



Crime of Fraud (Pig Butchering Scam) Through Social Media in the Perspective of Islamic Criminal Law

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Abstract - With the development of internet technology, there have been many positive impacts for users, but also significant negative impacts. One such negative impact is online fraud through social media, specifically the "pig butchering scam." This scam has become rampant in Indonesia in recent years, relying on social media to operate. Perpetrators use fake accounts and identities to offer fraudulent investments or freelance work, promising large initial profits. This study aims to understand the mode of pig butchering scam, identify its characteristics, and examine legal actions against it from both criminal law and Islamic criminal law perspectives. Using a normative juridical research method and a case approach, data were collected through library research from various literature discussing the pig butchering scam. The study found that these scams fall under the category of criminal acts of fraud as regulated in Article 378 of the Criminal Code. The results conclude that pig butchering scams via social media are criminal acts that can harm victims both materially and immaterially. Preventative actions are necessary, such as increasing public knowledge about investment and enhancing supervision of social media investment forms.

Keywords: pig butchering scam, scam, islamic criminal law, social media

I. INTRODUCTION

Pig butchering Scam is one of the Cybercrime models that are developing today (Megan Edwards, 2024). This crime is a scheme to commit fraudulent investments online (FinCen, 2023). The definition of Pig Butchering Scam is etymologically a pig slaughtering scam. Meanwhile, in terminology, it is a fraud with the mode of slaughtering pigs. Pig Butchering Scam is an internet fraud crime which is a trend that often occurs. The means are new, especially through investment, gaming, and collecting victims' funds unlawfully through financial management, among other means (Mengci Zhou, 2021).

So, what is meant by Pig Butchering Scam is a fraudulent scheme that is carried out such as when a farmer fattens his livestock before cutting it and then sells it. The scheme is used in the context of fraudulent crypto investments, so fraudsters will do it in the form of fattening potential victims by providing profits at the beginning using deception and sweet promises before reaping the money. In the case of the Pig Butchering Scam crime, the scammer usually analogizes his victim with a pig farm animal to gain trust. The process of luring victims and gaining trust here is called "pig farming" (pig fattening). Then, the perpetrator deceived the victim by taking a sum of money called "slaughtering pigs". Pig butchering scam has quite an interesting way of working. A scammer will usually make their Initial contact with potential victims is made via text messages through social media. Once the scammer receives a response, they continue to communicate periodically to build trust and establish a relationship. The scammer then entices the victim with an opportunity to invest in virtual

currency through an illegal website, promising significant returns. After the victim invests, the scammer provides them with impressive profits, even allowing the victim to withdraw some of these gains to further boost their confidence. This tactic encourages the victim to invest more money in the future. When the victim's investment rate slows down or stops, the scammer will use a more aggressive tactic to get the final payment. Then the scammer shows the victim the losses that should have occurred on the investment and encourages them to cover the difference through additional deposits. If the victim tries to withdraw their investment money, the scammer will immediately ask the victim to pay the claimed taxes or initial withdrawal fees. When the victim is unable or unwilling to pay more than requested, the scammer will immediately stop communicating with the victim, and eventually steal all the money from the victim's investment.

The losses due to the Pig butchering scam show a lot of data. One of the several victims of Pig Butchering is a 52-year-old man who is a citizen of the United States (US), let's call him "CY". In accordance with what was reported by Forbes, within a period of 3 months, namely in October-December 2021 (Forbes, 2022), CY invested his money with a total of around 1 million US dollars or around Rp. 15.2 billion. The money was stolen by the scammer named Jessica. While in Indonesia there are also frequent acts of Pig butchering scams, one of the victims is a 35-year-old woman with the initials "AA" from Pangalengan, Central Java, this was experienced in August. It started when AA made an introduction to a man who claimed to be from South Korea on Instagram. The form of the mode carried out is to seduce AA to invest his money in one of the fraudulent crypto platforms and promise to get a profit at the beginning (Kompas, 2022).

