



## A Juridical Review of the Criminal Act of Fraud under the Pretense of CPNS Test Passing

Muhammad Al Habsy Ahmad

Law Faculty, Tomakaka University, West Sulawesi, Indonesia

<http://dx.doi.org/10.18415/ijmmu.v12i10.7087>

---

### **Abstract**

The selection of Civil Servant Candidates (CPNS) in Indonesia is highly competitive and often exploited by irresponsible actors offering fraudulent “guaranteed admission.” This study provides a juridical review of CPNS-related fraud using a normative legal method, analyzing primary sources such as the Indonesian Penal Code (Article 378 KUHP and Article 492 of the new Criminal Code), the Anti-Corruption Law, the State Civil Apparatus Law, and the Information and Electronic Transactions (ITE) Law. Secondary sources, including legal literature and judicial decisions, support the analysis. Findings show that fraud schemes typically involve false identities, forged documents, and deceptive promises of CPNS admission in exchange for money. Such practices meet the elements of criminal fraud and may result in imprisonment, fines, or administrative sanctions for officials. The study concludes that CPNS fraud undermines public trust and calls for stronger enforcement, public awareness, and transparent recruitment systems.

**Keywords:** *CPNS Fraud; Juridical Review; Criminal Law; Public Trust*

### **Introduction**

The recruitment of Civil Servant Candidates (CPNS) in Indonesia continues to attract significant public attention due to the prestigious status of becoming a civil servant. A career as a Civil Servant (PNS) is widely considered ideal by many Indonesians because it provides job stability, financial security, pension benefits, and social recognition. In a labor market often marked by uncertainty, particularly in the private and informal sectors, the position of civil servant symbolizes stability and long-term security. Consequently, the enthusiasm for participating in CPNS recruitment examinations has increased significantly over the years.

This high level of enthusiasm, however, has also led to intense competition. Statistical records show that the number of applicants is often several times greater than the available positions. For instance, in the 2023 CPNS recruitment, millions of applicants competed for limited vacancies. This imbalance between supply and demand has created psychological pressure on candidates, making them vulnerable to fraudulent schemes promising guaranteed admission in exchange for money or favors.

Fraud disguised as CPNS admission is not a new phenomenon. Historically, during the New Order era, nepotism and collusion were already known to exist in civil service recruitment, though with limited media exposure. Today, in the digital age, fraud has evolved into more sophisticated forms, making use of technology, forged documents, and online platforms. Perpetrators often claim to have “connections” or special access to decision-making authorities and exploit the candidates’ desire to secure a stable government position.

The impact of such fraudulent practices is severe. Victims not only suffer financial losses but also psychological harm such as stress, trauma, and social stigma. Moreover, this recurring fraud undermines the credibility and legitimacy of the recruitment system, eroding public trust in the government and its institutions. In the long run, such practices threaten the principle of meritocracy, which is supposed to be the foundation of civil service recruitment.

From a legal perspective, these fraudulent activities clearly fall under the provisions of the Indonesian Penal Code, particularly Article 378 of the KUHP, which criminalizes acts of deception aimed at unlawful personal gain. In addition, the new Criminal Code (Article 492), the Anti-Corruption Law, the State Civil Apparatus Law, and the Information and Electronic Transactions (ITE) Law provide further legal frameworks for addressing such misconduct, particularly when involving state officials or digital platforms.

Despite the availability of legal instruments, law enforcement in practice faces considerable challenges. Victims are often reluctant to report due to fear of legal complications, social stigma, or lack of awareness of their legal rights. Furthermore, perpetrators frequently use sophisticated techniques that make it difficult for authorities to gather sufficient evidence. This gap between the existence of laws and their effective enforcement highlights the need for comprehensive legal, social, and institutional strategies.

