

## Implementation Of The Law Against Playing Victims Who Harm The Police Institution (Case Study Of Percut Sei Tuan Police Station)

Sugih Ayu Pratitis<sup>1</sup>, Muslim Harahap<sup>2</sup>, Dearma Sinaga<sup>3</sup>, Mhd. Ansor Lubis<sup>4</sup>,  
Gerald Elisa Munthe<sup>5</sup>  
[sugihayu85@mail.com](mailto:sugihayu85@mail.com)

<sup>1,2,3</sup>Faculty of Law, Universitas Harapan Medan, Indonesia

<sup>4</sup>Faculty of Law, Universitas Medan Area, Indonesia

<sup>5</sup>Faculty of Law, Universitas Darma Agung, Indonesia

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### Abstract

This research aims to find out about legal regulations related to playing victims who cause harm to other parties, to find out the steps taken by POLRI in dealing with playing victims, and to analyze cases of spreading hoax news by playing victims at Percut Sei Tuan Police Station. By using empirical legal research methods, this research examines the problem by taking examples of real cases that have occurred in the community. Empirical legal research methods study law as actual behavior and unwritten social phenomena, which occur in the midst of community life. Therefore, empirical legal research is also known as sociological legal research. The results showed that positive law in Indonesia does not provide a detailed explanation of the sanctions for playing victim. Such actions can have serious implications and can be punished by various articles in the Criminal Code, for example Article 311 of the Criminal Code, Article 378 of the Criminal Code, and others. The handling of perpetrators who pretend to be victims or known as “playing victim” is part of the responsibility of the National Police in maintaining public order and security.

## I. Introduction

Indonesian citizen is obliged to obey the rule of law enforced in Indonesia, in line with Article 1 paragraph 3 of the 1945 Constitution. The law consists of rules that must be followed, which regulate human behavior in their legal relationships with other communities, which are designed and ratified by the relevant official institutions. Any violation of these rules will certainly lead to strict action in the form of certain penalties. Thus, law functions as a means of social control and a system that regulates behavior that is considered correct.

The development of society in the modern era that goes hand in hand with science and technology (IPTEK) which is increasingly progressing, certainly requires legal policies that can function to regulate and protect society in order to achieve prosperity. The emergence of new types of crimes as a negative result of changes in society and advances in science and technology today requires more effective handling through various prevention efforts. In short, the more complicated the problems that arise in society, the law enforcement officials to deal with modern crimes require a comprehensive update and development of the criminal law system. This includes the development of culture, structure, and substance of criminal law.

Playing victim is nothing new. Playing victim behavior is included in manipulative attitudes. Playing victim is a form of manipulative behavior, where a person behaves as if they are the victim in a bad situation, but in fact the person is the cause of the bad situation. Playing victims tend to blame other individuals for their mistakes. Accusations against other individuals who have done nothing wrong are clearly lies. Accusing someone without knowing the truth and without valid evidence is a form of slander. In addition, in playing victim, the perpetrator not only corners and blames others, but also manipulates the situation. Changing the role of himself who is the perpetrator into a 'victim' or victim of another individual's actions.(Perpustakaan et al., 2023)

The hoax news spread by the perpetrators of playing victim through social media repeatedly results in many public opinions unilaterally blaspheming the aggrieved party. Therefore, it is necessary to have a wise attitude in receiving information through social media to be able to filter every information seen.

Basically, laws and rules are established to provide services for the people in the hope of realizing order, security, welfare, and justice. Although laws are

designed to be binding for every citizen and force them to comply, violations and irregularities still occur. To deal with this, the state, through its enforcers, must act decisively in enforcing the rules. One step taken by the state is to form and legalize Law Number 81 of 1981 concerning Criminal Procedure Law (KUHAP).

In the Criminal Justice System (criminal justice practice), the Police are a component of law enforcement, having the authority granted by positive law to carry out investigative actions in a crime case, in line with the rules of criminal procedure (KUHAP). The main obligations of POLRI as stated in Article 13 of Law Number 22 of 2002 concerning the Indonesian National Police are:

- a. Maintain security and order in the community;
- b. Enforce the law; and
- c. Provide protection, protection, and services to the community.