The perpetrators of this Pig butchering scam generally run their scams from various social media platforms such as WhatsApp, Instagram, Tinder, and Telegram. In the perspective of positive criminal law, the criminal act of Pig Butchering Scam is included in the category of criminal acts of fraud. So it can be enforced by Article 378 of the Criminal Code: "Whoever deliberately violates the law for the benefit of himself or others, by using a false name or false identity, through fraud or a series of lies, forces another person to hand over something or give him a debt or cancel a debt, then he is liable with a maximum penalty of 4 years".

In Islamic law, the form of punishment for fraudulent acts is not specifically discussed. So, based on the perspective of Islamic law, the crime of Pig butchering scam is classified as Jarimah Ta'zir. According to Abdul Qadir Audh and Wahbah Az-Zuhaili ta'zir, it is the act of prevention and rejection (*al man'u wa raadhu*) which means being able to prevent the perpetrator from committing the crime again. Ta'zir has the meaning of a form of educating (*attadiinu*), which is trying to make improvements to the actions of the perpetrators so that they are aware of the criminal acts they commit and stop committing these criminal acts (Muchlich, Ahmad Wardi, 2016). Fraud is not classified as jarimah hudud or qisash diyat which the form of punishment has been determined. So, the sanction of the crime of fraud is jarimah ta'zir where the punishment is determined by Uli al amri or the judge with consideration of the value of human benefit.

The rise of the problem of pig butchering scam cases is a reason why it must be discussed in this study with significant losses being the main reason for this research to be conducted. And there is still a lack of public understanding of the pig butchering scam fraud mode and also the weak law enforcement which is a driving factor for the rise of pig butchering scam crimes. There are several things that are of interest to the pig butchering scam crime discussed in this study, first, the *modus operandi* of pig butchering scam on social media, second, the various characteristics of pig butchering scam fraud, and third, how to take legal action against the perpetrators of the pig butchering scam fraud. This research on pig butchering scams presents several benefits, including academic benefits and practical benefits. Academically, this research is expected to be able to provide benefits in maximizing the treasures of science in the field of criminal law and provide a deeper understanding of pig butchering scams. Meanwhile, practically, this research is also expected to be able to provide benefits in the form of increasing public awareness regarding the dangers of pig butchering scams, assisting law enforcement officials in handling cases of pig butchering scam crimes,

as well as providing policy recommendations to prevent and overcome pig butchering scam crimes.

II. METHOD

This research uses a method in the form of a normative juridical method, as well as applying a case approach. The normative juridical method, also known as the doctrinal method, is a traditional legal research approach that focuses on analyzing and interpreting existing laws, legal principles, and legal doctrines. It relies on a thorough examination of statutory laws, case law, legal theories, and scholarly writings to derive legal conclusions. This method is primarily concerned with what the law is rather than what the law should be. It emphasizes the application of established legal norms and principles to particular cases or issues. Using the library research method, data collected based on documents that discuss the topic of pig butchering scam from various literature. By its nature, normative research tends to be more about document studies. After the data is collected, the data is analyzed descriptively and using content analysis. Descriptive analysis describes the data obtained as it is from the references taken by the researcher (Sukiati, 2016). In analyzing this study, the data obtained will be continued with the classification process. The next thing will be content analysis by applying legal interpretation and reasoning, as well as social arguments. And in the end, the data can be presented in the form of a clear and easy-to-understand sentence narrative.

III. RESULT AND DISCUSSION

1. Operandi Mode of Pig Butchering Scam Fraud

In the Pig Butchering Scam scam, there are various types of modus operandi carried out by the perpetrator. As for answering the problem regarding how to implement the pig butchering scam fraud scheme through social media according to the data that has been collected that has occurred on August 20, 2022, a woman from Pangalengan, West Java is a victim of fraud by a perpetrator who claims to be from Korea by inviting acquaintances by approaching in general from Direct Message (DM) with the aim of seducing and inviting victims to invest a certain amount of money on the fraudulent crypto application platform which causes the victim to lose money worth Rp.550,000,000. So that the modus operandi scheme applied by the perpetrators in the Pig Butchering Scam scam usually involves fraudsters who have relationships with the victims through social applications.