Therefore, this study seeks to provide a juridical review of CPNS fraud, analyzing how existing laws apply to such cases and what challenges hinder effective enforcement. By doing so, it aims to strengthen academic understanding of fraud in the public recruitment sector while offering practical insights for policymakers, law enforcement agencies, and society at large. Ultimately, addressing this issue is essential not only for protecting individuals but also for safeguarding the integrity and transparency of Indonesia’s public service system.

## ***Research Method***

This study applies a normative legal research approach, which emphasizes the examination of laws, legal doctrines, and judicial decisions related to fraudulent practices in the recruitment of Civil Servant Candidates (CPNS). As a doctrinal method, it relies on legal texts rather than empirical fieldwork, aiming to analyze how existing regulations govern fraud and to evaluate their adequacy in protecting victims and maintaining the integrity of recruitment systems. The primary sources of data include the Indonesian Penal Code (KUHP), particularly Article 378 and Article 492 of the new Criminal Code (Law No. 1/2023), the Anti-Corruption Law, the State Civil Apparatus Law, and the Information and Electronic Transactions Law. Complementary data are drawn from scholarly works, textbooks, and judicial case studies, while tertiary sources such as dictionaries and legal databases provide clarification of key terms.

The data were collected through library research, reviewing legislation, court decisions, and academic literature to build a comprehensive understanding of the legal framework. The analysis employs qualitative content analysis, focusing on interpreting statutory provisions, identifying the legal elements of fraud, and assessing the consistency between written law and its practical enforcement. To ensure validity, interpretations are grounded in established legal theories such as legal protection, utilitarianism, and criminal liability. Reliability is maintained by cross-referencing multiple legal sources and judicial precedents. This methodology enables a systematic juridical review of CPNS fraud, providing insights into both the strengths and limitations of current laws while suggesting directions for legal reform.

## ***Finding & Discussions***

### **Findings**

The results of this study highlight that fraudulent practices disguised as guaranteed CPNS admission are not isolated incidents but represent a recurring and systemic problem in Indonesia's recruitment system for civil servants. The findings are organized into three key dimensions: the characteristics of the fraud, the legal framework that applies, and the challenges of enforcement.

First, regarding characteristics of the fraud, evidence shows that perpetrators typically exploit the high social and economic expectations attached to becoming a civil servant. The schemes generally involve impersonation of government officials, use of forged documents, and persuasive claims of access to recruitment committees. Victims are often persuaded to pay significant sums of money under the pretext of securing guaranteed admission. This *modus operandi* reflects what criminologists' term social engineering, in which perpetrators manipulate psychological vulnerabilities such as ambition, anxiety, or family pressure.

Second, the legal framework governing this issue is robust in principle. The Indonesian Penal Code (KUHP) Article 378 explicitly criminalizes fraudulent acts involving deceit for unlawful financial gain. The new Criminal Code (Article 492 of Law No. 1/2023) strengthens this by introducing alternative sanctions, including heavy fines, while maintaining imprisonment as a deterrent. In addition, the Anti-Corruption Law applies when state officials are involved, while the State Civil Apparatus Law provides for administrative sanctions such as dismissal for civil servants engaging in fraud. Fraud conducted through digital means falls within the scope of the Information and Electronic Transactions (ITE) Law, particularly provisions against spreading false or misleading information causing material loss. Collectively, these laws provide a multi-layered legal basis for prosecution.

Third, in terms of enforcement challenges, findings indicate that despite comprehensive regulations, implementation remains problematic. Victims are frequently hesitant to report due to fear of legal complications, shame, or the belief that reporting would not lead to justice. Furthermore, law enforcement agencies face difficulties in gathering conclusive evidence, particularly when fraud is conducted online or involves sophisticated documentation. These factors contribute to the persistence of CPNS fraud despite the existence of clear criminal provisions.

### **Discussions**

The findings raise several important issues for legal scholarship and public policy.