Furthermore, Article 14 paragraph (1) letter g of the Police Law stipulates that in the implementation of the main authority listed in Article 13, POLRI is responsible for investigating and investigating a crime based on the rules of criminal procedure and other applicable rules. (Victor Imanuel W Nalle, 2013). This research focuses on, First, How is the legal regulation of the perpetrator of playing victim which causes harm to others? And Second, How do the police act in handling playing victim offenders? And three, How is the analysis of hoax news cases spread by playing victims against Percut Sei Tuan Police?

## 2. Research Method

This research applies the empirical legal research method, where law is studied as a factual action or an unexpressed collective phenomenon, which occurs and is felt by individuals in their interaction with society. Because of this, empirical legal research is often described as sociological legal research. In general, there are two types of empirical legal research. Namely, the first is sociological juridical legal research and the second is legal sociology research. This research focuses on normative legal research (legislation). The purpose of juridical sociological research is to analyze and reveal the dimensions hidden behind the implementation of laws and regulations that appear explicitly. Furthermore, legal sociology research requires researchers to view law from a different perspective. In the study of legal sociology, law is seen not only as a system of norms contained in laws and regulations, but also as a social phenomenon that is

structured, institutionalized, and gains recognition and legitimacy in the social context. (Muhaimin, 2020).

### 3. Results and Discussion

#### Legal Arrangements for Playing Victims Who Caused Harm to Others

Playing victim is a strategy to position oneself as a victim or a wronged person in order to deceive the opponent and the surrounding environment.(Piliang & Mulyadi, 2020).The perception of “playing victim” is similar to the act of slander in terms of manipulating the perception of an event or situation, as both involve accusations against other individuals. However, in the concept of “playing victim,” the individuals involved not only make accusations against others, but also manipulate the dynamics of the situation by changing their position from perpetrator to victim caused by the actions of others.(Sihaloho et al., 2023)

Criminals often have a manipulative mindset and behavior. David Matza calls this phenomenon neutralization techniques, which basically explains that criminals often try to twist the facts or find justifications for their actions. This is commonly known as playing victim, where the perpetrator tries to position themselves as the victim, while the real victim is forced to be perceived as the perpetrator.(Alam, 2022).

Indonesian positive law does not in detail regulate sanctions against the perpetrators of playing victim, because the rules in criminal law, individuals cannot be sanctioned on the grounds of claiming themselves as victims, especially if there are no parties who suffer losses. This is also explained by Moelijatno who translates the term *starfbaar feit* as a criminal act, which is an act that is not allowed and is punishable for anyone who violates the prohibition. In other words, the act must not interfere with or obstruct the common goals of society and public order. (Wahyuningrum, 2021)

“Playing victim” cases cannot always be processed through the judicial mechanism, considering that the fundamental objectives of the law enforcement series are:

1. Avoiding the existence of criminal victims in society.
2. Resolving crimes that occur, so as to achieve social satisfaction for upholding justice and punishing the perpetrators.
3. Trying to reduce the possibility of recurrence of crime by the perpetrator through rehabilitation or prevention. (Wahyuningrum, 2021)

Criminal acts do not always arise due to the will of the perpetrator alone; sometimes criminal acts can arise as a result of the “playing victim” role played by the victim, or in some circumstances, the victim and perpetrator can conspire to carry out the crime, where both parties share roles in the implementation of the criminal act. Unfortunately, such matters are not addressed in the Criminal Code. (Panjaitan, 2022) Playing victim is different from victim. The victim is the one who gains public sympathy. People who often play the role of a victim (playing victim) usually do so to gain sympathy or pity from others, and some even use it to avoid responsibility for their own actions. The playing victim technique is a way for a person to present himself as a victim or a party who is constantly oppressed, feels a minority, is slandered, or attacked by other parties, with the aim of gaining public sympathy while shifting accusations or responsibility to other parties. The purpose of playing victim is to influence public opinion, so that other people or groups are blamed, while the perpetrator tries to build a self-image as a good and righteous individual, who is the victim of oppression by those who are considered evil.(Sugali, 2018)

In a playing victim situation, the role of the victim becomes multifunctional (double), where on the one hand the victim acts as a trigger for criminal acts, while on the other hand the victim is still considered a party who is harmed. Playing victim shows that the victim has an important role in the occurrence of criminal acts, and can even be considered as one of the parties controlling the course of criminal acts. “The victim is included in the participatory category, meaning that the victim has an active role in the occurrence of a criminal offense.” Although 'victims' play a dual role in criminal events, the current regulatory system does not examine in depth the process by which criminal acts occur or the extent of the victim's involvement in the act in question. Criminal law tends to focus on identifying the perpetrator of the crime, without paying attention to the factors that underlie or cause the act to occur.(Panjaitan, 2022)

