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## Analysis of Carding Crime as A Form of Cyber Crime in Indonesian Criminal Law

Idhan Manaf

Legal studies, Universitas Saburai, Lampung, Indonesia

\* [Idhanmanaf@univsaburai.ac.id](mailto:Idhanmanaf@univsaburai.ac.id)

Article	Abstract
<p><b>Keywords:</b>            Carding; Credit Cards;            Electronic Transactions;            ITE Law; Penal and Non-            Penal Facilities.</p> <p><b>Article History</b>            Received: Jan 11, 2023;            Reviewed: Feb 11, 2023;            Accepted: Mar 11, 2023;            Published: Mar 31, 2023</p>	<p>Technological developments have had a positive impact on human life but on the one hand they have also had a negative impact which has led to the emergence of a new type of crime in the field of technology called cybercrime, namely the crime of credit card data theft. Carding is credit card fraud where the perpetrator knows someone's credit card number that is still valid to use, then the perpetrator can buy goods online whose bill can be addressed to the original owner of the credit card, while the perpetrator is called a carder. This type of research uses a normative approach. The data collection technique is through the literature and laws and regulations then analyzed descriptively qualitatively. Carding crimes in Indonesia are charged with legal regulations using Articles 362, 363, 378 of the Criminal Code and Article 31 paragraphs 1 and 2 of the 2008 ITE Law. With the existence of legal regulations regarding carding crimes, it is expected to reduce the number of carding crimes in Indonesia. Prevention of carding crimes by using penal or repressive means is by imposing criminal sanctions and trying to take action by correcting the perpetrators and non-penalty/preventive means, which include preaching activities, legal counseling lectures, counseling in the fields of religion, ethics and law.</p>

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### INTRODUCTION

Along with the changing times and the flow of globalization, it also influences technological developments in the life order of global society. The development of technology in particular is the development of the internet. Initially, the Internet was only intended for military, research and educational purposes and then developed into all aspects of human life. At this time, the internet entered a new order and a new culture in society. Now society is no longer hindered by territorial boundaries between. This new order allows internet users to get freedom in their activities and be creative according to their wishes. But, behind all the glitter in the use of the internet gave birth to new concerns, among which emerged a more sophisticated crime in the form of cybercrime. One of the existing crimes is carding crime. Carding crime is a sophisticated

crime compared to existing conventional crimes because this crime uses information technology with internet media as a medium.

New crimes in the field of information technology are influenced by several factors, including those influenced by: first, due to technical factors, it is undeniable that advances in information technology have a negative impact on the development of society. The success of technology eliminates regional boundaries between countries so that the world becomes so narrow that the connectivity between one network and another network makes it easier for criminals to carry out their crimes. Then, due to the uneven distribution of technology, it becomes one of the weaknesses that is exploited by irresponsible persons to commit crimes. The two factors are socio-economic, cybercrime is an economic product so that global issues which are then associated with crime and network security (network security) become an economic commodity in many countries that definitely need a network security device because this makes cybercrime wide open in economic activity world.

Carding is the illegal use of a credit card with the aim of getting money / profit. Criminals will usually use a credit card to buy prepaid gifts. The gift will be resold later so that the perpetrator gets money. It can be said that carding is a form of cybercrime which targets other people's credit cards where the perpetrator will use certain methods to find out the victim's credit card number or use the stolen credit card to shop online. Victims will usually only realize that their credit cards have been stolen after receiving bills for transactions they never made. The person who performs the carding action is called a carder. Apart from buying gifts or making purchases online, carders can also withdraw cash at an ATM using the victim's credit card.

## **METHOD**

The research was carried out using normative juridical research, namely legal research by researching literature where this research was focused on examining the application of legal norms or principles in Indonesian positive law. This library research was carried out in order to obtain secondary data using materials in the form of books, articles, results from research, and laws and regulations, as well as expert opinions related to the research being carried out.

## **RESULTS AND DISCUSSION**

The sophistication of computer technology provides conveniences that can be obtained by users, especially in helping human work. Besides the many benefits of the development of computer technology, it is possible that many new types of crimes will emerge, namely by using computers as a modus operandi. One of the crimes that use computers as their modus operandi is carding, which is starting to become widespread and troubling. Carding is a crime that can be subject to criminal sanctions for taking advantage of internet technology as the main means of accessing a system legally from a website to obtain credit card customer data. Carding is a form of fraud by breaking into other people's credit cards. Carding perpetrators or commonly known as carders use the victim's credit card number for various financial purposes. Some buy some sort of