#### **1. Fraudulent Practices as a Violation of Public Trust**

Fraud in CPNS recruitment does not only result in individual losses but also undermines the legitimacy of state institutions. The civil service is expected to embody principles of meritocracy, transparency, and accountability. When fraudulent practices occur, they weaken public confidence in these institutions. The legitimacy of government recruitment is thus compromised, leading to a perception that public service positions can be obtained through corruption rather than competence. This erosion of trust has long-term implications for governance, as it reduces citizens' faith in the fairness of state mechanisms. Cases of fraud in the recruitment of Civil Servant Candidates (CPNS) have been widely documented in various regions in Indonesia. Ndolu, Fallo, and Manuain (2024) emphasize that victims of CPNS fraud often experience not only financial losses but also psychological and social impacts, highlighting the importance of a victimology approach in understanding the broader consequences of such crimes. Similarly, Gunawan and Nuristiningsih (2024) reveal that restorative justice has been considered as an alternative in handling CPNS fraud cases, particularly to provide solutions that are more responsive to victims' needs while still upholding criminal accountability for perpetrators. Meanwhile, Kusomo,

Dewi, and Arthanaya (2020) underline that CPNS fraud in Denpasar demonstrates the involvement of *modus operandi* such as false promises of admission and misuse of authority, which clearly meet the elements of fraud under the Indonesian Penal Code. Taken together, these studies reinforce that CPNS recruitment fraud is not only a legal problem but also a social and institutional issue that undermines public trust in state recruitment systems, thus requiring comprehensive juridical and preventive approaches.

## 2. Legal Qualification and Normative Analysis

The classification of CPNS-related fraud under Article 378 of the KUHP and Article 492 of the new Criminal Code illustrates the applicability of classical fraud provisions to modern contexts. Essential elements such as intent to unlawfully gain profit, the use of false identities or deceptive statements, and the resulting financial loss are all present in these cases. However, the reliance on general fraud provisions may not fully capture the specific harm caused by CPNS fraud, which includes damage to public institutions and erosion of administrative integrity. This suggests a need to consider whether more specialized provisions should be developed to address fraud in public recruitment processes. From a juridical perspective, CPNS fraud can be legally qualified as a criminal act of fraud as regulated under Article 378 of the Indonesian Penal Code (KUHP), since the essential elements—such as intent to gain unlawful profit, use of false identities or deceptive promises, and resulting financial loss—are clearly fulfilled. Ndolu, Fallo, and Manuain (2024) strengthen this argument by showing that the victimization pattern in CPNS fraud reflects classical fraud characteristics, where perpetrators deliberately manipulate victims' trust to achieve personal gain. Furthermore, Gunawan and Nuristiningsih (2024) argue that while restorative justice may be applied in certain fraud cases, the legal qualification of CPNS fraud must remain under the category of a serious criminal offense because it not only causes material loss but also undermines institutional credibility. In addition, Kusomo, Dewi, and Arthanaya (2020) provide empirical evidence from Denpasar that such fraudulent acts often involve forged documents and false promises of guaranteed admission, which fully meet the normative requirements of *strafbaar feit*. Therefore, these references collectively support the argument that CPNS fraud, when analyzed normatively, is a clear manifestation of criminal fraud, and its prosecution should reflect both the protective and deterrent functions of criminal law.

## 3. Intersections with Corruption and Administrative Law

The involvement of state officials in CPNS fraud introduces overlaps with anti-corruption and administrative law. When an official abuses their position to solicit bribes or promise guaranteed admission, the act may qualify as corruption under the Anti-Corruption Law. Simultaneously, administrative sanctions under the State Civil Apparatus Law, such as dismissal without honor, may also apply. This dual liability—criminal and administrative—illustrates the layered nature of legal accountability in such cases. It also reflects the seriousness of the misconduct, which goes beyond personal fraud to constitute institutional corruption. The intersection between CPNS fraud, corruption, and administrative law becomes evident when fraudulent practices involve state officials or exploit public administrative systems. The ASN Institute (n.d.) documents several CPNS fraud cases where public officials misused their authority to solicit payments, demonstrating a direct overlap with corruption offenses regulated under the Anti-Corruption Law. Johnson Kennedy and Siregar (2017) further emphasize that fraud in Indonesia is frequently intertwined with systemic corruption, where perpetrators operate within or alongside bureaucratic structures, thereby eroding institutional integrity. On a broader level, Houtti et al. (2024) highlight that scams, including those in recruitment contexts, often evolve into organized schemes that exploit institutional weaknesses, which aligns with the administrative failures seen in CPNS fraud cases. Pillai (2023), through his research on detecting fake job postings, reinforces that fraudulent activities targeting employment systems are increasingly sophisticated and require administrative safeguards in addition to criminal sanctions. Taken together, these studies suggest that CPNS fraud cannot merely be addressed as a stand-alone criminal act but must also be viewed through