The perpetrators of playing victim usually spread fake news (hoaxes) in order to attract sympathy from many people. Hoax is false information or news that is deliberately spread to cause chaos, with invalid data or information used. Sometimes, hoaxes are spread to influence a person's thinking, which can lead to erroneous views due to the influence of growing opinions. In the case of spreading fake news and hoaxes, regulations and law enforcement mechanisms tend to emphasize the handling of criminal offenders, while victims of these cases tend not to get enough attention or protection.(Pranesti & Arifin, 2019).

In order to reduce the spread of 'hoax news' and prevent the negative side that can be widespread, the government has provided regulations. Some regulations related to the spread of hoax news:(Pranesti & Arifin, 2019)

a. Kitab Undang-Undang Hukum Pidana (KUHP)

1. Article 311: “If the person who commits the crime of defamation in writing is allowed to prove beforehand that what is alleged is true, does not prove it, and what is known to be done is contradictory, he shall be punished by a maximum imprisonment of four years for slander.”

In relation to Article 311 paragraph (1) of the Criminal Code, R. Soesilo in his work “Kitab Undang-Undang Hukum Pidana (Criminal Code) Serta Komentar- Kentarnya Lengkap Pasal Demi Pasal” argues that the acts regulated in the article are classified as 'criminal acts' of slander. In relation to this article, R. Soesilo refers to his explanation of Article 310 of the Criminal Code No. 3, elaborating on the concept of defamation. In order to be categorized as defamation, the defamation must be made by “accusing a person of having committed a certain act,” where the aim is for the accusation to spread and be known by the public. (Jayanti, 2023).

2. Article 378: “Any person who, with intent and purpose to unlawfully benefit himself or to benefit another person, by using a false name or false dignity, or by deceit, or by a series of lies, causes another person to move or deliver a thing to him or to cause him to give a debt or to cancel a debt, shall be punished by a maximum imprisonment of four years on account of fraud.”

The Kamus Besar Bahasa Indonesia provides a definition of fraud as an action that stems from the root word “tipu,” which includes untrue actions/words (such as lies, falsehoods, and the like) that aim to mislead, deceive, or gain an advantage by unlawful means. In this case, fraud refers to a set of processes or techniques applied to intentionally commit an act of deception or forgery. The Criminal Code, particularly Article 378, contains the general crime of fraud (oplichthing). While fraud in a special form is contained in Chapter XXV of Book II of the Criminal Code, which regulates various descriptions of fraud related to property, contained in 20 articles with each using specific terminology. All articles in Chapter XXV are known as bedrog/fraudulent acts. (Mardina, 2022).

- b. Law No.1/1946 on Criminal Law Regulation Article 14 paragraphs (1) and (2) and Article 15.

1. Paragraph 1: “Any person who intentionally broadcasts false news and intentionally creates disturbance among the public shall be punished with a maximum imprisonment of ten years.”
  2. Paragraph 2: “Any person who broadcasts news or issues news that may create a disturbance among the people, while he reasonably suspects and believes that the news is false, shall be punished by a maximum imprisonment of three years.”
  3. Article 15: “Any person who intentionally disseminates false news or exaggerated news while he knows and understands or at least reasonably suspects that the news is false, so as to cause a disturbance among the people, shall be liable to a maximum imprisonment of 2 years.
- c. Law no. 19 Year 2016 on Electronic Information and Transactions
1. Article 27 paragraph (3): “Every person intentionally and without right distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that contain insults and/or defamation.” The article prohibits individuals from intentionally and without authorization distributing or disseminating electronic documents containing insults or defamation. Then the Explanation of Article 27 Paragraph (1) explains that:
    - a. “Distribute” refers to the act of sending and/or disseminating Electronic Information and/or Electronic Documents to a group of individuals or various parties through an Electronic System.
    - b. “Transmitting” refers to sending Electronic Information and/or Electronic Documents to other parties through an Electronic System.
    - c. “Making accessible” refers to any action, other than distributing and transmitting through an Electronic System, that causes Electronic Information and/or Electronic Documents to be accessible or known by other parties or the public.
- R. Soesilo argues that insult is a criminal act, because insult is an act that is made intentionally and aims to damage the good name of a particular individual, starting with a criminal intent to defame the dignity or reputation of another person. If an act of criticism is followed by an act of insult, therefore, what is sanctioned under the sanction is not the act of criticism itself, but the act of insult that accompanies it.(Supiyati, 2019).
2. Article 28 paragraphs (1) and (2)

