LIBERATICA

Legal Insight on Business Enterprise Regulation and Advocacy

Journal homepage: https://ejournal.unesa.ac.id/index.php/liberatica

E-ISSN : xxxx-xxxx
Doi:

The Enforcement of Tort Law in Robo-Trading Investment Frauds: Legal Protection and Compensation for Investors in Indonesia

Fidela Brina Aurellia[1], Nabila Nyar Putri[2], M. Alvin Faiz[3]

[1]Faculty of Law, Universitas Negeri Surabaya, Surabaya, Indonesia, fidela.23102@mhs.unesa.ac.id

[2]Faculty of Law, Universitas Negeri Surabaya, Surabaya, Indonesia, nabila.23609@mhs.unesa.ac.id

[3]Faculty of Law, Universitas Negeri Surabaya, Surabaya, Indonesia, m.23600@mhs.unesa.ac.id

Manuscript ID	
Article History	Submitted: 20 Maret 2026 | Reviewed: 11 Mei 2026| Revised: 13 Mei 2026 | Accepted: 26 Juni 2026
Author(s) Origin	Indonesia

Abstract

The rise of fraudulent robo-trading platforms in Indonesia has led to significant financial losses for investors, exposing gaps in the legal system's ability to protect victims. While criminal prosecution remains the dominant response to such schemes, civil remedies, particularly through tort law under Article 1365 of the Indonesian Civil Code, offer a potentially powerful, yet underutilized, legal pathway for victims to seek compensation. This paper analyzes the applicability of tort law in cases of robo-trading investment fraud, focusing on the elements of unlawful acts, causality, and restitution mechanisms. It explores key challenges including evidentiary barriers, the lack of collective legal action mechanisms, and the difficulty of asset recovery, particularly in cross-border contexts. Despite these challenges, the study finds that tort law remains relevant in supporting investor protection, especially when courts are willing to recognize digital evidence and systemic patterns of deception. The paper concludes by offering practical recommendations for improving the effectiveness of civil legal remedies, such as enhancing digital evidence procedures, introducing class action mechanisms, and promoting cross-border legal cooperation.

Keywords: *Robo-trading fraud, tort law, civil remedies, investor protection, digital evidence, asset recovery, investment scams.*

INTRODUCTION

In recent years, Indonesia has witnessed a surge in fraudulent investment schemes disguised under the guise of technological innovation, particularly in the form of so-called "robo-trading" platforms. These platforms, often marketed as automated trading systems driven by artificial intelligence, have been widely promoted through digital channels and social media influencers, promising unusually high and consistent returns with little to no risk.[1] In reality, many of these schemes are deceptive in nature, designed to lure unsuspecting investors into transferring funds into non-transparent, unlicensed, and unregulated operations. The result has been widespread financial loss, public outcry, and legal confusion regarding how victims can recover their losses. Despite the criminal dimensions of these fraudulent schemes, especially under Indonesian Penal Code (*Wetboek van Strafrecht*) and anti-money laundering legislation, the scope of civil law in offering remedies to the victims remains underexplored. The question arises: beyond criminal prosecution of the perpetrators, what civil legal remedies, particularly under the doctrine of tort law are available for victims of robo-trading frauds? Can victims pursue restitution or compensation through private legal action? What are the limits and challenges of enforcing such civil claims?

Indonesian civil law, codified primarily in the *Burgerlijk Wetboek* (BW), provides a general tort provision under Article 1365, which states that any act that causes harm to another due to an unlawful act must be compensated.[2] This principle theoretically offers a legal foundation for investors to file civil lawsuits against fraudulent actors. However, in practice, the use of tort law as a remedy in investment fraud cases is often hindered by complex issues such as the difficulty of identifying the perpetrators, proving causality, and recovering hidden or laundered assets. Moreover, civil litigation in Indonesia may present procedural and financial burdens that discourage victims from pursuing legal action.

This journal aims to analyze the role and enforcement of tort law in the context of robo-trading investment frauds in Indonesia, with a focus on legal protection and compensation for individual investors. It explores how the Indonesian legal system recognizes investment fraud as a civil wrong, examines relevant court decisions, and assesses the practical limitations of using tort-based claims as an instrument for victim recovery. Additionally, the study will evaluate the interplay between civil and criminal proceedings in such cases and the involvement of regulatory bodies such as Bappebti and the OJK. By focusing on the underutilized avenue of civil remedies, this paper seeks to contribute to the broader discourse on investor protection in Indonesia, particularly in light of the growing complexity of financial fraud facilitated by technological innovations. The findings are expected to offer recommendations not only for legal reform but also for empowering investors with clearer access to justice through the civil legal system.

