



JLPH: Journal of Law, Politic and Humanities

<https://dinastires.org/JLPH> ✉ dinasti.info@gmail.com ☎ +62 811 7404 455

E-ISSN: 2962-2816
P-ISSN: 2747-1985

DOI: <https://doi.org/10.38035/jlph.v5i2>
<https://creativecommons.org/licenses/by/4.0/>

Analysis of the Judge's Consideration on the Decision of the Central Jakarta District Court Number 157/Pid.B/2024/PN Jkt.Pst In The Case Of Online Concert Ticket Fraud

Malika Baby Natasha¹, R. Rahaditya².

¹Tarumanagara University, Jakarta, Indonesia, malika.205210220@stu.untar.ac.id.

²Tarumanagara University, Jakarta, Indonesia, rahaditya@fh.untar.ac.id.

Corresponding Author: malika.205210220@stu.untar.ac.id¹

Abstract: This study seeks to examine the judicial interpretation underlying the judge's rationale in Central Jakarta District Court Decision Number 157/Pid.B/2024/PN Jkt.Pst, concerning the case of online concert ticket fraud involving defendant Ghisca Debora Aritonang. The main focus of this research is to understand how the judge handed down the verdict and how the verdict interprets the legal provisions regarding fraud in digital transactions. Using a normative legal research method with a statutory approach, the results of the analysis show that the judge's consideration in this decision is very in-depth and comprehensive. The results showed that the judge considered various legal aspects and facts revealed during the trial, ranging from the elements of fraud in accordance with Article 378 of the Criminal Code to malicious intent proven from evidence and witness testimony. In addition, the defendant's mental state and the social impact of the fraudulent act that harmed many people became the focus of the judge's attention. By emphasizing the absence of justification for the defendant's actions, the judge gave a firm decision that is expected to have a deterrent effect on other criminals. The legal interpretation in this decision reflects the application of the principles of justice and accountability in criminal law in Indonesia. It is hoped that there will be increased public education and awareness regarding the risks of online transactions as well as cooperation between law enforcement and concert organizers to facilitate safer transactions.

Keyword: Judge's Consideration, Legal Interpretation, Fraud, Digital, Online.

INTRODUCTION

The entertainment sector, especially in the realm of music, has shown a significant acceleration in development over the past few decades. This growth was driven by high public interest in major concerts featuring international bands, such as Coldplay. Concerts of famous bands are not only musical events, but also cultural events that are able to attract thousands, even millions of spectators from various circles. The success of the concert is not only measured by the success of the artist's performance, but also how ticket sales are managed

properly. (Anggraini, 2023) Unfortunately, the high demand for tickets is often accompanied by problems, such as fraud and illegal ticket buying and selling.

One of the crucial problems that often arise in the distribution of concert tickets is fraud committed by persons who do not have integrity. With more and more digital platforms being used to sell tickets, legal loopholes are beginning to appear, allowing certain individuals to commit fraud. Fake tickets or online scams are common, with perpetrators offering tickets through unofficial platforms or individuals. This caused great harm to the fans who were so enthusiastic about attending the concert. This is where the importance of legal protection in digital transactions, especially in buying and selling concert tickets. (Idelia, 2023)

One example of a ticket fraud case occurred at a Coldplay concert performed by Ghisca Debora. This shows how legal loopholes in concert ticket transactions can be abused. Ghisca, which sold fake concert tickets to hundreds of victims, resulted in huge financial losses and deep disappointment for fans. This case became known when a number of victims reported that the tickets they bought from Ghisca turned out to be invalid. Ticket sales are conducted through unofficial channels and are based on false promises that keep the victims trapped in a sophisticated fraud mode.

Ghisca Debora's Act is also included in the category of fraud, which is regulated in the Criminal Code (KUHP). Article 378 of the criminal code explicitly provides for the crime of fraud, in which a person who deliberately uses deception or lies to take advantage of another party is punishable by imprisonment. In the context of digital fraud, Indonesia's criminal law also regulates the use of technology in crime, which makes the case with regard to technological developments and electronic transactions.

