Application of Article 378 of The Criminal Law in The Issuance of Blank Bilyet Giro (Case Study Of Decision Number 291/Pid.B/2014/Pn.Yyk)

Biduan Sianturi[1], KS. Herman[2], Darwati[3]
biduan43@gmail.com, herman_bakir@borobudur.ac.id[2], darwati_susilastuty@borobudur.ac.id[3]

Universitas Borobudur[1,2,3]

Abstract. Bilyet giro is another sort of protection contrasted with different protections by request, is a book move request that capabilities for installment. Notwithstanding, practically speaking, there is, in many cases, a misrepresentation against the billet giro, often known as a void billet giro, bringing about installment disappointments. The plan of the issue in this review is the utilization of Article 378 of the Lawbreaker Code in Choice No. 291/Pid.B/2014/PN. Yyk. is as per the material legitimate arrangements, and what is the reason for the appointed authority's thought in pursuing choices against culprits of criminal demonstrations of extortion that to have the option to demonstrate that the Respondent is shown not at fault for carrying out a crook demonstration of misrepresentation, where there should be components in Article 378 of the Crook Code for the wrongdoing of misrepresentation, parts with the expectation of helping oneself or someone else illegal. While the reason for the appointed authority's thought in pursuing a choice against the culprits of the wrongdoing of extortion in Choice No. 291/Pid.B/2014/PN.Yyk. They expressed that the Litigant was demonstrated to have carried out the go-about as charged to him. However, the demonstration was not a lawbreaker as managed in Article 378 of the Crook Code.

Keywords: Bilyet Giro; Misrepresentation; Article 378 Of The Lawbreaker Code; Judge Choice.

1. Introduction

Developments in the business sector are increasing rapidly, followed by developments in science and technology, causing people to want everything practical and safe in payment traffic. Collaboration between entrepreneurs and banks is a partner who helps each other and helps each other for the progress of each and the smooth flow of payments and currently, many payments are demand deposits. This is simply by issuing money orders, demand deposits, or checks that can be cashed. Bilyet giro is a way that is more practical, economical, and safer, in which entrepreneurs save cash that is not or has not been used at a particular bank in the form of a checking account (a form of depositing funds in a bank that is free, tidy, but confidential). Then they make payments by giving an order to the depository bank to pay the designated person or transferring a certain amount of the deposit into the designated person's account.

Bilyet giro is considered safe because it cannot be endorsed and cannot be exchanged for cash at the bank, besides that, the giro has 2 (two) dates, namely the date of withdrawal and the effective date, so it cannot be paid like checks and money orders. And even the issuer of giro bills can cancel because they are given the authority to cancel (Decree of the Directors of Bank

ICLSSEE 2023, May 06, Salatiga, Indonesia

DOI 10.4108/eai.6-5-2023.2333504

Indonesia Number 28/32/Dir July 4, 1995). Bilyet giro is securities that are not regulated in the Commercial Code (KUHD) but grow and develop in banking practice because of the need for demand deposits.

Concerning the meaning of checks and giro bilyet, checks, and giro bilyet can be categorized as private deeds because they are only made between interested parties and without the assistance of an authorized official. Therefore, besides being a private deed, checks and giro can also be used as evidence. So it can be concluded that checks and giro bills have 3 (three) main functions, namely as a means of payment (means of exchange of money), a tool for transferring collection rights (traded easily and simply), and proof of collection rights (letter of legitimacy).

Failure to pay debts by the debtor can be categorized as a breach of promise or breach of contract which is included in the field of civil law. But there is also the possibility that failure to pay is included in criminal law. There is a fundamental difference between fraud in the category of criminal acts and default in civil law. With the inclusion of blank giro in these two legal domains, there is a need for a more fundamental and clear distinction in the handling of blank giro cases.

The criminalization of blank giro can of course be a separate problem if, in the application of the law, all cases of blank giro are categorized as criminal acts. Users of giro who are criminalized will certainly provide injustice in financial transactions and will cause a reduction or even loss of public confidence in using giro as a means of payment, given the importance of applying clear rules, especially in the category of criminal acts, against giro blank. This is important so that there are no mistakes in the application of the law, as well as the imposition of sanctions on the issuer of blank giro slips.