Paragraph 1 states “any person who intentionally and without having the right to disseminate false and misleading news which then results in harm to consumers in

electronic transactions.” This article contains the following elements:

- 1) All persons/individuals;
- 2) The element of intentionality and having no rights;
- 3) Spreading false and misleading information;
- 4) Causing harm to consumers in electronic transactions.

Paragraph 2 states “every person who intentionally and without rights conducts and disseminates information aimed at creating a sense of hatred or hostility based on ethnicity, religion, race, and intergroup to certain individuals and/or community groups.”

The act of pretending to be a victim can also be categorized as false reporting or providing false information to the authorities. In Indonesia, this is contained in several articles, among others:

1. Article 220 of the Criminal Code which reads “any person who informs or complains that a punishable act has occurred, knowing that it has not actually occurred, shall be punished by imprisonment for a term not exceeding one year and four months.”

A false report refers to the submission of inaccurate or untrue information, information or notification about an event. Although the law does not expressly define a false report, the act is still punishable under the provisions set out in Article 220. An individual can be sentenced for a false report if they meet the criteria contained in Article 220 of the Criminal Code, including:

- a. There is a legal subject or person who commits an act.
  - b. There is an act of giving information or reporting a criminal act.
  - c. The criminal act reported or informed does not occur or is not committed.
  - d. The sanction for the act is imprisonment with a maximum of 1 year and 4 months.
2. Article 242 of the Criminal Code: Provides for the submission of false testimony under oath.

If a false complaint has been filed in the trial process, then the perpetrator can be subject to sanctions related to providing false information in accordance with the provisions listed in Article 242 paragraph (1) and paragraph (2) of the Criminal Code, which reads:

- a. Any individual in a situation where the law requires the giving of testimony under oath/which has legal consequences for such testimony, who then intentionally gives false testimony under oath, either orally or in writing,

either personally or through an appointed attorney, shall be punished with imprisonment with a maximum duration of seven years.

- b. If the giving of false testimony under oath occurs in a criminal case that results in harm to an innocent defendant or suspect, the perpetrator may be subject to imprisonment with a maximum duration of nine years.

Article 220 of the Criminal Code above clarifies that the submission of false statements or complaints must be related to a criminal act. It is sufficient for the false statement or complaint to provide information about the material elements and the punishable act. This can lead to the submission of false information, although not necessarily intentionally, and without regard to the purpose of the act.

Playing victim is the act of blaming another for the wrongdoing, by creating a situation in which the accused individual is the one who did the wrongdoing, while being the victim of that person's actions. If an individual adopts the role of a victim by accusing another party of being the perpetrator, even though they themselves are responsible for the criminal offense, then the individual can be sanctioned according to the actions they have committed, as previously described. However, in order to be prosecuted, the act must fulfill the elements of a crime and the requirements that apply in the Indonesian justice system.

Playing victim can be considered an outright lie and has the potential to undermine legal justice. In Indonesian criminal law, the act of playing victim has serious implications and can be charged under various articles in the Criminal Code. It not only harms the falsely accused individual but also undermines the integrity of the criminal justice system. Therefore, it is crucial for parties to understand and avoid this kind of action in order to uphold justice and fair laws. Playing victim can also interfere with a fair trial. It can lead to a party being made a suspect or defendant without a legitimate basis. In this context, such actions may be perceived as an attempt to obstruct law enforcement or mislead the judicial process.

The most famous case of playing victim in Indonesia is the spread of hoaxes by Ratna Sarumpaet. In 2018, Ratna Sarumpaet, who participated in the Prabowo-Sandi team, was implicated in a case of spreading false information in 2018. As a public figure, Ratna Sarumpaet was able to easily gain public sympathy. She tried to shape public opinion by distorting facts to attract the attention of the crowd. In this context, the act can be categorized as “playing victim,” where Ratna Sarumpaet tried to portray herself as a victim of persecution by certain parties, even though the wounds on her face were actually the result of a plastic surgery procedure performed at a

beauty clinic. Ratna Sarumpaet's main motive in playing victim was to cover up the fact that she had undergone a plastic surgery procedure and utilize the situation for political gain. This was reflected in her claim that she was attacked by a group of individuals she called “devils,” which seemed to be aimed at attacking Prabowo Subianto's political opponents.