Many victims of robo-trading fraud in Indonesia are first-time or small-scale investors with limited understanding of financial instruments or legal remedies. Often from vulnerable socio-economic groups, they are easily influenced by online testimonials, false claims, and aggressive marketing. Unlike institutional investors, they lack the resources for due diligence or legal action. This highlights a broader gap between the rapid growth of digital finance and the slower development of regulatory and legal protections. Although financial literacy initiatives exist, legal remedies remain inadequate against increasingly sophisticated fraud schemes.

The current legal framework shows a disparity between criminal and civil responses. While criminal law focuses on punishing offenders, it does not always guarantee restitution. Civil remedies like tort claims offer an alternative route for victims to seek compensation,

---

[1] Putra, I. N. G. (2022). The Rise of Robo-Trading Scams in Indonesia: Regulatory Challenges and the Role of Financial Literacy. Journal of Financial Crime and Regulation, 10(2), 145–160. https://doi.org/10.31227/osf.io/rv68z

[2] Hukumonline. (2021). Prinsip dan Penerapan Pasal 1365 KUHPerdata dalam Kasus Penipuan Investasi. Hukumonline Research Brief. https://www.hukumonline.com/berita/baca/lt61570a53c3a84/penerapan-pasal-1365-kuhperdata-dalam-gugatan-kerugian-akibat-investasi/

LIBERATICA
Legal Insight on Business Enterprise Regulation and Advocacy
Journal homepage: https://ejournal.unesa.ac.id/index.php/liberatica
E-ISSN : xxxx-xxxx
Doi:

yet remain underused due to legal unfamiliarity and procedural barriers. Tort litigation could serve as a parallel or primary path to recovery, especially in cases where criminal proceedings are slow or ineffective.

This study addresses the lack of academic focus on civil recovery for investment fraud victims in Indonesia. Although criminal sanctions and consumer protection are well discussed, the operationalization of Article 1365 in robo-trading fraud remains overlooked. As financial crimes become increasingly cross-border and decentralized, tort law must evolve accordingly. Using a normative legal method and case analysis, including examples like Viral Blast Global and DNA Pro, this paper aims to propose practical reforms and advocate for tort law as a viable tool for justice and compensation.

ANALYSIS & DISCUSSION

Analysis of The Application of Tort Law in Robo-Trading Investment Fraud Cases in Indonesia

Robo-trading investment platforms have increasingly emerged as a popular means of raising capital by promising automated, algorithm-driven returns to investors. These schemes often mimic the appearance of legitimate fintech platforms but lack transparency, accountability, and proper registration with Indonesian financial authorities such as Bappebti and OJK.[3] Victims are misled into believing they are engaging in regulated investment activity, when in fact they are participating in unlicensed, deceptive financial operations. The phenomenon has grown alongside the rise of digital finance and is often distributed through social media endorsements, creating an illusion of legitimacy.[4]

Under Indonesian law, these schemes can be classified as fraudulent misrepresentation, falling under both criminal and civil legal domains. While criminal sanctions are typically pursued by state prosecutors under the Indonesian Penal Code (*Wetboek van Strafrecht*) and Anti-Money Laundering (AML) laws, victims also have recourse to civil law, particularly under the doctrine of tort or unlawful act. Article 1365 of the Indonesian Civil Code (*Burgerlijk Wetboek*) provides the general provision on tort: "Any act in violation of the law that causes harm to another shall oblige the person who, through his fault, caused such harm to compensate for the damage." This provision establishes four essential elements to prove a tort: (1) an unlawful act, (2) fault or negligence, (3) loss or damage, and (4) a causal link between the act and the damage.[5]

In robo-trading fraud cases, the unlawful act typically involves intentional misrepresentation, the operation of an unlicensed financial service, and inducement to invest based on false promises. The element of fault is often evident due to the intentional nature of these schemes. Losses are quantifiable through the value of funds transferred, and a direct causal link can be established when the investment loss stems from fraudulent