Related to this, Zainal Asikin expressed his opinion as follows:[1]

“Hoge raad in his arrest April 3, 1939, N.J. 1939 Number 947 only requires that from a judge's decision it must be seen: *dat voor ieder onderdeel van het telastgelegde een bewijsmiddel aanwezig* is or that for each element of the crime charged there is evidence. A judge cannot be arbitrary in applying the law, every element must be explained with a rationale and clear reasons in the decision. Likewise with the application of fraud articles for issuers of blank giro slips.

In applying criminal endorses, an appointed authority may not force a sentence on an individual except if it is upheld by no less than two legitimate bits of proof that reinforce the conviction that a wrongdoing has happened and that the Respondent has been demonstrated at fault for carrying out it. It is expressed in Article 183 of Regulation Number 8 of 1981 concerning Criminal Strategy Code (KUHAP).

Fake demonstrations saw from any point are profoundly shocking in light of the fact that they can make shared doubt and thus harm the request for individuals' lives in light of the fact that the two gatherings are interrelated in light of the fact that there are ties that emerge and require the board, if there are no clear rules it will create a conflict of interest that will arise and can lead to group living disorder.

The things that have been described above are the driving factors for the writer to formulate several problems as follows:

1. What is the utilization of Article 378 of the Crook Code in Choice Number 291/Pid.B/2014/PN.Yyk. Is it in consistence with appropriate regulation?
2. What is the reason for the adjudicator's contemplations in ruling against the culprits of the wrongdoing of misrepresentation in Choice Number 291/Pid.B/2014/PN.Yyk?

This exploration is standardizing juridical examination, specifically research that is centered around looking at the use of rules or standards in certain regulation and the aftereffects of the examination are introduced as depictions that are organized efficiently, meaning that the

secondary data obtained will be linked to one another by the problems studied, so that as a whole is a unit by the needs of research. The information utilized in this study are optional information comprising of essential lawful materials as the Lawbreaker Code, Criminal Technique Code, and Choice Number 291/Pid.B/2014/PN. Yyk, auxiliary legitimate materials are as books, diaries, research reports, and tertiary lawful materials. The collected secondary data were then analyzed qualitatively and presented in a descriptive form.

2. Library Review

Definition of Crime

Strafbaarfeit is an original Dutch term that is translated into Indonesian with various meanings, including criminal acts, offenses, criminal acts, criminal events, and acts that can be punished. The word strafbaarfeit consists of 3 (three) words, namely straf, baar, and feit. Various terms are used as translations of strafbaarfeit, it turns out that straf is translated as criminal and legal, baar is translated as can and maybe, while feit is translated as acts, events, violations, and actions.

According to Pompe, the notion of strafbaarfeit is divided into 2 (two), namely:

a. The definition according to the theory gives the notion of "strafbaarfeit" which is a violation of the norm, which is committed due to the fault of the violator and is threatened with criminal punishment to maintain the rule of law and save public welfare.
b. The definition according to positive law, formulates the notion of "strafbaarfeit" which is an incident (feit) that by law is formulated as an act that can be punished.

According to Barda Nawawi Arief, the definition of a crime is:

"The act of doing or not doing something that is stated by the laws and regulations as an act that is prohibited and punishable by crime."

Criminal acts can be divided into 2 (two) types, namely material crimes and formal crimes.

a. Material crime (materiel delict). The criminal act referred to in a criminal law provision (straf) in this case is defined as an act that causes a certain consequence, without formulating the form of the act, this is what is called a material crime.
b. Formal crime (formeel delict). If the intended criminal act is formulated as a form of action without mentioning the consequences caused by the act, this is what is called a formal criminal act.

Elements of a Criminal Act

A crime contained in the Criminal Code generally has 2 (two) elements, namely subjective elements and objective elements. Subjective elements are elements that are inherent in the perpetrator, while objective elements are elements that have to do with circumstances.

The subjective elements of a crime are:[2]

a. Intentional or unintentional (dolus or culpa).
b. Intent or voornemen on an experiment.
c. Various purposes or oogbrands.
d. Planned or voorbedachteraad.
e. Feelings of fear or vress.

The objective elements of a crime are:

a. Unlawful nature
b. The quality of the doer
c. Causality, namely the relationship between acting as a cause with reality as a result.