The case involving RS in the act of playing victim can be categorized as a hoax, where the act of “playing victim” is used as a strategy to manipulate public opinion, spread false information, and create chaos or uproar among the community. RS was found guilty and charged with Article 14 paragraph (1) of Law Number 1 Year 1974 related to the lies he committed, which caused unrest in the community. In this case of spreading false news, RS was sentenced to 2 years in prison by the panel of judges of the South Jakarta District Court in 2019.

#### Police actions in handling perpetrators playing Victim

The role of law enforcement plays a crucial role in eradicating all forms of criminal acts. As one of the state institutions at the forefront, the Police have the main responsibility in maintaining public security. This responsibility is a basic obligation of the Indonesian National Police (Polri), which is regulated in the provisions of Law Number 2 of 2002 concerning the Indonesian National Police. The main authority of the Polri is explained in Article 13 of Law Number 2 of 2002, which includes:

- a. maintaining security and public order;
- b. law enforcement;
- c. protecting, nurturing and providing community service facilities.

The role of the National Police in Article 1 paragraph (5) of Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia, namely:

“Security and public order is a dynamic condition of society as one of the prerequisites for the implementation of the national development process which is characterized by the guarantee of order and the rule of law and the maintenance of peace which contains the ability to foster and develop the potential and strength of the community in counteracting, preventing, and overcoming all forms of lawlessness and other forms of disturbance that can disturb the community”.

However, if you understand the elements in the act of playing victim committed by someone, it is not uncommon to find playing victim actions that meet the elements of a criminal offense. In addition, the act of playing victim is also very troubling and can divide

society, lead opinions, and can even taint the names of other people. Therefore, this action must be handled so that no party is harmed.

The task of the National Police in maintaining security and order in society aims to create conditions that are free from fear and anxiety, ensure legal certainty, and prevent violations of applicable legal norms. To achieve this, the Police take preventive and repressive measures. Preventive measures are a coaching approach by nurturing, protecting, and providing appropriate services to the community so that the community can be safe, orderly, and comfortable in carrying out their activities. Preventive measures aim to prevent the meeting between evil intentions and opportunities, so that crimes or criminal acts can be prevented before they materialize.

Referring to the Decree of the Menhankam/Pangab No. Skep/B/66/1972, community security is defined as (Gaussyah, 2014):

- a) A sense of freedom from harassment, physical or mental;
- b) A sense of certainty that eliminates worry, doubt, and fear;
- c) A sense of protection from all forms of harm; and
- d) A sense of peace and tranquility, both outwardly and inwardly.

Public order is a condition in which the atmosphere runs in an orderly manner, which encourages enthusiasm and productivity in an effort to achieve prosperity for all members of society. Order itself refers to regularity, which is a state in which everything runs systematically. Order reflects a situation that is in harmony with positive law. (Gaussyah, 2014).

Playing victim is an act committed by an individual who claims to be a victim, but is actually not. In this context, the role of the police is very important in dealing with perpetrators who play the role of victims. POLRI must be able to conduct effective and efficient investigations to reveal the truth and enforce the law.

POLRI has a very important role in dealing with perpetrators playing victim. POLRI must be able to conduct professional and truth-oriented investigations. POLRI must be able to collect strong evidence and enforce the law fairly and transparently. The police must also be able to provide protection and protection to victims, and serve the community optimally. In carrying out its functions, the police have general authority. This is contained in Article 15 paragraph (1) of Law Number 2 of 2002 concerning the Police. Some of these functions include receiving reports and complaints submitted by the public, providing assistance in resolving disputes between citizens that have the potential to disrupt social stability and monitoring the flow of thoughts that have the potential to divide or threaten national integrity and unity.

Fundamentally, the law plays a crucial role in ensuring that interpersonal relationships in society work well, as there is a mutual interaction between law and society. The criminal justice system must continue to prioritize the enforcement of legitimate legal principles and substantive justice, taking into account aspects of normative and distributive justice at every stage of the legal process. Regardless of the theory of justice adopted or applied, the definition of justice should include the principles of integrity, objectivity, and the appropriate application of punishment and reward. Basically, the police must carry out their burden of performance well, namely law enforcement, maintaining order and providing a sense of security for the community, working according to the ethics of service, protecting and guiding the community so that the community is safe and peaceful.(Destiani et al., 2023).