The panel of judges at the Central Jakarta District Court in the case of Ghisca Debora sentenced her to three years in prison, lighter than the prosecutor's demand for a four-year sentence. This verdict was based on the consideration that Ghisca had caused significant material harm to the victims. However, judges also consider mitigating factors. These considerations show how the law is interpreted in various cases, one of which is the increasingly widespread digital fraud.

In the case of Ghisca Debora, an analysis was carried out in terms of legal interpretation because it involved aspects of criminal law related to fraud in the digital world. The panel of judges interprets the provisions of conventional criminal law in the face of cases involving modern technology. Concert ticket fraud through online platforms requires a comprehensive legal approach, given that digital transactions tend to be more difficult to trace and often involve more parties spread across different regions. Therefore, in this article, it can be seen how the judge assesses the case and makes a verdict that, in his consideration, corresponds to the Times.

The verdict illustrates the adaptation of Indonesia's legal system in responding to the dynamics generated by advances in digital technology. Although concert ticket fraud is not a new phenomenon, the mode used in this case shows that crime continues to evolve as technology advances. The judge in his ruling also affirmed the importance of caution in making online transactions, especially in the case of concert ticket sales involving large sums of money. In this case, there are several important aspects that the judge takes into account, including the elements of fraud committed intentionally by the defendant. The Modus operandi of Ghisca Debora who offers tickets through her network of friends who are touts shows a clear intention to deceive. This is reinforced by evidence that the promised tickets never existed, and the victims ended up losing money without getting a valid ticket. The legal interpretation in this ruling looks at how law enforcement responds to increasingly complex digital crimes. Judges must be able to translate traditional criminal law provisions into more modern contexts, such as in online transactions. The verdict serves as an illustration of the handling of digital fraud crimes within the criminal justice framework, as well as potentially setting a precedent for similar cases in the future. (Prodjodikoro, 1980)

Based on the considerations taken by the panel of judges, it is clear that Ghisca Debora's case is not just about concert ticket fraud, but also about how the Indonesian legal system responds to the challenge of digital crime. The verdict indicates that although crime patterns are transforming in line with technological advances, principles in criminal law can still be implemented to provide protection to the public against fraud crimes. It also affirms the importance of having clear and firm regulations in the face of digital transactions.

In the end, the Coldplay concert ticket fraud case by Ghisca Debora became a valuable lesson for consumers, concert organizers, and law enforcement. Legal protection in digital transactions must be strengthened, both through education to the public and strict supervision of ticket sales platforms. In addition, strict enforcement of laws against digital fraud perpetrators must be a priority so that public trust in online transactions is maintained. Thus, this case is not only a legal issue, but also a reflection on the challenges of the digital age in criminal law.

Formulation Of The Problem:

1. What are the factors taken into consideration by the judge in formulating a verdict on the case of online concert ticket fraud in the decision of the Central Jakarta District Court number 157/Pid.B/2024/ PN Jkt.Pst?
2. How does the ruling interpret the legal provisions related to fraud in digital transactions?

METHOD

This study applies normative juridical method with legislative approach. Based on the view of Peter Mahmud Marzuki, normative legal research is an attempt to identify legal norms, juridical principles, and relevant legal doctrines in order to formulate solutions to legal problems under study. (Soerjono, 2013) This study was carried out by utilizing library studies (secondary sources) or literature-based legal research, which generally focused on the analysis of legal principles, the study of legal Systematics, evaluation of regulatory harmonization, the study of the history of legal development, and comparative legal studies.

RESULTS AND DISCUSSION

Consideration Of The Judge In Handing Down A Verdict On The Case Of Online Concert Ticket Fraud In The Decision Of The Central Jakarta District Court Decision Number 157 / Pid.B/2024 / PN Jkt.