Most criminal acts have an element of intent or opzet, where this element of intent has 3 (three) types, namely:

a. Purposeful intention (bookmark), it can be said that the perpetrator wants to achieve the result which is the main reason for the threat of criminal punishment.
b. Intentional certainty (opzetbijzekerheids-bewustzinj). This kind of intention exists when the perpetrator with his actions does not aim to achieve the result that forms the basis of the delict, but he knows very well that the result will surely follow that action.
c. Deliberately in the sense of possibility (opzetbij mogelijkheids-bewustzijn). It is different from blatant intentional action without the shadow of a certainty that the consequences in question will occur, but only imagines a mere possibility of the result being an error (culpa), namely a kind of mistake by the perpetrator of the crime which is not as serious as intentional, namely lack of caution. So unforeseen consequences occur.

Definition of Fraud Crime

Book II of the Crook Code Section XXV is named "bedrog" and that implies misrepresentation from a wide perspective, while the principal article of that title is Article 378 concerning the wrongdoing of oplichting which likewise implies extortion however from a tight perspective. Fraud in a broad sense (bedrog) contains no less than 17 articles (Article 379a - 379bis of the Criminal Code) that formulate other criminal acts which are all fraudulent in nature (bedriegen).

The use of bedrog also regulates several acts aimed at the property, in which the perpetrator has used fraudulent acts or used deception.

In the mean time, as per the Large Indonesian Word reference, it comes from the fundamental word double dealing, specifically misdirection is a demonstration or word that is untrustworthy (lying, counterfeit, etc) fully intent on deluding, outsmarting, or seeking profit, while deception is a process, deed, method of deceiving.

"Whoever with the intent to unlawfully benefit himself or others, by using a false name or false prestige, by deception, or a series of lies, moves another person to hand over something to him, or to give a debt or write off a debt, is threatened with fraud by a maximum imprisonment of four years".

Article 378 of the Lawbreaker Code, to be precise, specifies the wrongdoing of extortion (oplichting) in a general structure, while what is expressed in Section XXV Book II of the Crook Code contains different types of misrepresentation against property which are figured out in 20 articles, every one of which has extraordinary names. (extortion in an extraordinary structure). The whole article in Part XXV is known as bedrog or false demonstration.

In light of the components of the lawbreaker demonstration of misrepresentation contained in the detailing of Article 378 of the Crook Code, that extortion is a demonstration of somebody with trickiness, a progression of untruths, a bogus name, and a misleading state to help oneself without any privileges. A progression of untruths is a game plan of misleading sentences organized so that is an account of something that is by all accounts valid. The meaning of double dealing obviously shows that what is implied by trickiness is trickery or a progression of lying words so somebody feels bamboozled by words that give off an impression of being valid. Fraud itself among the public is a very disgraceful act, but, rarely, the perpetrators of these crimes are not reported to the police.

This implies that trickiness is lying for individual addition, in spite of the fact that it has a more profound lawful importance, the specific subtleties fluctuate in various locales. The demonstration of controlling data to look for benefit through the web media can be deciphered as a deceptive demonstration that is remembered for the extortion offense as specified in Articles

378 and 379a of the Crook Code.

Elements of the Crime of Fraud

The elements of the criminal act of fraud contained in Article 378 of the Criminal Code are:[2]

a. persuade (move) other people too;
b. surrender (afgifte) an item or to make a debt or write off a debt by using efforts or methods:
    1) using a fake name;
    2) Put on a false position;
    3) Use gimmicks;
    4) using a series of lying words;
c. with the intention of self-benefit;
d. themselves or others against the law.

From these provisions, it can be concluded that the elements of the crime of fraud are as follows:

a. There is somebody who is convinced or moved to give up a thing or make an obligation or discount a receivable. The thing is given over by the proprietor using trickery, the thing gave over doesn't necessarily need to have a place with himself yet additionally has a place with another person.
b. The fraudster plans to help himself or someone else without privileges, from that aim, incidentally, the objective is to hurt the individual who gave over the thing.
c. Those who become survivors of misrepresentation should be propelled to surrender the merchandise utilizing giving over the products should be the aftereffect of a demonstration of duplicity, and the fraudster should delude the casualty with one explanation as expressed in Article 378 of the Crook Code. Utilizing bogus sense a misleading name is a name that is unique in relation to the genuine name.
d. Using a fake position Someone who can be blamed for cheating by using a fake position, for example, X uses the position as an entrepreneur from company P, even though he has been laid off, then goes to a shop to order from the shop, saying that he X was ordered by his employer to pick up goods that thing. If the shop hands over the goods to X who is known as the proxy of company P, while the shop does not know it, X can be blamed for cheating the shop by using a fake position.
e. By using deception, what is meant by deception is an act that can create a picture of events that are fabricated in such a way that the fake can deceive people who are usually careful.
f. Using a convoluted arrangement of lies, the lie must be so convoluted that it is something or all that looks like it is true and is not easy to find everywhere. The tricks used by an imposter must be such that people who have a common (reasonable) level of knowledge can be fooled. So apart from the cunning of the fraudster, one must also pay attention to the condition of the person being deceived. Every crime must be considered and must be proven, that the trick used is so much like the truth, that it is understandable that the person who was deceived had believed it. One lie is not enough to establish fraud. The lie must be accompanied by deception or a convoluted arrangement of lies so that people believe in the lie.