Handling offenders who pretend to be victims, or what is often referred to as "playing victim," is part of the duties of the Indonesian National Police (Polri) in maintaining public order and security. Some of the Police's actions in handling playing victims are as follows:

1. In-depth Investigation: Polri will conduct an in-depth investigation to identify whether the perpetrator is truly a victim or just pretending to be one. This involves interviews, examination of evidence, and examination of witnesses.
2. Monitoring: The police may conduct monitoring of the perpetrator to gather evidence that can support or refute their claims. This includes the use of technology, such as CCTV, in tracing the veracity of the perpetrator's statements.
3. Consultation with Experts: In some cases, the police may consult with psychologists or psychiatrists to help assess the perpetrator's mental state and whether they are behaving as a victim intentionally.
4. Collaboration with Related Institutions: The police have the possibility to collaborate with other institutions, such as the Women's Empowerment and Child Protection Agency (BP3A) or the Witness and Victim Protection Agency (LPSK), in order to strengthen efforts to handle cases involving perpetrators who use playing victim tactics.
5. Community Education: The police can also conduct community education activities on the impact of playing victim and the legal actions that can be applied if there is evidence that someone is pretending to be a victim.
6. Legal Prosecution: If the perpetrator is found guilty of playing the victim for a specific purpose, the Police can take legal action in accordance with applicable laws, such as prosecution and sanctions.

The handling of playing victim offenders is important to maintain the integrity of the

law and prevent abuse of the justice system. must carry out their duties with high accuracy to ensure that each case is handled objectively and in line with positive law. To deal with issues related to the practice of playing victim, it is necessary to deepen efforts through a comprehensive investigation process, followed by classifying the types of playing victim acts within the framework of certain criminal offenses. This aims to determine whether the action violates the rules, so that proportional sanctions can be applied and in accordance with the nature of the offense committed. Both in the context of handling playing victim actions, the police must be based on the code of ethics and other applicable regulations, especially paying attention to human rights in every process of fulfilling their responsibilities.

#### Case Analysis of Hoax News Spread by Playing victim against Percut Sei Tuan Police Station

A case that occurred at the Percut Sei Tuan Police Station, Deli Serdang, North Sumatra, which attracted public attention was the case of a housewife with the initials DNS. This case really shocked the public, especially among influencers who voiced justice for DNS. This case came to the public when DNS vented on social media that DNS had been a victim of domestic violence by her husband (now ex-husband). In addition, DNS also claimed to have been abandoned along with her three children and claimed to have been cheated by her husband and in-laws in 2018 amounting to Rp.80,000,000-; (eighty million rupiah). Then DNS also said that her 5-year-old daughter had been raped by the father of the boarding house where DNS lived.

The spread of the case against Deasy Natalia Br Sinulingga (DNS) caused sympathy from the public at large for the events she experienced. In fact, due to the virality of the case, DNS was invited to be a speaker on one of the most popular television broadcasts. This also attracted the attention of a number of lawyers, including figures such as Hotman Paris (22) and 22 Lawyers from the Community of Advocates for the People (KAUM) (23). In his statement on social media, DNS also claimed that he received unpleasant treatment from the police.

Polda Sumatera Utara (Sumut) melalui akun media sosialnya memberikan penjelasan mendalam mengenai penanganan laporan terkait Indikasi adanya perbuatan pidana berupa penelantaran terhadap anak dan istri yang dilaporkan oleh DNS. Pelaporan tersebut tercatat dalam registrasi LP/429/II/2021/SUMUT/SPKT II pada tanggal 25 Februari 2021, dengan Muhammad Ihsan Fadly (MIF) sebagai terlapor. Dalam laporan