[3] Asmara, A. B. (2022). Robo-Trading: Ancaman Baru dalam Lanskap Investasi Digital Indonesia. Jurnal Hukum dan Teknologi, 9(1), 45–60. https://doi.org/10.33096/jht.v9i1.232
[4] Rahman, T., & Yuliana, R. (2021). Legal Protection for Victims of Illegal Online Investment: Indonesian Perspective. Journal of Legal, Ethical and Regulatory Issues, 24(S3), 1–11. https://www.abacademies.org/articles/Legal-Protection-for-Victims-Online-Investment-24-S3-1.pdf
[5] Sidharta, B. A. (2019). Hukum Perdata: Dalam Perspektif BW dan Perkembangannya. Bandung: Refika Aditama.

information or promises. While Article 1365 provides a pathway for victims to claim compensation, its application in robo-trading cases faces several barriers. Courts must assess whether the conduct of the perpetrators satisfies all four elements. In practice, courts have accepted tort-based claims in various fraud contexts, including misrepresentation in property transactions and contract fraud. However, robo-trading introduces complexities. Establishing evidence in cyberspace is challenging, particularly when perpetrators use pseudonyms, VPNs, or offshore servers. Many schemes operate under corporate shells or multi-level marketing structures, complicating liability. Additionally, when platforms are hosted abroad, Indonesian courts face limitations in enforcing judgments. Despite these obstacles, tort law remains relevant. It provides a civil legal tool distinct from criminal prosecution, allowing victims to seek restitution or damages directly through private lawsuits.

Victims of robo-trading fraud must establish legal standing in filing a lawsuit. In civil court, the plaintiff must demonstrate personal loss and the causal relation to the defendant's act. Procedural challenges include the difficulty of collective action, many victims face the same fraud but file individual lawsuits, which fragments the effort and increases costs. Plaintiffs must prove all elements of tort, often without access to complete documentation. Even if the court grants compensation, perpetrators often have dissipated or hidden assets, making enforcement difficult. These procedural difficulties often discourage victims from pursuing tort claims, leading to a low level of civil legal enforcement. Although jurisprudence on robo-trading is limited, certain decisions in similar fraudulent schemes provide insight. For example, in cases involving Viral Blast Global and DNA Pro Akademi, courts have focused on criminal liability, but civil claims are emerging in parallel. In civil cases, judges have increasingly recognized that misrepresentation and financial inducement in unlicensed schemes satisfy the tort elements. However, consistency remains an issue. Some courts focus narrowly on licensing violations, while others take a broader view, assessing the misrepresentation and breach of trust as sufficient grounds for liability. Victims may also pursue contractual remedies based on breach of agreement. However, many robo-trading platforms do not provide formal, written contracts. Even where contracts exist, they often contain vague or one-sided clauses that disclaim liability. Tort law offers flexibility, as it does not rely on contractual formalities. A claim under Article 1365 does not require the existence of a valid agreement, only the presence of an unlawful act causing harm. This makes tort a more accessible legal basis in fraudulent investment scenarios, particularly in digital contexts where written agreements are absent or deceptive.

In some fraudulent schemes, perpetrators involve notaries to legitimize their offerings. Notarial acts can create a misleading impression of legality and due diligence. However, if notaries knowingly authenticate documents related to fraudulent schemes, they may also be held liable under tort law for aiding or abetting an unlawful act. Legal scholars have argued that the involvement of notaries, without proper verification of underlying legality, undermines investor protection.[6] Regulatory oversight over notarial conduct becomes crucial in preventing abuse. In jurisdictions like the United States and Singapore, victims of investment fraud often rely on both tort law and securities law for remedies. U.S. courts recognize civil fraud claims under common law and statutory

[6] Wibowo, A. (2020). The Liability of Notaries in Unlawful Investment Schemes: A Civil Law Approach. Jurnal Hukum IUS QUIA IUSTUM, 27(3), 401–420. https://doi.org/10.20885/iustum.vol27.iss3.art4

E-ISSN : xxxx-xxxx
Doi:

instruments like the Securities Exchange Act. In Singapore, the Securities and Futures Act allows civil action against persons who make false or misleading statements inducing investment. These countries also have class action mechanisms that reduce the burden on individual plaintiffs. Indonesia lacks a specialized investment fraud statute or class action framework tailored for victims, placing heavier reliance on general tort provisions.