Fraud is a crime directed against property rights in Dutch it is called *"misdrijven tegen de eigendom en de daaruit voortloeiende zakelijk rechten"*. This wrongdoing is managed in Article 378 to Article 394 of the Lawbreaker Code. As formed in Article 378 of the Crook Code, misrepresentation implies a demonstration to unlawfully help oneself or someone else by

utilizing a misleading name, bogus poise, double dealing, or lies that can make others effectively hand over their products, cash or abundance Extortion has 2 (two) implications, in particular:

a. Fraud from an expansive perspective, to be specific all wrongdoings that are planned in Section XXV of the Crook Code.
b. Fraud from a restricted perspective, to be specific a type of misrepresentation planned in Article 378 (essential structure) and Article 379 (exceptional structure), generally known as oplichting.

The definition of misrepresentation comprises of true components which incorporate the demonstration (moving), which is driven (individual), the demonstration is aimed at someone else (giving over objects, giving obligations, and discounting receivables), and how to do demonstrations of moving by utilizing misleading names, utilizing contrivances, put on bogus eminence, and put on a progression of untruths. What's more the objective components, in extortion, there are likewise emotional components which incorporate the goal to help oneself or others and the aim to abuse the law.

Therefore, an unlawful act is in the form of a subjective element, in this case before committing or at least when starting the act of moving, the perpetrator already has awareness within himself that benefiting himself or others by carrying out the act is against the law. Illegal isn't exclusively deciphered as just being restricted by regulation or against formal regulation, however should be deciphered from a more extensive perspective, which is likewise in opposition to what the local area needs, a social shame. Since the component illegal is remembered for the definition of a crook act, it is mandatory to prove it in court. What needs to be proven is that the perpetrator understands the intention of benefiting himself or others by moving other people in a certain way and so on in the formulation of fraud as something that is condemned by society.

The objective component of extortion Article 378 of the Crook Code in regards to misrepresentation plans, that is to say, whoever to help himself or someone else unlawfully, by utilizing a bogus name or misleading nobility, by double dealing or by a progression of falsehoods moves someone else to surrender something to him, or to give an obligation or discount an obligation, is compromised with extortion by detainment.

3. Discussion

3.1 Application of Article 378 of the Criminal Code in the Case of Decision Number 291/Pid.B/2014/PN.Yyk.

Before analyzing Decision Number 291/Pid.B/2014/PN. Yyk, the author will describe the chronology of the case as follows:

The defendant Effi Idawati around March 2012 in Kotagede, Yogyakarta offered the witness Muhammad Muwardi to invest capital to develop the catering business and the minimarket business "Qurota Ayun". The Witness Muhammad Muwardi was interested because Defendant promised a profit of 4.5% every month and the Defendant explained that there were several fruits of his business and the conditions were very good. Because he knew the Defendant well, Witness Muhammad Muwardi believed him and wanted to hand over the money on March 13, 2012.

After the delivery of money to the Defendant in the amount of Rp. 500,000,000.- (five hundred million rupiahs), Defendant provided collateral in the form of 7 (seven) Bank Danamon demand deposits with a total value of Rp. 559,000,000.- (five hundred fifty-nine million rupiahs). In further developments, the Defendant requested additional funds back and the Defendant added back a deposit of Rp. 200,000,000.- (two hundred million rupiah) by checking the

Commonwealth Bank 2 (two) times.

In January 2013, Witness Muhammad Muwardi came to Defendant's house to withdraw the funds that had been handed over to Defendant. Then Defendant handed over another 6 (six) Bank BRI checks worth IDR 1,212,500,000 (one billion two hundred and twelve million five hundred thousand rupiahs).