yang disampaikan, DNS, yang tinggal di Dusun XIII, Pasar IX, Desa Bandar Klippa, Kecamatan Percut Sei Tuan, Kabupaten Deli Serdang, mengklaim sebagai istri sah dari MIF, yang diduga tidak memenuhi kewajibannya untuk memberikan nafkah kepada dirinya dan anak-anak mereka, serta terlibat KDRT di rumah mertua. Insiden yang menjadi dasar laporan ini terjadi pada 20 Oktober 2020, ketika DNS mencoba untuk meredakan perselisihan antara anaknya dan anak adik iparnya. Namun, terjadi kesalahpahaman pada adik ipar korban yang menganggap bahwa DNS telah melakukan kekerasan fisik terhadap anaknya, yang selanjutnya memicu tindakan kekerasan dari adik ipar tersebut terhadap DNS. Di sisi lain, mertua laki-laki Deasy turut melakukan tindakan pembekapan terhadap korban, yang mengakibatkan DNS merasa lemas dan tak berdaya. Sebagai dampak dari insiden tersebut, DNS diusir dari kediaman orang tua suaminya, dan pada tanggal 23 Oktober 2020, ia memutuskan untuk meninggalkan rumah tersebut bersama kedua anaknya, kemudian menetap di rumah pamannya, Rudi. Sejak peristiwa tersebut, DNS melaporkan bahwa suaminya tidak memenuhi kewajiban nafkah, baik secara materiil maupun emosional.

The analysis of the DNS case above shows that neglect in the context of domestic life, whether committed by a husband or wife, can be used as a basis for reporting and can be subject to legal sanctions. This neglect falls under the category of neglect of the obligation to care for the wife and children, which is regulated in Article 9 of Law No. 23/2004 on the Elimination of Domestic Violence (UU KDRT). The article emphasizes that every individual is prohibited from neglecting family members in the household, especially when the individual has a legal or agreement-based obligation to provide alimony, care, or maintenance. In the context of the alleged domestic violence experienced by DNS, the legal steps taken by DNS by reporting the incident to the authorities are in accordance with existing regulations.

DNS filed a report with the North Sumatra Police regarding criminal acts of neglect of children as well as wives and alleged domestic violence (KDRT). After the police conducted an investigation and investigation into the report submitted by DNS, it was found that her husband continued to provide living allowances, as evidenced by evidence of money transfers to the complainant and a number of testimonies from witnesses. Based on this, the investigator decided to stop the case process by issuing a Letter of Termination of Investigation (SP3) due to lack of evidence. In this case, if there is no supporting evidence, then the police action to stop the ongoing legal process is appropriate and legal. Police discretion, as the authority to take appropriate action to deal with rule violations, is the basis for solving existing legal problems. Discretionary action by the police is carried out

through the process of penal mediation. 'Penal mediation' is an option for resolving criminal cases outside the formal legal process. In practice, case resolution is carried out through deliberation facilitated by investigators. After an agreement is reached, the victim withdraws the report to the investigator, who then issues a Letter of Discontinuation of Investigation (SP3) on the grounds of lack of evidence, so that the case is not continued. (Lasmadi et al., 2019). If DNS does not accept the decision of the police to dismiss the case due to lack of evidence, it should be able to pursue other legal remedies.

DNA had also previously filed a report against the former Percut Sei Tuan Police Chief, who at the time tried to calm her down and asked Deasy to come to the police station to continue the report process. However, instead of continuing the legal process, Deasy was reported again with allegations of persecution. In relation to the case being handled by Medan Police Station and Percut Sei Tuan Police Station, mediation efforts have been made several times, although Deasy was not present during the process. The Head of Public Relations explained that in the cases handled by the Criminal Investigation Unit of Medan Police and Percut Sei Tuan Police, involving reports from DNS, there were two reports with case status that had reached the P19 stage. On the other hand, reports on alleged persecution involving DNS as the reported party include three reports that are currently under investigation by Medan Police investigators. This case is a dispute between DNS and the family of her ex-husband, where one of the reports stated that the former Percut Sei Tuan Police Chief had committed acts of maltreatment, despite the fact that the Police Chief attempted to play a role in the mediation process. In addition, Deasy was also listed as a reported party in a maltreatment case registered in LP/1806/IX/2021 on September 14, 2021, with the complainant Rudi Jonni L. Tobing. Until now, the first and second summonses to the reported party, Deasy, have been carried out, but she has not fulfilled the summons. Deasy was also captured in a video showing the tension between her and the people who were making a report at Percut Sei Tuan Police Station.