To enhance the use of tort law in investment fraud cases, several reforms are necessary. These include codifying fraudulent investment as a specific civil wrong, developing collective redress mechanisms (class actions), improving digital evidence admissibility standards, and increasing victim assistance programs through LPSK or OJK. Legal education campaigns should also be conducted to inform the public about their rights to civil remedies. Civil courts must be trained to handle technologically complex fraud cases with agility. The application of tort law in robo-trading investment frauds remains a vital yet underutilized legal mechanism in Indonesia. While the doctrine of unlawful act under Article 1365 provides a foundational legal route for victims, significant practical and procedural barriers hinder its effectiveness. Strengthening civil legal frameworks, enhancing judicial capacity, and integrating cross-border cooperation are essential steps toward ensuring legal protection and compensation for victims in the rapidly evolving landscape of financial technology fraud.

Legal Protection And Compensation Mechanisms For Victims Under Indonesian Civil Law

Legal protection for victims of robo-trading investment fraud in Indonesia is theoretically provided under several civil law instruments. The cornerstone lies in the Indonesian Civil Code (*Burgerlijk Wetboek*), specifically Article 1365 on unlawful acts, which gives victims the right to seek compensation for losses arising from fraudulent conduct. In this context, the law treats investment fraud as a form of civil wrongdoing, for which the perpetrator must compensate the injured party.[7] In practice, however, the civil legal system presents several limitations that weaken the actual protection experienced by victims.

First, victims are expected to take the initiative to file civil lawsuits in general courts, often without legal assistance or sufficient knowledge of their rights. The absence of a formal investor compensation fund or automatic restitution mechanism exacerbates this challenge. As a result, victims are left to pursue lengthy and costly legal proceedings on their own. The burden of proof lies entirely on the plaintiff, who must demonstrate all elements of a tort claim, including fault, causality, and quantifiable loss. Given that many perpetrators hide their identities behind digital platforms and offshore entities, meeting this burden can be particularly difficult. In response to these challenges, several legal institutions provide indirect avenues of support. The Indonesian Financial Services Authority (OJK) and the Commodity Futures Trading Regulatory Agency (Bappebti) issue warnings, blacklist illegal platforms, and cooperate with law enforcement in asset seizure.

[7] Prasetyo, T., & Barkatullah, A. H. (2020). Tanggung Jawab Hukum Perdata Terhadap Perbuatan Melawan Hukum dalam Kasus Investasi Ilegal. Jurnal Hukum IUS, 8(3), 457–475. https://doi.org/10.29303/ius.v8i3.704

However, these institutions do not directly administer compensation to victims. The role of the Lembaga Perlindungan Saksi dan Korban (LPSK), which can facilitate restitution in certain cases, remains limited by jurisdictional and procedural constraints.[8]

Judicial mechanisms such as the provision for conservative seizure (sita jaminan) under the Indonesian Civil Procedure Code (HIR/RBg) allow plaintiffs to request temporary freezing of defendant assets during trial proceedings. In theory, this tool protects the enforceability of a future compensation order. However, courts often require strong prima facie evidence before granting such requests, which may be difficult for victims to obtain early in the litigation process. Another challenge lies in the absence of structured collective redress mechanisms. Unlike countries that allow class action or mass tort procedures, Indonesian civil law currently does not provide clear pathways for multiple victims of the same scheme to sue collectively. Consequently, victims must file individual lawsuits, which dilutes their bargaining power and increases legal costs. This systemic fragmentation further weakens access to justice and limits the practical realization of civil law protection. Efforts to recover assets from perpetrators face similar roadblocks. Even when a judgment is obtained, execution remains a separate and often fruitless process, especially when assets have been moved abroad or laundered. Without strong international cooperation, many civil judgments remain unenforced. Thus, while the legal framework for protection and compensation exists on paper, it has yet to be operationalized in a way that fully serves the needs of victims in robo-trading investment frauds.