In February 2013, Witness Muhammad Muwardi cashed one of BRI's Check Number Cet 078937 worth IDR 522,000,000 (five hundred twenty-two million rupiahs) at the BRI Office, Adi Sucipto Branch, Jl. Solo, Yogyakarta, but was rejected because the funds were insufficient and BRI issued a Rejection Letter Number B.257-VII/KC/OPS/2/2013 dated February 4, 2013. Because the transaction is above five hundred million rupiah, it follows the rules of Bank Indonesia then the bank must issue an Account Closing Warning Letter to the account owner (Defendant).

On 12 February 2013 Witness Muhammad Muwardi and Witness Siti Rohmah met the Defendant at Bank BRI, Adi Sucipto Branch, Jl. Yogyakarta Solo. During the meeting, Defendant completed payment of the check in the amount of Rp. 300,000,000.- (three hundred million rupiahs), and the remainder was paid using 3 (three) BRI giro bills in the amount of Rp. 215,000,000.- (two hundred and fifteen million rupiahs) which maturity date from May to July 2013.

On 1 April 2013 Witness Muhammad Muwardi came to the Commonwealth Bank Office on Jl. Ms. Dik Tiro Yogyakarta to clear BRI Check Number Cet 07839 worth IDR 22,500,000 (twenty-two million five hundred thousand rupiahs), but after the check was handed over to the bank, the bank replied that the check could not be paid to the withdrawer. because the Commonwealth Bank had received a Letter of Loss of Check Number 078939 worth IDR 22,500,000 (twenty-two million five hundred thousand rupiahs) from the owner of the check, namely the Defendant, and asked the Commonwealth Bank not to use the check when cleared.

Settlement of the underpayment of the investment submitted by Witness Muhammad Muwardi in the amount of IDR 600,000,000 (six hundred million rupiahs), so that Witness Muhammad Muwardi suffered a loss. Catering business profits of 4.5% of the capital invested by investors, with time, have never been realized again.

From the chronology of these events, the authors conclude that the legal event that occurred was a civil event where one party binds himself to another person based on an investment agreement and profit sharing that is not working properly or that there is a condition that does not fulfill a clause of the agreement.

The defendant by the Public Prosecution was brought to trial based on the indictment as follows:

"The defendant Effi Idawati on a day and date that is no longer remembered, around March 2012, and Thursday, July 19, 2012, or at least at some point still in 2012, was located at Jagung KG III/1002 RT/RW 011 Purbayan, Kotagede, Yogyakarta, at least in another place included in the jurisdiction of the Yogyakarta District Court, to unlawfully benefit oneself or others, by using a false name or false prestige, by deception or a series of lies, to incite another person to hand over something or to give a debt or write off a debt; also intentionally and unlawfully owns property which is wholly or partly owned by another person, but which is in his power not because of a crime committed by the defendant. Therefore, the Defendant in writing and conveyed at trial in essence, with the elements of the indictment of Article 378 and

Article 372 of the Criminal Code". In essence, the criminal charges of the Public Prosecutor are as follows:

a. Declare the Respondent Effi Idawati Binti Supardi lawfully and convincingly demonstrated at fault for carrying out the wrongdoing of "misrepresentation" as

specified in Article 378 of the Crook Code in the Primary Charge.

b. Sentenced a sentence against the Respondent with detainment for 3 (three) years diminished during the confinement time frame that the Litigant had served.
c. And declared valid evidence.
d. Charge the costs of the case to the Defendant.

In view of the prosecution and charges against Respondent, where Litigant was not lawfully and convincingly demonstrated at fault for carrying out a lawbreaker demonstration of misrepresentation as expressed in the prosecution.

a. Declare that Respondent Effi Idawati Binti Supardi was demonstrated to have perpetrated the go about as accused of her, however the demonstration was not a wrongdoing.
b. Release the Defendant therefore from all lawsuits.
c. Freeing the Defendant from detention at the Yogyakarta Penitentiary (LP).
d. Stipulates that the evidence be returned to Witness Muhammad Muwardi.
e. Restore the Defendant's rights in terms of ability, position, dignity, and worth.
f. Burden case costs to the state.

In view of this choice, to demonstrate that the Respondent is demonstrated at legitimate fault for carrying out a crook demonstration of misrepresentation, it should be demonstrated that there are components of Article 378 of the Lawbreaker Code, including those to benefit oneself or someone unlawfully. In this element it can be interpreted that the Defendant committed the act intentionally, meaning that someone who took the action intentionally had to want and know or be aware of what he was doing and the consequences.