prepaid gift card for resale, or use it for online transactions. Carding is a crime that needs to be watched out for, especially for credit card owners, because the perpetrator does not need to steal a physical card, but by only knowing the credit card number and expiration date, the perpetrator can use it illegally. Nationally, carding actors do it within the scope of one country. Transnational means that carders do it across national boundaries. The goal is to shop with an invalid credit card or obtain funds from an invalid credit card. Carding crimes can be categorized into 2 (two) forms, namely conventional or offline and virtual or online transactions. Crime, carding has a new dimension with certain characteristics in the implementation of actions, namely:

a. Minimize Of Physical Contact

because in the mode between the victim and the perpetrator never made physical contact because the incident occurred in the virtual world, but the losses incurred were real. There is an interesting fact about this carding crime, namely that the perpetrator does not need to physically steal the credit card from the original owner, but it is enough to know that the number of perpetrators is capable of carrying out the action, and this will require special legal techniques and regulations to be able to catch the perpetrators.

b. Non-violence (without violence)

This section is the most important section of your article. The analysis or results of the research should clear and concise. The results should summarize (scientific) findings rather than providing data in great detail. Please highlight differences between your results or findings and the previous publications by other researchers. This crime does not need to involve physical contact between the perpetrator and the victim, such as physical threats to create fear so that the victim gives up his property. The perpetrator does not need to steal the victim's credit card, but it is enough to know the card number so he can finally act.

c. Global

This crime is global because this crime occurs across countries that ignore boundaries, geography and time.

d. High Tech

Because using technology-based equipment also utilizes informatics network facilities, in this case, the internet to commit crimes

Based on the characteristics of these differences, law enforcement cannot be done traditionally, it should be done using the law itself. The nature of carding in general is non-violence so that the effects caused by this crime are not seen immediately, but the impact the results can be very large. The method used for carding is that the perpetrator can break into other people's credit cards by stealing data related to the credit card in the form of card numbers and expiration dates. Here are some ways to steal credit cards that you should know:

1. Data breach

Data breach is a security incident by accessing data and information without owner's permission. This method can be used by carders to steal other people's credit card information. For example: hackers can break into e-commerce databases and get credit card data from application users.

## 2. Launching

skimming method is credit card theft using a small tool/device called a skimmer. This card reader is usually very thin and attached to the card slot of an ATM or EDC machine at the checkout. This tool can record data from the magnetic stripe on the card so that criminals can duplicate the card.

## 3. Application scam

Perpetrators can also get someone's sensitive data by committing fraud in the application. Victims are tricked through fake applications/websites that are made as similar as possible to the original. That way, login information and credit card data can be taken by perpetrators.

### **Criminal Law Arrangements Against Carding Crimes**

As is known, in determining actions/deeds that can be categorized as a form of crime that can be subject to legal sanctions, it must be seen from the actions that were prohibited, who the legal subjects were held responsible for and what criminal sanctions were imposed. Indonesia currently still does not have detailed and complete laws that regulate various types of cybercrime, one of which is carding crime. As a preventive measure against all matters relating to criminal acts in the field of computers, especially carding, one solution is to return to the existing laws and regulations in Indonesia, namely the Criminal Code and regulations outside the Criminal Code, namely the ITE Law.

Prior to the existence of the ITE Law law enforcers (police) still used articles in the Criminal Code such as theft, fraud, forgery and embezzlement to ensnare carding perpetrators so that in this case it created various problems and various other difficulties in terms of proving this because the characteristics of cybercrime that occur non-physically and sometimes are cross-country in nature, with the existence of the ITE Law which can specifically and in detail arrest carding perpetrators because the article of the law discusses hacking. These articles are used in the prosecution of credit card (carding) crime perpetrators, namely:

#### a. Fraud

In Article 378 of the Criminal Code (KUHP) it is determined that: Whoever with the intention to benefit himself or others unlawfully, by using a false name, by deception, or a series of lies, to induce another person to surrender something to him, or giving debts or releasing receivables, shall be punished with fraud and be punished by a maximum imprisonment of four years.

#### b. Counterfeiting

In the provisions of Article 263 of the Criminal Code paragraph (1) it is emphasized that: Whoever makes a fake letter or falsifies a letter that can give rise to a right, commitment or debt relief, or which is intended as evidence of something with the

intention to use or order another person to use the letter as if -As if the contents are true and not fake, it is threatened if its use can cause harm, due to falsification of documents, with a maximum imprisonment of six years. In this case, one of the most important elements of the crime regulated in Article 263 of the Criminal Code, is: The existence of fake letters, fake or fake papers. To indeed apply Article 263 of the Criminal Code for credit card crimes that credit cards are a kind of paper even though plastic is counterfeit by criminals.

c. Theft.

