partner or boyfriend too early, it is not solely due to the fault of the teenager's association. However, parents' supervisory role over their children must also start early.

Risman further stated that children should be equipped with the knowledge of what is allowed and not allowed, 'haram' and 'not haram', with roleplay about dating. This education should be done starting from the age of 2.5 years. Starting from education about sexuality, such as how to dress, talk, etc. Children are vulnerable because they are not knowledgeable about these matters. Furthermore, children also do not know whether they are valuable or not. Third, there is a need for education about their respective religions so that they know the boundaries of religious teachings. Fourth, parents must realize that today, they are raising children in the digital age, where research from the United Nations found that Jakarta, Bangkok, and Hanoi are cities where children use social media and gadgets for dating and easy sex. Moreover, children today "offer themselves" through gadgets. So, parents should not be ignorant and think that children attracted to the opposite sex is a joke. In addition, it is also the government's responsibility to educate parents on how to supervise their children from an early age.

Regarding the phenomenon of bucin among teenagers, as supported by the opinion above, teenagers or children today get external stimuli such as the influence of gadgets and social media, besides the spectacle that makes teenagers think that romance is fun but in unrealistic expectations. This is supported by Dickson's opinion who said that she blamed the media because romantic films and television programs spur audience fantasies that make teenagers imagine themselves like their favorite characters in the film (Dickson, n.d.). Bucin behavior among teenagers in Indonesia can potentially lead them to access online matchmaking applications. It is proven by the data above that teenagers are familiar with matchmaking applications. Furthermore, in Indonesia, there are no strict limitations for matchmaking applications. We can find underage teens looking for relationships using matchmaking applications. This application can be accessed by someone at least 17 years old. The information in the age ratings section of the app store application evidences this. Examples of online matchmaking applications include Tinder, Bumble, Dating.com, and others. Interpreted from the information on age ratings in the app store, applications with a rating of 17+ can contain content that minors, such as adult content, alcohol, gambling, violence, etc should not see. So, someone who has reached 17 years old can access and see the contents that may be contained in these applications. However, the age ratings displayed by social media applications are not effective enough to prevent minors from accessing them. The problem of teenagers "offering themselves," as said in the previous paragraph, seems that today's teenagers are thirsty for attention. One impact is that adolescents would not know they are valuable and easily misguided. They do not have sufficient knowledge about romantic relationships. As a result, looking for a partner or dating without knowledge, especially at an early age, has

more negative than positive effects. According to China Education Panel Survey (CEPS) data, results show that adolescent romance distracts adolescents' academic attention and leads to lower academic performance. In addition, the repeated emotional friction may also cause emotional and psychological exhaustion and increase the risk of negative emotion. Especially female adolescents have a higher risk of experiencing negative emotions, and the effect on their interpersonal ability is also more significant (Honghao et al., 2021).

### 3.4 Catfishing vs Potential Unlawful Acts

Due to the freedom and anonymous environment offered by the internet, child molesters and pornographers are increasingly using the internet to further the criminal activities of criminals on the internet (Kierkegaard, 2008), especially on dating apps. Catfishing cases from online matchmaking apps involving children are usually due to the child using false personal data when creating an account, such as falsifying their age because the teenager is aware they are not old enough. This is evidenced by the many cases of sexual harassment to murder that were initiated by a teenager using a matchmaking application using a false identity (catfishing). This is evidenced by a study from Brigham Young University, which analyzed Utah's "Sexual Assault Victims" from years of records between 2017 and 2020 and found that 14 percent of the 1,968 rapes were committed from encounters through dating apps (Halpin, 2022). Falsifying age qualifies as catfishing or kittenfishing. It can open the door to the crime of child grooming. Adolescents are particularly vulnerable because they are often trusting, naive, curious, adventurous, and eager for attention and affection (Kierkegaard, 2008). There are many social experiments abroad to catch online predators. In one case, a 29-year-old man in the UK was arrested for web sex grooming with a 13-year-old teenager. The perpetrator and the victim met in a chatroom. Quoted from BBC News UK, the perpetrator initially mentioned that he was the same age as the victim. In addition, the perpetrator admitted that he accessed the chatroom to find a sex partner. Reported from the UK in 2019 data more than 30 cases of child rape from 2015, with an additional 60 cases of sexual abuse, abduction, and child sexual violence through online dating platforms, one of which involved an 8-year-old child on a dating app (Tingle, 2019). The apps used are Tinder and Grindr, and a case in which a 27-year-old office worker was jailed for 2.5 years for sleeping with a 12-year-old who he thought was 19. The child faked her age and claimed to be "experienced" on the dating app they used to get acquainted (Bayliss, 2019).