Pig butchering scam is carried out by the perpetrator in several stages, namely pig hunting, in the early stages the perpetrator carries out pig hunting, by identifying potential victims who will be targeted. Wang and Zhou revealed that at this early stage, the perpetrators conducted research to build an effective strategy that could be used to gain great profits, by seeking background information on potential victims before initiating contact. After that, the perpetrator continued by starting a conversation such as asking more deeply with the victim during their first interaction. In the second stage, referred to as the maintenance stage, Wang and Zhou's research identified that the perpetrator when interacting with the victim used a pre-prepared script regarding the approach with the aim of increasing the emotional relationship between the perpetrator and the victim. In the final stage, which is referred to as the pig harvest phase, the perpetrator begins to actively invite victims to participate in crypto investments. After successfully getting the victim to invest, the perpetrator often allows the victim to withdraw and give a small amount of profit to the victim with the aim of increasing the victim's confidence and their comfort with the process and technology (Wang, 2023).

The scheme of the modus operandi carried out by the perpetrator can vary depending on the social media platform used and the target victim. Among them are examples of modus operandi on different platforms, if from Facebook, the perpetrators usually always use fake profiles with interesting photos and life stories that convince the victims. The perpetrator may be attempting to join a group on Facebook related to the victims' interests to establish a connection between them. In addition, the perpetrator can also use Instagram in a way that the perpetrator of the scam always shows a luxurious lifestyle through Instagram to attract the attention of the victim. They started their action using Direct Message (DM) to establish

communication with potential victims. Perpetrators can also go through dating applications by pretending to find a partner to gain the trust of the victims. The perpetrator may also use personal information from the victim with the aim of manipulating them.

2. Characteristics of Pig Butchering Scam

The crime of Pig Butchering Scam has special characteristics, as for answering the problem of how the form of characteristics of the crime of pig butchering scam fraud through social media is in accordance with the data that has been collected that there are several characteristics of the crime of fraud committed with the Pig Butchering Scam scheme, including:

1) Criminal Syndicates Using Fake Identities

In contrast to fraud in general, the perpetrators of the pig butchering scam usually have arranged a multi-layered form of crime to manipulate and convince the hearts of potential victims in a more structured way. Therefore, the criminal syndicate of these perpetrators is more professional and displays quite attractive profiles (Liang, 2020). The perpetrator used a fake identity before carrying out his action using a fake name or photo.

2) The division of labor through social media

In carrying out the pig butchering scam there is a clear division of labor between the groups of perpetrators. Starting from the preparation stage before the fraud occurs, to the transfer and laundering of illegal funds after the pig butchering scam occurs, all stages involve teamwork and division of work using various social media platforms such as WhatsApp, Instagram, Facebook or the dating application Tinder. In the case of the pig butchering scam with the mode of doubling money, there is a team with an internal division of labor that has been prepared. The perpetrators have established labor division rules in their work and have a fairly controlled fraud process, mainly covering the categories "Materials", "Technology", "Speaking Skills", and "Money Laundering" (Yuewen, 2019).

3) Building Trust

After getting to know each other, the perpetrator usually has a more in-depth conversation to build trust with the victim. Pig butchering scam perpetrators use social media platforms to identify potential victims. Scammers try to build trust in potential victims through online interactions before directing victims to illegal investment platforms, which can ultimately deceive victims into financial losses (Pan, 2020).