Article 362 of the Criminal Code states that anyone who takes something that is wholly or partly belonging to another person, with the intention to own it unlawfully, is threatened with theft, with a maximum imprisonment of five years or a maximum fine. nine hundred rupiahs. Article 362 of the Criminal Code is a carding case imposed because the perpetrator stole someone else's credit card number, in this case the theft was not taken physically but stolen using card generator software on the internet to make transactions in e-commerce.

The criminal provisions in the ITE Law regarding the crime of carding can be charged with Article 31 paragraphs 1 and 2 which discuss hacking because in this case one of the steps/efforts in obtaining a credit card number, the carder hacks the official website of the credit card provider to penetrate the security system and steal the card number. Article 31 states that acts that are considered unlawful according to the 2008 ITE Law are in the form of unauthorized access: Article 31 paragraph 1 states that every person intentionally and without rights or unlawfully taps or intercepts electronic information and or electronic documents in a computer and/or system electronics, especially the property of others. Whereas in article 31 paragraph 2 that every person intentionally or without rights or against the law conducts wiretapping or electronic transmissions that are not general in nature from, to and in certain computers and or electronic systems belonging to other people, whether that does not cause changes, omissions and or termination of electronic information on funds or electronic documents sent.

cases in Indonesia can be resolved / charged under the rule of law, namely Article 362 of the Criminal Code and Article 31 paragraphs 1 and 2 of the ITE Law of 2008. With the existence of legal regulations regarding carding crimes, it is hoped that it can reduce the number of carding crimes in Indonesia.

### **Prevention of Carding Crime by Using Penal and Non-Penal Means.**

The rampant carding crime is the impact of technological advances that have brought changes in life in society that were originally conventional towards the modern era with technology as the medium. However, the development of this technology has a negative impact, namely the emergence of technological crimes, especially in this case carding crimes. In general, efforts to overcome carding crimes can be carried out through penal and non-penal means.

### **Penalty Means**

Efforts to overcome criminal law through means (penal) in regulating society through statutory regulations are essentially a form of policy. Efforts to deal with crime with criminal law (means of penal) focus more on the "repressive" nature (suppression/eradication/destruction), after a crime or crime has occurred. Besides that, in essence, penal means are part of law enforcement efforts, therefore criminal law policies are part of law enforcement policies (law enforcement). In other words, carding prevention can be carried out by submitting cases of carding crimes that occur to law enforcement officials, in this case the police and prosecutors to be processed in accordance with applicable legal provisions. Where punishment or criminal sanctions imposed on perpetrators are expected to create a deterrent effect for perpetrators in accordance with the purpose of punishment.

### **Non-Penal Means.**

Rational efforts to control or overcome criminal acts of corruption do not only use penal means (criminal law), but can also use non-penal means. Non-penal means are countermeasures that focus more on preventive properties, namely actions in the form of prevention before a crime occurs. Through this non-penal effort the main goal is to overcome the factors that encourage the occurrence of crime, which includes problems or social conditions that can directly or indirectly lead to or increase the occurrence of crime. Non-penal efforts can be made by:

a) Moralistic

Moralistic methods can be carried out through human mental and moral development through sermons, lectures and counseling in the fields of religion, ethics and law.

b) Abolitionic

This method is to eradicate carding crimes by first analyzing and exploring the causes of the occurrence of these crimes and then looking for efforts to eliminate these causes. Then determine how to prevent it with a psychological approach and touch individual ethics and morals so that an awareness (law abiding) occurs.

The non-penal route is more of a preventive action, therefore, the main goal is to deal with factors conducive to the occurrence of carding crimes where these factors focus on socio-economic problems or conditions that can directly or indirectly foster crime. Then individual motivation to increase legal awareness and awareness about wrong behavior and against the law

### **CONCLUSION**

Technological developments have had a positive impact on human life but on the one hand they have also had a negative impact which has led to the emergence of a new type of crime in the field of technology called cybercrime namely the crime of stealing credit card data (carding is a form of fraud by breaking into other people's credit cards). Carders or commonly known as carders use the victim's credit card number for various

financial purposes. Some buy a kind of prepaid gift card for resale, or use it for online transactions. Carding is a crime that needs to be watched out for, especially for credit card owners, because the perpetrator there is no need to steal a physical card, but by only knowing the credit card number and expiration date, the perpetrator can use it illegally. Carding crimes in Indonesia are charged with legal regulations using Articles 362, 363, 378 of the Criminal Code and Article 31 paragraphs 1 and 2 of the ITE Law of 2008. With Adam Yes, legal regulations regarding carding crimes are expected to reduce carding crime rates in Indonesia. Penal or repressive efforts are by imposing criminal sanctions and trying to take action by correcting the perpetrators, besides that non-penal or preventive efforts, which include preaching activities, legal counseling lectures, counseling in religion, ethics and law.

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