the lens of corruption and administrative accountability, as it directly undermines both the fairness of recruitment processes and the legitimacy of public governance.

#### 4. The Role of Digital Technology in Facilitating Fraud

The digital age has significantly transformed the *modus operandi* of CPNS fraud. Fraudsters increasingly exploit online platforms such as social media, instant messaging groups, and even fraudulent websites designed to mimic official portals. This creates challenges for law enforcement, as perpetrators can operate anonymously, cross jurisdictional boundaries, and erase digital traces. The ITE Law provides a basis for prosecuting such conduct, but practical enforcement often lags behind the pace of technological innovation. There is a pressing need for law enforcement agencies to develop digital forensic capabilities and establish stronger cooperation with technology platforms to detect and prevent fraudulent schemes. The advancement of digital technology has significantly transformed the *modus operandi* of CPNS fraud, making it easier for perpetrators to reach wider audiences and disguise their actions. Haurissa and Dewi (2021) reveal that fraud in government institutions increasingly adopts digital platforms, where social media and online communication channels serve as tools to manipulate victims through misleading information. Heriani (2022) further emphasizes that manipulation of CPNS results and the dissemination of false announcements via online media represent clear violations under the Information and Electronic Transactions (ITE) Law, showing how digital technology facilitates the spread of fraudulent practices. Abdillah and Astutik (n.d.) also highlight that CPNS admission fraud often occurs in online spaces where perpetrators promise guaranteed admission through electronic communication, raising complex challenges for law enforcement in proving intent and digital evidence. Meanwhile, Hudan (2023), through his case study analysis, illustrates how courts are increasingly confronted with evidence derived from digital platforms, underscoring the importance of adapting legal procedures to address technology-driven fraud. Collectively, these studies confirm that digital technology not only accelerates fraudulent schemes but also complicates legal responses, thus requiring stronger regulatory oversight, digital literacy, and forensic capacity to safeguard the integrity of CPNS recruitment.

#### 5. Enforcement Challenges and Victim Reluctance

The reluctance of victims to report is a major barrier to effective law enforcement. Cultural and social factors contribute to this, including shame, fear of being stigmatized, and lack of awareness of legal rights. Some victims also believe that because the fraud involved “connections” or “special access,” reporting the matter may implicate them in wrongdoing. This perception deters reporting and allows perpetrators to continue their schemes with impunity. Addressing this requires not only legal reforms but also public education campaigns to raise awareness about the illegality of such schemes and to encourage victims to seek justice. One of the main obstacles in addressing CPNS fraud lies in the challenges of enforcement and the reluctance of victims to report their cases. Ndolu, Fallo, and Manuain (2024) point out that many victims suffer not only financial losses but also psychological and social impacts, which often discourage them from pursuing legal action due to feelings of shame or fear of social stigma. Similarly, Hudan (2023), in his judicial analysis, observes that courts frequently face difficulties in handling CPNS fraud cases because victims hesitate to testify or withdraw their complaints, thereby weakening the evidentiary process. Gunawan and Nuristiningsih (2024) also argue that restorative justice approaches, while providing alternatives for resolution, cannot be effectively applied if victims themselves are unwilling to participate due to distrust in legal institutions. These studies collectively underline that victim reluctance, combined with complex evidentiary requirements, significantly hampers law enforcement efforts, allowing CPNS fraud to persist despite the existence of comprehensive legal frameworks.