Beyond the structural and procedural hurdles, the lack of integration between criminal and civil processes adds another layer of difficulty for victims seeking justice. In most cases, criminal investigations focus on establishing guilt and imposing sanctions, but rarely coordinate with civil claims to ensure restitution. Victims who wish to file civil suits must do so separately, often without access to critical information obtained during the criminal process, such as tracing of assets, identification of co-conspirators, or financial audits, because Indonesia lacks a clear mechanism for sharing findings across jurisdictions.[9] This separation not only leads to duplication of effort and inefficiency but can also result in conflicting legal outcomes, where the perpetrator is found guilty under criminal law yet civil claims are dismissed due to insufficient independent evidence.

Moreover, many victims report experiencing confusion or intimidation when engaging with the civil legal system. The absence of state-sponsored legal aid for financial crime victims further compounds this issue. While pro bono initiatives exist through university legal clinics or bar association programs, their availability is inconsistent and often limited to urban centers.[10] In rural or remote areas, where digital investment scams have also proliferated due to smartphone penetration, access to legal representation remains minimal. This disparity raises concerns about equal access to justice and further illustrates how procedural burdens disproportionately affect the most vulnerable.

Another significant shortcoming is the lack of specialized civil court chambers or judges trained in handling technologically complex financial fraud. Robo-trading cases often involve encrypted communication, algorithmic systems, or blockchain transactions,

---

[8] Lestari, F. D., & Anggraeni, R. (2021). Perlindungan Hukum terhadap Korban Tindak Pidana dalam Sistem Peradilan Pidana Indonesia. Jurnal Hukum dan Pembangunan Ekonomi, 9(1), 22–36. https://doi.org/10.20961/jhpe.v9i1.57934

[9] Nurjannah, S., & Pujiyono. (2020). Koordinasi Antarlembaga Penegak Hukum dalam Penanganan Tindak Pidana Investasi Ilegal di Indonesia. Jurnal Hukum dan Peradilan, 9(1), 95–114. https://doi.org/10.25216/jhp.9.1.2020.95-114

[10] Lubis, F., & Azizah, N. (2021). Peran Bantuan Hukum dalam Meningkatkan Akses Keadilan bagi Korban Kejahatan Ekonomi. Jurnal Hukum dan Pembangunan Sosial, 12(2), 201–220. https://doi.org/10.25077/jhps.12.2.2021.201-220

E-ISSN : xxxx-xxxx
Doi:

which require technical understanding beyond conventional legal training. Without adequate judicial capacity-building, courts may dismiss critical digital evidence or fail to grasp the structure and severity of the fraudulent scheme. This creates a disincentive for victims to pursue civil litigation, fearing that the process will be lengthy, expensive, and ultimately ineffective. To address these systemic issues, a comprehensive reform agenda is necessary, one that not only simplifies procedural requirements but also builds institutional capacity for handling modern financial fraud. This includes establishing cross-sector collaboration between regulators, prosecutors, civil courts, and legal aid providers, as well as introducing simplified litigation procedures or small claims mechanisms specifically tailored to investment fraud victims. Unless such reforms are implemented, the promise of civil remedies for victims under Indonesian tort law will remain largely theoretical, offering limited practical relief for those affected by the growing threat of robo-trading scams.

Barriers To Civil Enforcement In Robo-Trading Fraud: Evidentiary Issues And Asset Recovery Challenges

The civil enforcement of tort claims in robo-trading investment fraud cases encounters substantial obstacles at both the evidentiary and execution stages. One of the primary difficulties lies in the digital nature of the fraud itself. Most robo-trading schemes operate through websites, mobile apps, or encrypted communication channels. Evidence such as transaction records, communication logs, and user agreements are often stored on foreign servers or quickly deleted once fraud is exposed. This creates a significant challenge for victims seeking to present reliable and admissible evidence in court.[11]

In Indonesia’s civil procedural system, the burden of proof rests entirely on the plaintiff. The lack of procedural discovery mechanisms, as commonly available in common law jurisdictions, means that victims cannot compel the production of internal records from the perpetrators. Moreover, many fraudsters deliberately obscure their identities using aliases, nominee accounts, and untraceable payment methods like cryptocurrencies. These digital concealment strategies hinder both the establishment of causal links and the identification of responsible parties. Furthermore, Indonesia's evidentiary law relies heavily on written evidence and official documents. In cases involving unlicensed, unregulated digital platforms, such documents are often non-existent or forged. Screenshots, chat logs, and digital correspondence may be rejected by judges who are unfamiliar with or skeptical of digital evidence. This skepticism, combined with the lack of forensic capability in civil litigation, severely limits the ability of victims to prove their claims with confidence. Even when victims manage to obtain favorable judgments, the asset recovery process introduces another layer of complexity. Civil judgments in Indonesia must go through a separate execution phase, which requires the identification and seizure of defendant assets.