A crime contained in the Criminal Code generally has 2 (two) elements, namely subjective elements and objective elements. Subjective elements are elements that are inherent in the perpetrator, while objective elements are elements that have to do with circumstances.

The subjective elements of a crime are:

a. Intentional or accidental (dolus or culpa).
b. Intent or voornemen on an experiment.
c. Various meanings.
d. Plan.
e. Feelings of fear or vress.

The objective elements of a crime are:

1. Unlawful nature.
2. The quality of the actor.

Causality, namely the relationship between an action as a cause and a reality as a result. Most criminal acts have an intentional or opzet element, where this intentional element has 3 (three) types, namely:

1. Purposeful intention, it can be said that the perpetrator wants to achieve the result which is the main reason for the threat of criminal punishment.
2. Intentional certainty.
3. This sort of aim exists when the culprit with his activities doesn't intend to accomplish the outcome that frames the premise of the delict, yet he knows very well that the outcome will clearly follow that activity.
4. Deliberately aware of the possibility.

It is different from blatant intentional action without the shadow of a certainty that the consequences in question will occur, but only imagines a mere possibility of the result being an error (culpa), namely a kind of mistake by the perpetrator of the crime which is not as serious as intentional, namely lack of caution. So unforeseen consequences occur.

Based on the description above, it is known that all of these elements form one unit in a crime, the absence of one element will cause the suspect not to be convicted. In this case, it is known that Defendant committed his actions unintentionally because there was a cooperation agreement and good faith to return the capital, with an agreement made before a notary and still paying profits to the victim-witness.

The defendant did not create a series of lies that were told to the witness-victim while the business was running, there was cooperation from the start, as well as an agreement agreed upon by both parties. From proving the elements of Article 378 of the Criminal Code, the Defendant should not have been proven guilty of having committed a criminal act of fraud on an ongoing basis by the article charged by the Public Prosecutor, namely Article 378 of the Criminal Code.

3.2 Analysis of Judge Considerations in Decision Number 291/Pid.B/2014/PN.Yyk.

In view of the realities uncovered at the preliminary, the proof, and the appointed authority's conviction, the activities of the Litigant were proclaimed legitimate as per regulation when the charges set forward by the public examiner were demonstrated to be mistaken, as a wrongdoing of misrepresentation.

In view of the consequences of the considerations of the Board of Judges, in light of the depiction of the components of the wrongdoing in the prosecution, the Yogyakarta Locale Court gave a choice to deliver all claims against the Respondent. The choice to deliver all claims (onstlag van rechts vervolging) was given on the grounds that the Litigant was demonstrated blameworthy after the assessment cycle in court, yet the demonstration was not a wrongdoing as expressed in the prosecution.

The legitimate reason for the choice to be set free from all claims is Article 191 passage (2) The Criminal Strategy Code, which expresses that on the off chance that the court expects that the demonstration charged to the Respondent is demonstrated, however the demonstration doesn't comprise a wrongdoing, the Litigant is excused from all claims. Prior to making a choice

apart from all lawsuits, the judge must prove whether there are reasons as contained in the articles.

At the time the provision of the first capital money according to the Defendant's agreement provided benefits and at that time no agreement or civil transaction had been formed. This shows the Defendant's ability from the start to return Witness Muwardi's money and good faith in continuing to return it.

The Yogyakarta District Court judge paid attention to and looked at the cooperation agreement in the case where there were facts that the Defendant paid profits to the witness victim twice for a total of IDR 14,000,000 (fourteen million rupiahs) out of the capital of IDR 400,000,000 (four hundred million rupiahs) and once IDR 15,000,000.- (fifteen million rupiahs) from the capital of IDR 500,000,000.- (five hundred million rupiahs). The Defendant was able to provide benefits every month as promised. The defendant in good faith submitted a check for IDR 522,000,000 (five hundred twenty-two million rupiahs).

Defendant knew and realized that he had an obligation to pay, the Defendant was still seeking funds by providing a profit, namely 4.5% of the invested capital, even though the promised profit would be very difficult to implement due to Defendant's financial situation and business problems.

As per the creator, the Adjudicator attempted the case himself in the Yogyakarta Area Court Choice Number 291/Pid.B/2014/PN.Yyk was right. The litigant Effi Idawati binti Supardi was pronounced not lawfully and convincingly demonstrated to have carried out the wrongdoing of extortion as charged by the public examiner, and consequently the Respondent should be vindicated of all charges.