#### 6. Theoretical Implications: Utilitarianism and Legal Protection

From the perspective of utilitarianism, the punishment of CPNS fraud must aim at maximizing societal welfare by deterring future misconduct, rehabilitating offenders, and protecting potential victims. Legal protection theory emphasizes the role of the state in safeguarding citizens from exploitation, ensuring fairness, and upholding the rule of law. The persistence of CPNS fraud suggests that current

enforcement mechanisms have not achieved these objectives. Stronger and more consistent enforcement, coupled with preventive measures, is necessary to align practice with theoretical principles. The implications of CPNS fraud can also be analyzed through the lens of utilitarianism and legal protection theory. Haurissa and Dewi (2021) note that fraud in government institutions undermines efficiency and public welfare, which contradicts the utilitarian principle that law should maximize the greatest good for the greatest number. Fraudulent practices in CPNS recruitment harm not only individual victims but also society at large by reducing trust in state institutions and weakening the meritocratic system. Meanwhile, Chazawi (2005) emphasizes that the core function of criminal law is to provide protection for the rights of individuals and the stability of society. From this perspective, the prosecution of CPNS fraud is not merely punitive but also preventive, ensuring that legal norms safeguard citizens against exploitation. Taken together, these insights demonstrate that enforcing strict sanctions against CPNS fraud aligns with utilitarian goals of social welfare and fulfills the legal protection mandate to defend public interests from unlawful practices

## 7. Policy Recommendations and Preventive Measures

In light of these discussions, several policy recommendations emerge. First, recruitment processes must be made more transparent, with clear communication to the public that no fees or “special pathways” exist. Second, law enforcement agencies should prioritize the investigation of CPNS fraud, particularly cases involving state officials, to demonstrate accountability. Third, digital platforms should collaborate with government agencies to detect and block fraudulent content. Fourth, public education campaigns are needed to empower individuals to recognize and resist fraudulent schemes. Together, these measures would strengthen both preventive and punitive responses to CPNS fraud.

The study demonstrates that CPNS fraud represents a complex intersection of criminal, administrative, and technological issues. While Indonesia’s legal framework provides comprehensive provisions to address such acts, enforcement gaps persist due to victim reluctance, evidentiary challenges, and the evolving digital landscape. Fraud in CPNS recruitment not only harms individuals but also erodes public trust in state institutions, making it a significant governance issue. Strengthening enforcement, ensuring transparency, and enhancing public awareness are therefore critical to restoring the integrity of civil service recruitment and protecting citizens from exploitation.

Furthermore, the findings reveal that fraudulent schemes in CPNS recruitment are often sustained by deep-rooted socio-cultural factors. In many communities, particularly among lower-middle-class families, becoming a civil servant is regarded as the ultimate achievement that guarantees economic stability and social mobility. This societal pressure frequently drives individuals and families to take shortcuts, even at the risk of falling victim to deception. Such conditions create fertile ground for fraudsters who exploit people’s desperation and lack of information about the transparent and merit-based nature of the official recruitment system. Hence, CPNS fraud should be understood not only as a legal violation but also as a reflection of broader structural and cultural challenges within Indonesian society.

In addition, analysis of the legal framework shows that although various laws such as the KUHP, the Anti-Corruption Law, the State Civil Apparatus Law, and the ITE Law provide sufficient legal grounds to prosecute perpetrators, the effectiveness of these laws often depends on consistent application by law enforcement agencies. The file indicates that penalties may include imprisonment, fines, dismissal of state officials, or administrative sanctions such as disqualification of participants. However, the deterrent effect remains weak when perpetrators can evade accountability due to lack of evidence or limited institutional capacity. This suggests that beyond legal reform, stronger institutional commitment and inter-agency coordination are required to ensure that the normative provisions of the law are fully realized in practice.