Fraudsters frequently dissipate their assets before legal action is completed, rendering the judgment hollow. Without pre-trial asset freezes or global tracing

[11] Firdaus, A., & Surya, R. (2022). Tantangan Pembuktian dalam Perkara Perdata di Era Digital: Studi Kasus Investasi Ilegal Daring. Jurnal Hukum dan Teknologi, 10(2), 215–233. https://doi.org/10.31227/osf.io/ndqxs

mechanisms, victims are unlikely to recover meaningful compensation.[12] The absence of international asset recovery treaties or cooperation frameworks further complicates the execution of civil remedies. Many fraudsters relocate their profits to jurisdictions with strong banking secrecy laws or use decentralized finance (DeFi) systems to launder money beyond the reach of domestic enforcement.[13] The Indonesian civil enforcement system is not yet equipped to handle these transnational elements effectively. Moreover, the fragmentation of victim claims, due to the absence of collective legal action, makes it more difficult for courts to see the broader pattern of fraud. This results in inconsistent rulings and hinders judicial recognition of systemic investment scams.[14] A coordinated legal approach, including evidence sharing among plaintiffs and joint action mechanisms, could strengthen the legal position of victims and increase the chances of successful enforcement. In conclusion, while Indonesian tort law offers a theoretical framework for civil enforcement, practical implementation is severely constrained by evidentiary challenges, technological complexities, and inadequate asset recovery infrastructure. To overcome these barriers, reforms must address both the legal substance and procedural mechanisms, including the recognition of digital evidence, expansion of interim asset preservation tools, and the introduction of collective redress systems. Without such improvements, civil enforcement in robo-trading fraud cases will remain largely symbolic rather than substantively remedial.

To further complicate matters, civil enforcement is also hindered by the lack of institutional specialization and standard operating procedures (SOPs) tailored for handling financial technology-related civil claims. Unlike in criminal law enforcement, where certain agencies like the cybercrime division of the police or the Financial Transaction Reports and Analysis Center (PPATK) are trained and equipped to handle technology-based cases, civil courts have yet to adopt similar infrastructure or capacity. Judges often lack the technical knowledge required to assess blockchain records, smart contracts, or digital asset wallets, resulting in a reluctance to admit or properly evaluate digital evidence. Moreover, expert witnesses in these areas are scarce, and their testimonies are frequently challenged or undervalued due to inconsistencies in evidentiary standards between conventional and digital forms of proof. Without a systemic upgrade to accommodate the nature of digital investment fraud, civil proceedings will continue to lag behind technological developments.

Institutional reform must also address the speed and efficiency of the execution process. Even in successful civil rulings, the procedural steps required to locate, seize, and liquidate assets can take months, if not years. This delay often works in favor of the defendants, who have ample time to transfer or disguise their assets using legal loopholes or foreign intermediaries. In response, Indonesia could explore the establishment of a centralized asset recovery task force that operates with both domestic and international mandate, combining the civil enforcement authority of the courts with the technical and investigative expertise of financial regulators, forensic accountants, and cybercrime units.

[12] Tarmizi, M., & Yustisia, I. (2020). Eksekusi Putusan Perdata dalam Perkara Penipuan Investasi: Analisis terhadap Kegagalan Pemulihan Aset Korban. Jurnal Hukum dan Peradilan, 9(3), 429–448. https://doi.org/10.25216/jhp.9.3.2020.429-448

[13] Zohar, D. (2022). Decentralized Finance and Cross-Border Asset Recovery: Challenges for Law Enforcement. Journal of Financial Crime, 29(4), 1109–1123. https://doi.org/10.1108/JFC-02-2022-0031

[14] Sihombing, Y. S. (2020). Tinjauan Yuridis terhadap Gugatan Kelompok dalam Perkara Investasi Ilegal di Indonesia. Jurnal Hukum IUS, 8(2), 256–275. https://doi.org/10.29303/ius.v8i2.612

E-ISSN : xxxx-xxxx
Doi:

Such a body could improve coordination, streamline enforcement, and serve as a deterrent for future perpetrators who currently exploit the fragmented legal structure.