In the online concert ticket fraud case that was tried through a verdict, the judge examined various juridical aspects as well as the facts revealed during the trial process. Fraud in the sale of concert tickets is one form of crime that harms consumers significantly. Many individuals are caught in this type of illegal activity, both due to the lack of understanding of the provisions of the law and due to the manipulation of false promises by the perpetrator. In the case, defendant Ghisca Debora Aritonang was accused of fraud by offering fictitious concert tickets that never existed. The consideration of judges in passing a verdict is based on clear legal criteria and strong evidence. (Amanda, 2024)

First of all, the judge assesses the elements contained in Article 378 of the Criminal Code, which provides for fraud. The defendant is declared to meet the requirements of "whomever" provided for in the article. In the context of criminal law, the term "any person" includes all individuals who can be held responsible for their actions, whether male or female, old or young. The judge emphasized that the accused, as a legally capable human being, has no reason to avoid responsibility for the actions he has committed. This shows that the panel of judges has a concern for individual accountability in the legal system.

Furthermore, the second element that is assessed is the intention of the accused to benefit themselves or others in a way against the law. In this case, the panel of judges concluded that Ghisca Debora Aritonang deliberately tried to make a profit through ticket offers that were fictitious and did not exist. Through information taken from witnesses, it was revealed that the accused promised tickets to the victims at a cheaper price than the official price. The use of false names and dignity to convince victims is also the focus of the judge's attention. Thus, the element of deception related to deceit and lies is clearly fulfilled.

The judge also takes a close look at the mental aspect of the defendant. In criminal law, the presence of inner guilt is one of the conditions for bringing a criminal to justice. The accused must have malicious intent and be aware of the consequences of his actions. At the time of the trial, the judge found that Ghisca was able to answer questions and demonstrate a healthy mental state. This becomes evidence that the defendant does not have mental disorders that can abolish criminal liability. Here, the judge points out that it is important to ensure that the offender has sufficient mental capacity to account for his actions.

In addition, the judge analyzed the facts revealed at the trial, including how Ghisca promoted the concert tickets through social media. Ticket sales on social media make it easier for perpetrators to reach large numbers of people, but also increase the risk of fraud. In this case, the defendant used his Instagram account to advertise a non-existent ticket. This indicates the existence of good planning and management on the part of the defendant to deceive others. The emphasis on the way the performer attracts the interest of potential buyers becomes important in the consideration of the judge.

Furthermore, the judge considered that the defendant's Act did not involve only one victim but had an impact on many people. There were various witnesses who became victims, and the amount of losses caused was quite large, reaching more than seven billion rupiah. Thus, the element of "concurrency of several acts" is also fulfilled, in which the act should be considered a separate crime. The panel of judges took a serious approach to the social impact of the fraudulent acts committed by the accused, given the large number of people who were victims. The judge's ruling also emphasized that there was no justifying or forgiving reason for the defendant's actions. This indicates that the panel of judges did not find factors that could alleviate the responsibility of the defendant. In criminal law, if there are grounds for justifying or mitigating actions, this can usually affect the degree of punishment imposed. However, in this case, the judge found that all the elements of the criminal act had been met and there were no acceptable arguments to defend the defendant's actions.

After considering all the evidence and facts, the panel of judges decided to impose a criminal charge against Ghisca Debora Aritonang. The punishment imposed not only aims to punish the accused, but also to provide a deterrent effect for other perpetrators. Concert ticket fraud is not only an individual problem, but it is a social problem that can harm many people. By imposing severe penalties, judges hope to reduce the number of similar crimes in the future. From this analysis, we can see that the judge's consideration in this ruling is very comprehensive. The judge not only looks at the legal aspect, but also considers the social impact of the criminal act committed. This suggests that the law aims not only to establish justice for victims, but also to create legal certainty in society. This ruling has shown how the panel of judges accurately implemented the relevant legal principles. Careful consideration of the facts and elements of the law is key in the fair enforcement of the law.