Examination of the appointed authority's contemplations in the criminal extortion choice expressed that the Litigant was not demonstrated to have carried out the go about as charged against him, the demonstration was not a wrongdoing as expected in that frame of mind of the Lawbreaker Code since there was commonly gainful collaboration between the Respondent and the person in question.

Regarding the loss suffered by Witness Muwardi, the Judge has considered the basis of events with the evidence presented at trial that the loss suffered by Witness Muwardi was the result of a civil event and elements against the law of the Defendant were not proven.

The judge in making his decision that no crime had occurred and the defendant was free from all charges of punishment was correct. Lawful proof has likewise been involved by the adjudicator as specified in the Criminal Technique Code. Notwithstanding the two substantial bits of proof, the Adjudicator has gotten the conviction that the wrongdoing of misrepresentation didn't happen.

4. Closing

Based on the discussion described above, the authors draw the following conclusions:

1. The utilization of Article 378 of the Crook Code in Choice Number 291/Pid.B/2014/PN.Yyk is by the pertinent legitimate arrangements, that the lawbreaker demonstration of giving clear giro bills, where the Appointed authority settles on a choice to deliver all claims against demonstrations of criminal extortion, and expressed that the Respondent Effi Idawati Binti Supardi was not demonstrated to have perpetrated the go about as accused of her, specifically the lawbreaker act in Article 378 of the Crook Code. The appointed authority who attempted the misrepresentation case applied the law by setting the Respondent free from all claims by expressing that the Litigant's activities had been demonstrated yet were not a crook act, but rather remembered for the extent of common regulation. Contemplations in analyzing, arbitrating, and settling working on this issue by considering the substance of the understanding settled upon by the two players.
2. Basis for the Appointed authority's contemplations in ruling against the culprits of the wrongdoing of misrepresentation in Choice Number 291/Pid.B/2014/PN.Yyk, specifically founded on the realities that were uncovered in the preliminary, the proof, and the Adjudicator's conviction. That the activities of the culprit were proclaimed lawfully legitimate when the charges set forward by the Public Examiner were shown to be erroneous, a wrongdoing of misrepresentation, with the presence of proof and declaration from observers during the preliminary. During the preliminary, it was uncovered that Article 378 of the Crook Code was not satisfied by the activities of the Litigant, so it is fitting that the Respondent Effi Idawati binti Supardi be proclaimed lawfully and convincingly not demonstrated to have carried out a wrongdoing as charged by the Public Investigator.

References

[1] Zainal Asikin, Pengantar Hukum Perbankan Indonesia, Bandung: Rajawali Pers, 2010.

[2] The Criminal Code.

[3] Law Number 8 of 1981 concerning Criminal Procedure Code.

[4] Adami Chazawi, Pelajaran Hukum Pidana Bagian 1: Stelset Pidana, Teori-Teori Pemidanaan dan Batas Berlakunya Hukum Pidana, Jakarta: PT. Raja Grafindo Persada, 2002.

[5] Barda Nawawi Arief, Perbandingan Hukum Pidana Indonesia Edisi Revisi, Jakarta: Rajawali Pers, 2015.

[6] Leden Marpaung, Proses Penanganan Perkara Pidana, Jakarta: Sinar Grafika, 1992.

[7] Moeljianto, Asas-Asas Hukum Pidana, Jakarta: Bina Aksara, 1987.

[8] P.A.F. Lamintang dan C. Djisman Samosir, Delik-delik Khusus, Bandung: Tarsito, 1981.

[9] P.A.F. Lamintang dan Franciscus Theojunior Lamintang, Dasar-Dasar Hukum Pidana di Indonesia, Jakarta: Sinar Grafika, 2016.\.

[10] R. Ali Rido dan Ahmad Gozali, Himpunan Peraturan Perundangan Hukum Dagang Dalam Surat Berharga, Perbankan dan Kepailitan, Bandung: RemajaKarya 1984.

[11] Roni Wiyanto, Asas-asas Hukum Pidana Indonesia, Bandung: Mandar Maju, 2012. Soerjono Soekanto, Pengantar Penelitian Hukum, Jakarta: UI Press, 2012.

[12] Sudarto, Hukum Pidana I, Semarang: Yayasan Sudarto, 1990.