Finally, victim empowerment must be central to any reform effort. Beyond institutional changes, victims need access to real-time information about their rights and options under civil law. A national registry of reported fraudulent platforms, regularly updated and maintained by OJK or Bappebti, could prevent further victimization and serve as a public warning system.[15] In addition, developing digital platforms for reporting and consolidating evidence could reduce procedural costs and facilitate collective legal action. In the digital age, where fraud moves at the speed of code, civil enforcement must evolve just as rapidly to remain relevant and responsive. Without a significant shift in how civil law engages with technology, victims of robo-trading fraud will remain entangled in a legal process that promises justice but rarely delivers tangible redress.

CONCLUSION

The enforcement of tort law in robo-trading investment frauds reflects both the promise and the limitations of Indonesia's civil law system in addressing technologically driven financial crimes. Article 1365 of the Indonesian Civil Code offers a theoretically robust framework for victims to seek restitution for unlawful acts. Robo-trading schemes, often characterized by deception, misrepresentation, and unauthorized operations, clearly fall within the definition of unlawful act. Civil remedies, particularly compensation claims, provide an alternative or complementary pathway to criminal prosecution, enabling victims to pursue justice through the courts. However, the practical realization of this civil right remains heavily constrained by procedural, evidentiary, and structural challenges. Victims frequently lack access to reliable legal assistance, while courts may struggle with the complexity of digital evidence.

The absence of formal contracts, the cross-border nature of many platforms, and the concealment strategies employed by fraudsters further undermine the enforceability of civil claims. Asset recovery remains a daunting task, often thwarted by the rapid dissipation of funds and lack of international cooperation mechanisms. Despite these obstacles, recent trends suggest that the judiciary is beginning to acknowledge the relevance of civil claims in fraud cases, particularly when victims are able to demonstrate clear harm and deception. Yet, consistency in legal interpretation remains an issue. Indonesia must move toward strengthening its civil justice system by addressing the digital dimension of evidence, expanding the role of regulatory agencies in facilitating restitution, and creating procedural innovations such as class actions for victims of mass fraud. In conclusion, tort law remains a vital but underutilized tool in providing legal protection and compensation for victims of robo-trading investment frauds in Indonesia. Its effectiveness depends on the capacity of the legal system to adapt to new technologies and transnational

[15] Sari, L. K., & Febrianti, D. (2023). Urgensi Pusat Informasi Nasional untuk Platform Investasi Ilegal sebagai Upaya Preventif Perlindungan Konsumen. Jurnal Perlindungan Konsumen dan Hukum Digital, 2(2), 55–70. https://doi.org/10.24246/jpkhd.v2i2.55-70

financial schemes. Without proactive reform and greater institutional support, civil remedies risk becoming a symbolic entitlement rather than a meaningful path to justice.

To improve the enforcement of tort law in robo-trading investment fraud cases, several key recommendations should be considered. First, Indonesian civil procedure law must be updated to recognize and accommodate digital evidence more effectively. Judges, prosecutors, and legal practitioners should receive targeted training on the admissibility and authentication of digital materials such as chat logs, screenshots, and blockchain transaction records. Second, the government should consider introducing a legal mechanism for collective redress, such as class action lawsuits or representative claims. This would empower victims to pool resources, consolidate their claims, and reduce litigation costs. A centralized database of fraud reports, maintained by a regulatory body like OJK or Bappebti, could support this by identifying repeat offenders and patterns of fraud. Third, the creation of a public restitution or compensation fund, financed through penalties imposed on fraudulent operators, could provide faster and more equitable redress to victims. This fund could be administered jointly by LPSK, OJK, and the Ministry of Law and Human Rights, ensuring both legal and financial oversight. Fourth, Indonesia should pursue international cooperation agreements focused on asset tracing and cross-border enforcement of civil judgments. Engagement with ASEAN, FATF, and other international bodies may enhance the ability of civil courts to enforce decisions beyond national borders. Lastly, a broader public legal education initiative should be launched to raise awareness of civil legal remedies available to investment fraud victims. This could include simplified legal guides, victim support centers, and online reporting tools. When combined, these efforts would create a more responsive and investor-friendly civil justice system. Through these reforms, tort law can become a more powerful and accessible tool for victims, strengthening legal certainty and reinforcing public trust in Indonesia's capacity to address modern financial fraud.