In his judgment, the judge not only handed down the sentence, but also showed a commitment to protect the public from harmful criminal practices. Through this decision, it is hoped that there will be an increase in public awareness of the importance of understanding the risks and reporting fraudulent actions they experience. With all these considerations, the decision is not only a legal reference in the future, but also a lesson for the public to be more

careful in transactions, especially in the current digital era. Online concert ticket fraud should be a serious concern for all parties, both law enforcement and the public.

Then in his consideration the panel of judges has also carried out a very careful and in-depth assessment. The panel of judges not only focused on the legal elements underlying the defendant's actions, but also paid attention to the social impact caused by the crime. The assertion that concert ticket fraud not only harms individuals, but also creates a broader negative impact on society, demonstrates the judge's awareness of the importance of social context in law enforcement.

The judge's consideration of the defendant's malicious intent becomes one of the crucial points in this analysis. The panel of judges stressed that the accused was fully aware of his actions and planned the fraud well. This reflects the principle that inner guilt (*mens rea*) is an important requirement in criminal law. (Romandona, 2024) Therefore, the establishment of severe punishment for the accused is not based solely on his actions, but is also influenced by the motives behind his actions. This shows that judges not only seek to enforce the law, but also seek to educate society about the importance of individual responsibility in every action.

Furthermore, the consideration of the number of victims and the magnitude of the harm caused also shows that judges pay great attention to restorative justice aspects. Given the large number of victims harmed, the judge clearly wanted to give a strong signal that fraudulent acts would not be tolerated. This is important, given that crimes such as concert ticket fraud are often targeted at young people who may be more vulnerable. The judge hopes that by giving a firm sentence, there will be a deterrent effect not only for the accused, but also for other potential perpetrators of the crime in the future.

In today's digital age, cybercrime is becoming increasingly complex. By highlighting the way defendants leverage social media to sell tickets that don't exist, judges demonstrate a good understanding of the new dynamics in crime. This shows that law enforcement needs to constantly update their knowledge and skills in dealing with various forms of crime that arise due to technological developments.

In the end, the judge's decision not to grant justifying or forgiving reasons from the defendant shows that the Indonesian legal system is committed to upholding justice. The assertion that there are no mitigating factors for the defendant indicates that the law must be applied consistently and indiscriminately. That way, this ruling not only serves as a sanction for the accused, but also as a reminder to society that crimes, especially those involving fraud, will have decisive consequences. This is a positive step in an effort to maintain the integrity and public trust in the legal system in Indonesia. (Rachmat, 1982).

Juridical interpretation in the consideration of the judge on the decision of the Central Jakarta District Court number 157 / Pid.B/2024 / PN Jkt.Pst

Legal interpretation is the process of interpreting the norms or legal provisions in force to provide a clearer meaning or understanding of the legal text. This process is very important in the application of law, because legal texts often have ambiguities, vagueness, or context that need to be explained further. The interpretation of law aims to achieve justice, legal certainty, and conformity between written norms and the purpose of the law itself. (Khalid, 2014)

There are several methods in legal interpretation, including grammatical interpretation, which focuses on the meaning of words in the text, systematic interpretation, which considers the legal context as a whole, and teleological interpretation, which considers the purpose or intent behind a legal norm. Each of these methods can be used to provide a deeper understanding of legal norms and to explain how the law should be applied in a particular case. In a court of law, judges have an important role in the process of legal interpretation.

Judges not only serve as law enforcers, but also as legal interpreters who must understand the meaning of applicable laws and regulations. The consideration of the judge in each decision should reflect a deep understanding of the relevant legal norms, as well as take into account the facts in the case at hand. Through a good interpretation of the law, judges can give a fair and proportionate verdict. (Batubara, 2024)

The verdict became a concrete illustration of the application of Juridical interpretation in judicial practice. In this case, the judge was faced with facts that showed the existence of fraud on concert tickets by the defendant, Ghisca Debora Aritonang. Careful and analytical consideration of the judge is essential in reaching the right verdict.