4) Inviting Crypto Investments

At this stage, the perpetrator has succeeded in building trust in the victims, then the perpetrator tries to get the victim to invest in a fraudulent crypto platform with the lure of large profits by the scammer will explain to the victim to start a profitable investment opportunity in virtual currency and direct the victim to use an illegal investment website that has been designed to look completely legitimate controlled or manipulated by fraudsters.

5) Long Term

Fraud is generally relatively short which only needs to communicate with the victim through computers, mobile phones and commit fraud through communication skills and strict mechanisms. Therefore, there is no time and distance limit, only a simple electronic device is needed to start a scam (Yu, 2023). But it is different from the Pig Butchering Scam scheme which takes a longer time because after choosing a victim, the perpetrator must persuade the victim step by step, lure them into a trap, and deceive them after gaining trust.

3. Legal Actions Against the Crime of Pig Butchering Scam in the Perspective of Criminal Law and Islamic Criminal Law

The crime of Pig Butchering Scam is included in the category of fraud crimes, which according to Bruce D. Mandelblit, online fraud is a form of fraud that involves the use of social

media such as chat rooms, emails, message boards, or websites with the purpose of transacting with financial institutions such as banks and other institutions that have a relationship with them. He said that online fraud is a form of fraud with the use of the internet (Meilarati, 2017). Based on the data that has been collected, the crime of fraud using the Pig Butchering Scam scheme can be enforced under Article 378 of the Criminal Code: "Whoever with the intention to benefit himself or others by violating the law, by using a false name or false dignity, by deception or by a series of lies to move another person to hand over an object to him, or to give debts or write off receivables, threatened for fraud with a maximum prison sentence of 4 years".

Because of the criminal act of fraud that uses the Pig Butchering Scam scheme to cause losses on the internet, Article 378 of the Criminal Code can be linked (juncto) with Article 28 paragraph 1 of Law No. 11 of 2008 concerning Information and Electronic Transactions, namely:

"Everyone deliberately and without rights spreads false and misleading news that results in consumer losses in electronic transactions". As referred to in article 28 paragraph 1, criminal sanctions may be imposed in Article 45 paragraph 2 of Law No. 11 of 2008 concerning ITE which reads "Every person who meets the elements as referred to in article 28 paragraphs 1 and 2 shall be sentenced to a maximum of 6 years in prison and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)." Meanwhile, in Islam's own view, Islam provides prohibitions in any form of crime, one of which is a form of fraud, both directly and with online media intermediaries. As explained in Al-Quran Surah Al-Baqarah ayat 188:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

It means: "And do not eat the treasure among you in a false way, and (not) you bribe the judges with it, so that you may eat some of the treasure of others in the way of sin, even though you know."

This verse has the meaning that in using someone else's property by applying the wrong path will not be justified in Islamic law and is one of the haram actions. This is one of the relationships with the crime of fraud, because Islam also prohibits the act of fraud, namely that it is haram to eat a property obtained by deception which is classified as a haram act. Because Fraud is a crime from the actions of a person who aims to deceive others or commit tricks against rights in order to gain personal gain (Zainudin, 2007).

Nabi shallallahu 'alaihi wa sallam bersabda:

مَنْ غَشَّنَا فَلَيْسَ مِنَّا، وَالْمَكْرُ وَالْخِدَاعُ فِي النَّارِ

It means: "Whoever deceives, he is not among our group. Those who commit treason and deception are in hell."

(HR. Ibnu Hibban 2: 326. Hadits ini shahih sebagaimana kata Syaikh Al Albani dalam Ash Shahihah no. 1058).