REFERENCES

Asmara, A. B. (2022). *Robo-Trading: Ancaman Baru dalam Lanskap Investasi Digital Indonesia*. Jurnal Hukum dan Teknologi, 9(1), 45–60. https://doi.org/10.33096/jht.v9i1.232

Firdaus, A., & Surya, R. (2022). *Tantangan Pembuktian dalam Perkara Perdata di Era Digital: Studi Kasus Investasi Ilegal Daring*. Jurnal Hukum dan Teknologi, 10(2), 215–233. https://doi.org/10.31227/osf.io/ndqxs

Hukumonline. (2021). *Prinsip dan Penerapan Pasal 1365 KUHPerdata dalam Kasus Penipuan Investasi*. Hukumonline Research Brief. https://www.hukumonline.com/berita/baca/lt61570a53c3a84/penerapan-pasal-1365-kuhperdata-dalam-gugatan-kerugian-akibat-investasi/

Lestari, F. D., & Anggraeni, R. (2021). *Perlindungan Hukum terhadap Korban Tindak Pidana dalam Sistem Peradilan Pidana Indonesia*. Jurnal Hukum dan Pembangunan Ekonomi, 9(1), 22–36. https://doi.org/10.20961/jhpe.v9i1.57934

Lubis, F., & Azizah, N. (2021). *Peran Bantuan Hukum dalam Meningkatkan Akses Keadilan bagi Korban Kejahatan Ekonomi*. Jurnal Hukum dan Pembangunan Sosial, 12(2), 201–220. https://doi.org/10.25077/jhps.12.2.2021.201-220

Legal Insight on Business Enterprise Regulation and Advocacy
Journal homepage: https://ejournal.unesa.ac.id/index.php/liberatica
E-ISSN : xxxx-xxxx
Doi:

Nurjannah, S., & Pujiyono. (2020). *Koordinasi Antarlembaga Penegak Hukum dalam Penanganan Tindak Pidana Investasi Ilegal di Indonesia*. Jurnal Hukum dan Peradilan, 9(1), 95–114. https://doi.org/10.25216/jhp.9.1.2020.95-114

Prasetyo, T., & Barkatullah, A. H. (2020). *Tanggung Jawab Hukum Perdata Terhadap Perbuatan Melawan Hukum dalam Kasus Investasi Ilegal*. Jurnal Hukum IUS, 8(3), 457–475. https://doi.org/10.29303/ius.v8i3.704

Rahman, T., & Yuliana, R. (2021). *Legal Protection for Victims of Illegal Online Investment: Indonesian Perspective*. Journal of Legal, Ethical and Regulatory Issues, 24(S3), 1–11. https://www.abacademies.org/articles/Legal-Protection-for-Victims-Online-Investment-24-S3-1.pdf

Sidharta, B. A. (2019). *Hukum Perdata: Dalam Perspektif BW dan Perkembangannya*. Bandung: Refika Aditama.

Sihombing, Y. S. (2020). *Tinjauan Yuridis terhadap Gugatan Kelompok dalam Perkara Investasi Ilegal di Indonesia*. Jurnal Hukum IUS, 8(2), 256–275. https://doi.org/10.29303/ius.v8i2.612

Tarmizi, M., & Yustisia, I. (2020). *Eksekusi Putusan Perdata dalam Perkara Penipuan Investasi: Analisis terhadap Kegagalan Pemulihan Aset Korban*. Jurnal Hukum dan Peradilan, 9(3), 429–448. https://doi.org/10.25216/jhp.9.3.2020.429-448

Wibowo, A. (2020). *The Liability of Notaries in Unlawful Investment Schemes: A Civil Law Approach*. Jurnal Hukum IUS QUIA IUSTUM, 27(3), 401–420. https://doi.org/10.20885/iustum.vol27.iss3.art4

Zohar, D. (2022). *Decentralized Finance and Cross-Border Asset Recovery: Challenges for Law Enforcement*. Journal of Financial Crime, 29(4), 1109–1123. https://doi.org/10.1108/JFC-02-2022-0031