Catfishing is not explicitly recognized in Indonesian law. However, the phenomenon of catfishing often occurs in Indonesia, but it is not directly stated that what the defendants did was an act of catfishing, but it was adjusted from the elements of catfishing that the author collected from various sources, namely:

- a. Like cybercrime, catfishing crimes also utilize computer technology that is carried out on social networking sites/websites or social media applications in cyberspace (Setiawan, 2005).
- b. The consequences of catfishing crimes are the same as the consequences of other cybercrime crimes, namely causing material and immaterial losses (time, value, services, money, goods, self-esteem, dignity, confidentiality of information) which tend to be greater than conventional crimes (Setiawan, 2005).
- c. Catfishing crimes also include identity fraud (Dewi & Irwansyah, 2021)

For example, in the case of Arief MD, a guy used a false identity. In contrast to who he was, the perpetrator pretended to be a police officer with the rank of brigadier. In addition, the perpetrator used a string of falsehoods to win the victim's trust and persuade her to meet and let the perpetrator ride her motorcycle. He also offered to marry the victim, introduce her to his family, and purchase a cell phone for the victim's child. Following this incident, the perpetrator seized the victim's motorcycle. He was charged with fraud under Article 378 of the Criminal Code. The case was decided in 2020, and at the time, no other laws specifically addressed catfishing.

However, Indonesia has several laws related to catfishing, namely:

- a. Law No. 27 of 2022 Article 66, which discusses the act of catfishing, where it is prohibited to create or falsify personal data to benefit oneself or others, which can cause harm to others. Violation of this article is subject to a maximum prison sentence of 6 years and/or a fine of up to 6,000,000,000.00 Rupiah.
- b. Law No. 11 of 2008 on Electronic Information and Transactions Article 35, which states, "Every person intentionally and without rights or against the law manipulates, creates, changes, removes, destroys Electronic Information and/or Electronic Documents with the aim that the Electronic Information and/or Electronic Documents are considered as authentic data.

- c. Criminal Code Article 378 about fraud. This article is only used against the perpetrator but cannot protect the victim.

Catfishing is known to be one way to commit fraud. The definition of fraud is a procedure or process carried out to deceive others. The crime of fraud is classified as a material offense which can be said to be completed if it causes an effect. According to M. Sudrajat Bassar, what is classified as a method of fraud is regulated in Article 378 of the Criminal Code, namely: (1) pinning a false name; (2) putting up a false position; Including a false position or position and showing that he has certain rights or authority; (3) accompanied by deceit; and (4) pinning a lying arrangement.

In addition, Indonesia also has Law Number 12 of 2022 on Criminal Acts of Sexual Violence. This law is sufficient to provide ideal legal protection for children who are victims of criminal acts of sexual harassment on social media. This is evidential in the following descriptions (Tri et al., 2023):

- a. The complete regulation of the criminal offense of sexual violence, which is divided into 9 (nine), especially concerning criminal offenses based on the use of electronic media.
- b. The evidentiary system is facilitated to prove a criminal offense using 1 (one) valid evidence.
- c. The regulation regarding non-physical criminal acts carried out is contained in Article 5 of Law No. 12 of 2022 and the rest regulates the penalties for perpetrators of sexual crimes, which are quite clear.
- d. Restitution in this legislation is thoroughly explained, starting from the form of loss, the mechanism for implementing payments and the efforts taken if the perpetrator is unable to pay restitution.

#### 4. Conclusion

Based on the description above, according to the data, for most teenagers, faking part of their identity when using social media accounts is allowed and commonplace. The phenomenon of catfishing and online identity forgery is growing among teenagers with the popularity of online dating apps such as Tinder, which are often used with fake identities. The negative impacts include the risk of sexual violence and harassment against teenagers. Teenagers are likely to be influenced by media and the internet, so early education is important to avoid risky behavior. In addition, catfishing also opens the door to other crimes, such as fraud. Although Indonesia has laws governing catfishing and fraud in the online context, there is still a need for more effective law enforcement and increased awareness of the risks faced by teenagers in the online world. Furthermore, it would be better if parents, teachers, and even the government worked together to deal with teenage socializing on social media to protect the nation's future generations jointly.

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