Based on Article 378 of the criminal code here, the judge's interpretation of the term "whomever" in the article indicates that any individual who commits fraudulent acts may be subject to sanctions, without exception. It affirms the principle that the law applies to everyone, and there is no reason for the accused to evade responsibility. This interpretation also demonstrates the judge's commitment to individual accountability in the legal system.

Next, the judge considers the defendant's malicious intent. In this case, the judge interprets that the intention to benefit oneself through the sale of non-existent tickets is a key element in the criminal act of fraud. Through the testimony of witnesses, the judge judged that Ghisca had knowingly committed fraud by promising concert tickets that never existed. This interpretation not only indicates malicious intent, but also reinforces the argument that the defendant's actions were the result of careful and unjustified planning.

The mental aspect of the accused is also of concern to the judge. In criminal law, there is a need to assess the mental capacity of the offender. The judge interpreted that Ghisca was not mentally impaired, which meant she could account for her actions. This indicates the importance of the evaluation of the mental state in the enforcement process, where the judge must ensure that the offender is able to understand the consequences of his actions. This interpretation confirms that not all fraudsters have grounds to avoid criminal liability.

The facts revealed during the trial, including the way in which Ghisca promoted tickets through social media, were also analyzed by the judge. In this case, the judge interpreted the use of social media as a tool that magnifies the risk of fraud. This shows that in the digital age, fraudsters can reach more people in a more efficient way, but also increase their responsibilities. The judge emphasized that the intention and manner of the perpetrator in carrying out the crime are also important factors in his legal consideration.

The social impact of the defendant's actions, which harmed many people, was an important focus in this verdict. The judge interpreted that Ghisca's actions not only affected one person, but many victims suffered losses. With the amount of losses reaching more than seven billion rupiah, the judge considered that this act had fulfilled the element of "concurrency of several acts." This interpretation demonstrates the judge's awareness of the far-reaching impact of criminal acts of fraud, which harm society as a whole.

The absence of justifying or forgiving grounds in the actions of the defendant is also an important point in the consideration of the judge. Here, the judge interprets that Ghisca's fraudulent actions are completely wrong and cannot be justified in the legal context. In this case, the judge shows a commitment to establish justice and affirms that actions that harm others are unacceptable.

In passing a sentence, the judge takes into account not only the legal facts, but also the social implications of his decision. By imposing severe penalties, judges seek to provide a deterrent effect for other perpetrators and remind the public of the risk of fraud. This interpretation suggests that the verdict served not only as a punishment, but also as a means of prevention so that similar cases would not be repeated in the future.

Thus, the decision of the Central Jakarta District Court already reflects a holistic and in-depth legal interpretation process. The consideration of the judge in this case shows that the law is

applied not only mechanically, but also taking into account the surrounding social and moral context. This is evidence that a good interpretation of the law is the key to achieving substantive justice.

CONCLUSION

The consideration of the judge in the decision of the judgment is appropriate and in accordance with various legal aspects and facts revealed at the trial, ranging from the elements of fraud in Article 378 of the Criminal Code to the defendant's malicious intent proven through evidence and witness statements. The judge also assesses the defendant's mental state and the social impact of his actions that harm many people. By affirming the absence of justifying reasons for the defendant's actions, the judge gives a firm decision in the hope of providing a deterrent effect for other perpetrators. Thus, the consideration of the judge in the decision reflects the application of the principles of justice and accountability in Indonesian criminal law.

Juridical interpretation in the judge's analysis of the verdict reflects that the judge has implemented the principles of law carefully and fairly. In considering the elements of fraud, malicious intent, and the social impact of the defendant's actions, the judge affirmed the importance of individual accountability and protection of consumers. This ruling reflects the commitment of the law to create certainty and justice in society, as well as providing a deterrent effect for perpetrators of crime.

There should be increased education and public awareness about the risks of online transactions, especially related to the sale of concert tickets and other goods. Law enforcement and Related Agencies should actively educate the public on how to recognize fraud as well as the steps that can be taken if they become a victim. In addition, there is a need for cooperation between concert organizers and social media platforms to facilitate safer transactions, so that people can make purchases with more confidence and avoid illegal practices.