Penal Mediation is a method in law enforcement that implements the principles of Restorative Justice, which is now considered a more advanced approach. In line with Marc Levin's view, an approach that was previously considered obsolete and old-fashioned is now seen as an innovative approach. According to Barda Nawawi Arief, the use of penal mediation in the resolution of criminal cases is driven by the idea of reform in criminal law, which is related to issues of pragmatism, victim protection, harmonization, and restorative justice. Penal mediation also aims to overcome formal rigidity in the criminal system as well as the negative impact of the existing punishment system, and become an alternative to imprisonment. Therefore, police efforts that prioritize mediation as the first

step are in accordance with applicable regulations.

On social media, Desi also claimed that her child had been sexually abused by the owner of a boarding house in the Medan Johor District, where Desi was staying at the boarding house at that time. Desi claimed that the sexual harassment case experienced by her child was not handled by the police, even though in November 2021, Desi had reported the case to Medan Police Station. The Head of Public Relations of the North Sumatra Police, Kombes Pol Hadi Wahyudi, said that there was no police report regarding the alleged sexual harassment incident. Medan Police said that they had advised Deasy Natalia Beru Sinulingga to make a police report regarding the harassment of her child so that a visum could be done, but she refused to do a visum because the reason was that she had been taken to a midwife, then the police asked for a certificate from the midwife concerned, but she could not show the letter to the police, and finally Deasy Natalia Beru Sinulingga left Medan Police Station and did not make the report until now. (Astuti, 2023). Article 1 point 25 of the Criminal Procedure Code (KUHP) defines a complaint as a formal notification accompanied by a request from an interested party to an authorized official to take action against an individual suspected of committing a complaint criminal offense that harms that party. A complaint refers to a notification submitted by a party involved or a victim harmed by a criminal act to the competent authority, with the aim that the case can be immediately processed further. In the case of a complaint crime, legal charges can only be filed if there is a complaint or request from the affected party or victim, or from a party who has the right to file a complaint regarding the criminal event. The complaint serves as a request from the victim to ensure that the perpetrator is brought to justice in accordance with applicable legal provisions. The party filing the complaint is the main requirement for the prosecution of the criminal offense. Complaints can only be filed within six months after the complaining party gains knowledge of the act that has been committed. . (Arnando, 2019). Therefore, DNS as the guardian of his child should first make a complaint regarding the case of harassment experienced by his child so that it can be processed according to applicable law. In addition, there needs to be sufficient evidence so that it can be followed up.

The case against Deasy Natalia Br Sinulingga (DNS) that spread in cyberspace certainly had a negative impact on the police, especially the Percut Sei Tuan Police. This case has created a sense of sympathy from the wider community for the events experienced by DNS even though the truth has not been proven. In this case DSN twisted many facts but and positioned himself as a victim or an injured individual with the aim of deceiving the enemy or the surrounding community, who deserved justice and sympathy. Then DNS

also accused the police of being irresponsible and unwilling to help underprivileged people. As a result of the viral case, many people stated that the police did not carry out their duties properly and were arbitrary and slow in handling cases. This has caused the image of the police to become bad in the eyes of the public. Whereas the Percut Sei Tuan Police have made maximum efforts in handling the case experienced by DNS in accordance with applicable legal provisions.

#### 4. Conclusion

Indonesian positive law does not detail sanctions for individuals who engage in playing the victim. These actions have serious implications and can be charged under various articles in the Criminal Code. The perpetrators of playing victim usually spread fake news (hoaxes) in order to attract sympathy from many people. Related to the spread of hoax news is regulated in the provisions of Article 311 of the Criminal Code, Article 378 of the Criminal Code, Law No.1 of 1946 concerning Criminal Law Regulation Article 14 paragraph (1) and (2) and Article 15, Law No. 19 of 2016 concerning ITE article Article 27 paragraph (3), Article 28 paragraph (1) and (2). The act of pretending to be a victim can also be categorized as a false report or providing false information to the authorities as stipulated in the provisions of Article 220 of the Criminal Code and Article 242 of the Criminal Code. Some of the Police's actions in handling playing victim perpetrators are to conduct in-depth investigations to identify whether the perpetrator is really a victim or just pretending, conduct monitoring to collect evidence that can support or refute the reporter's claims, consult with experts to help assess the perpetrator's mental condition, educate the public about the impact of playing victim behavior and its legal actions. The DNS case created a sense of sympathy from the wider community for the events experienced by DNS even though the truth has not been proven. This has caused the image of the police to become bad in the eyes of the public. Even though the Police

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