## Suggestion

To effectively address CPNS recruitment fraud, law enforcement must consistently apply both criminal and administrative sanctions, particularly in cases involving state officials, while investigators need stronger capacity to handle digital-based fraud. The government should also enhance transparency by centralizing official recruitment information and actively dispelling fraudulent claims. Public education campaigns are essential to raise awareness among job seekers and families about the dangers of fraudulent schemes. Furthermore, collaboration with technology providers to monitor and block online fraud, alongside inter-agency coordination between recruitment authorities and anti-corruption bodies, is crucial to ensure effective prevention and enforcement.

## References

1. Ndolu, I. C., Fallo, D. F. N., & Manuain, O. G. (2024). *Kajian Viktimologi terhadap Korban Penipuan Pendaftaran Calon Pegawai Negeri Sipil (CPNS) di Wilayah Kepolisian Daerah Nusa Tenggara Timur*. *Petitum Law Journal*, 2(1), 305–315.
2. Gunawan, H., & Nuristiningsih, D. (2024). *Penerapan Restorative Justice dalam Penyelesaian Tindak Pidana Penipuan Penerimaan Calon Pegawai Negeri Sipil (CPNS) di Polresta Bengkulu*. *Jurnal Hukum Progresif*.
3. Kusomo, L., Dewi, A. A. S. L., & Arthanaya, I. W. (2020). *Tindak Pidana Penipuan Penerimaan Pegawai Negeri Sipil di Denpasar*. *Jurnal Analogi Hukum*, 2(3), 399–403.
4. Suprianto, J., Wijaya, A., & Ronaldi. (2025). *Criminal Accountability for Fraud Committed by Intermediaries in the Civil Servant Recruitment Process in Palangka Raya City*. *Journal of Law, Politic and Humanities*, 5(2), 1282–1290.
5. Mahardiana, I. G. Y., & Satriana, I. M. W. C. (2023). *Upaya Penanganan terhadap Tindak Pidana Penipuan CPNS di Wilayah Hukum Kepolisian Daerah Bali*. Kerta Dyatmika.
6. Haurissa, N. F., & Dewi, C. N. (2021). *Fraud di Pemerintahan: Analisis Meta-Studi di Indonesia*. *Perspektif Akuntansi*, 4(3), 297–319.
7. Heriani, F. N. (2022, January 10). *Jerat Hukum Bagi Pihak yang Memanipulasi Nilai Hasil CPNS*. Hukumonline.
8. Abdillah, A. R. F., & Astutik, S. (n.d.). *Criminal Accountability for Civil Servant (CPNS) Admission Fraud*. Policy, Law, Notary and Regulatory Issues.
9. Hudan, H. I. (2023). *Analisa Yuridis Putusan Hakim tentang Tindak Pidana Penipuan Calon Pegawai Negeri Sipil (Studi Kasus Pada Putusan PN No. 55/Pid.b/2015/PN.Kdl)*. Undergraduate Thesis, Universitas Islam Sultan Agung Semarang.
10. ASN Institute. (n.d.). *10 Kasus Penipuan CPNS: Waspada dan Ambil Pelajaran*. ASN Institute.
11. Johnson Kennedy, P. S., & Siregar, S. L. (2017). *The Fraud Actors in Indonesia According to Fraud Indonesia Survey*. *Buletin Ekonomi*, 21(2), 595.
12. Houtti, M., Roy, A. R., Gangula, V. N. R., & Walker, A. M. (2024). *A Survey of Scam Exposure, Victimization, Types, Vectors, and Reporting in 12 Countries*. arXiv preprint.

13. Pillai, A. S. (2023). *Detecting Fake Job Postings Using Bidirectional LSTM*. arXiv preprint.
14. Chazawi, A. (2005). *Pelajaran Hukum Pidana Bagian I*. Jakarta: PT Raja Grafindo Persada.
15. Moeljatno. (2007). *Kitab Undang-Undang Hukum Pidana (KUHP)*. Jakarta: Bumi Aksara

### **Copyrights**

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).