Regarding the above hadith, Shaykh Muhammad bin Shalih al-'Uthaymeen (may Allah have mercy on him) said that, "Lying or deceiving others is a great sin because in the hadith the Prophet broke away from the perpetrator. Like this, it is a sign that what is done is a great sin." (Fathu Dzil Jalali wal Ikram, 9: 265). Based on the above hadith, the criminal act of Pig Butchering Scam is classified as an act of fraud. And in Islam there are no special rules that address this. So the reference that is often used is jarimah ta'zir. In Islamic law, criminal sanctions from fraudsters are not determined definitively by sharia'. Among the jurists, if a jarimah has not been punished by the shari'a, it can be called a ta'zir jarimah. So that the term ta'zir can be used for a punishment or for jarimah (Muchlich, Ahmad Wardi, 2016). Definisi Ta'zir menurut Al-syirazi is a punishment that is not regulated in Al-Quran and hadith that is related to criminal acts that violate the rights of Allah and His servants with the aim of providing lessons for the perpetrators (Al-Syirazi, Abu Ishak., 2010). If in determining the punishment with the source al-Quran is from the letter an-Nisa ayat 34 is the evidence that is the basis for the punishment ta'zir.

فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلرِّجَالِ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَإِنْ أُطِعْتُمْ فَلَا تَبْغُوا وَالَّتِي تَخَافُونَ نُشُورَهُمْ فَعِظُوهُمْ وَأَهْجُرُوهُمْ فِي الْمَصَاحِمِ وَأَضْرِبُوهُمْ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

It means: "Men become leaders for women because Allah gives some of them (men) more than others (women) and because they (men) provide for some of their possessions. Therefore a righteous woman is a woman who obeys Allah and takes care of herself when her husband is not around, because Allah has taken care of (them). The women whose marriages you fear, suck them up and separate them in their beds and beat them. So if they obey you, don't look for ways to annoy them. Indeed, Allah is the Most High and the Most Great."

Law ta'zir has various forms, Abdul Qadir Audah, an expert in Islamic criminal law, stated that some of the forms are in the form of warnings, threats, reprimands, abuse, and beatings. The second form is a form of imprisonment that is temporary detention, or a permanent punishment. Then the form of punishment for crucifixion (Hirabah). Rasulullah once gave the law of the cross to a man who was dubbed as Abu Nab (HR. Abu Dawud and Ahmad bin Hanbal). And the last is the death penalty. In accordance with sabda Rasulullah : Whoever destroys your unity under a leadership and seeks to divide you, kill that person (HR. al-Jama'ah mayoritas ahli hadits). (Abdul Kadir Audah, 1987)

Law ta'zir has to do with some of the evils confirmed by Al-Qur'an dan Al-Hadis However, the sanctions are not regulated. For example, acts of fraud, false witnesses, gambling, insults, and so on. Thus, the appropriate punishment for the perpetrators of the pig butchering scam is jarimah ta'zir which means that the punishment is handed over to the government (ulul amri), especially the judge determines the punishment based on the ijtihadnya, It can have a positive impact on prevention (prevention), repressive (detering perpetrators), curative (islah / improvement), and educational (education) for perpetrators, and is based on consideration of the value of mutual benefit.

IV. CONCLUSION

This study concludes that the crime of pig butchering scam is included in the category of fraud crimes committed in various modes through various social media platforms. So based on the results of the discussion of this study, it is possible to understand the various forms of modes of pig butchering scam crimes, one of which is the most common mode of starting to get acquainted with potential victims through social media. The crime of pig butchering scam also has characteristics such as criminal syndicate groups that use fake identities, division of labor through social media, building trust in victims, inviting victims to invest in illegal crypto, and requiring a long period of time. Because the crime of pig butchering scam is classified as a crime of fraud, the act is subject to article 378 of the Criminal Code with a maximum prison sentence of 4 years. Meanwhile, in the view of Islamic criminal law itself, the punishment that deserves to be given to the perpetrators of pig butchering scams is in the form of ta'zir law because in Islamic law, there is no specific discussion related to the crime of fraud. So, the act of online fraud that uses the Pig Butchering Scam scheme is included in the category of jarimah ta'zir where the form of punishment and decision of the sanction of the crime of fraud itself is determined by Uli al amri or to the Judge and makes considerations in accordance with the value of the common benefit.

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