Then the need for increased cooperation between law enforcement, educational institutions, and the public in educating the public about the law and the risks of fraud in the digital world. A wider dissemination of how to recognize fraudulent practices and appropriate reporting mechanisms is essential to protect the public from similar crimes in the future. With this approach, it is hoped that public awareness of the law will increase and fraudulent practices can be minimized.

REFERENCE

- Amanda, N. (2024). Gugatan Perbuatan Melawan Hukum Dalam Jual Beli Tiket Konser Coldplay. *Jurnal Hukum, Politik dan Ilmu Sosial (JHPIS)*, 3 (3), 365-372. <https://doi.org/10.55606/jhpis.v3i2.3941>
- Anggraini, V. D. (2023). Agrotourism 2018 to 2023. *Jurnal Ilmiah Wahana Pendidikan*, 9 (22), 1054-1064. <https://doi.org/10.5281/zenodo.10215485>
- Auli, R. C. (n.d.). Bunyi dan Unsur Pasal 378 KUHP Tentang Penipuan. *Hukumonline*. <https://www.hukumonline.com/klinik/a/pasal-378-kuhp-tentang-penipuan-lt6571693c4c627/>
- Batubara, R. (2024). Peranan Penafsiran Hukum Dalam Praktik Peradilan di Indonesia. *El Sirry Jurnal Hukum dan Sosial*, 2 (1), 71-92.
- Budi, M. (2024, September 30). 3 Fakta Ghisca Tipu Tiket Coldplay Rp 5 M, diganjar 3 tahun penjara. *DetikNews*. <https://news.detik.com/berita/d-7279438/3-fakta-ghisca-tipu-tiket-coldplay-rp-5-m-diganjar-3-tahun-penjara>
- Hutabarat, M. (2018). Analisis Perbandingan Putusan Hakim atas Tindak Pidana Persetubuhan dan Tindak Pidana Pencabulan Terhadap Anak. *Jurnal Magister Ilmu Hukum, Universitas Lampung*, 2 (2), 93-100.

- Idelia, S. (2023). Perlindungan Hukum Terhadap Penipuan Tiket Konser Ditinjau dari Undang-Undang Perlindungan Konsumen. *Jurnal Hukum Pelita*, 4 (2), 158-167. <https://jurnal.pelitabangsa.ac.id/index.php/JH>
- Khalid, A. (2014). Penafsiran Hukum Oleh Hakim Dalam Sistem Peradilan di Indonesia. *Jurnal Al' Adl*, 6 (11), 9-25.
- Martinelli, I., Sugiawan, F. A., & Zulianty, R. (2024). Kepastian Hukum Kontrak Elektronik Dalam Pinjaman Online Berdasarkan Hukum Perikatan. *JAMPARING: Jurnal Akuntansi Manajemen Pariwisata dan Pembelajaran Konseling*, 2 (2), 537-552.
- Prodjodikoro, W. (1980). *Tindak Pidana Tertentu di Indonesia*. Jakarta: P.T Eresco.
- Romandona, R. (2024). Analisis Hukum Asas Mens Rea dan Actus Reus Dalam Kasus Pembunuhan Brigadir Nofriansyah Yosua Hutabarat (Studi Kasus Dalam Putusan PN Jakarta Selatan No. 796/Pid.B/2022/Pn Jkt.Sel). *Justitiable - Jurnal Hukum*, 6 (2).
- Setiawan, R. (1982). *Tinjauan Elementer Perbuatan Melanggar Hukum*. Bandung: Alumni.
- Soekanto, S., & Mamuji, S. (2013). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada.
- Terdakwa Penipuan Tiket Konser Coldplay Divonis Tiga Tahun Penjara, Korban: 'Saya enggak Bakal Percaya Calo Lagi'. (2024, Oktober 15). BBC Indonesia. <https://www.bbc.com/indonesia/articles/cw42kjvr33go>.