

## **The Crazy Rich Indonesian Phenomenon: Correlation Between Structural And State Victimization**

**By**

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### **Abstract**

The current phenomenon of crazy rich Indonesia has revealed illegal binary options investment businesses through the online trading platforms Binomo and Quotex. These crazy rich flaunt their instant wealth obtained from successful investments in online trading as a marketing strategy to ensnare victims in investing under the guise of affiliates. Meanwhile, commodity investment policy and traffic are regulated and supervised by Law Number 10 of 2011 through the appointment of the Commodity Futures Trading Supervisory Agency (CoFTRA). Other state institutions, such as the Indonesian Financial Transaction Reports and Analysis Center (INTRAC), should be able to expand their authority in supervising financial transaction traffic. From the perspective of victimology, the state is obliged to guarantee security and protection for the community in various aspects of life. Using a qualitative descriptive method, this research deduced a relationship between state and structural victimization. The findings showed that the weakness of government policies and state administration leads to the structural victimization of the community.

**Keywords:** CoFTRA, Binomo, crazy rich, public policy, OJK, binary options, INTRAC, online trading, structural victimization, victimology.

### **Introduction**

Amidst the economic downturn due to the Covid-19 pandemic, a group of people committed to flexing [1] or flaunting their wealth on social media. They displayed their prosperity earned from the binary options investment through online trading platforms, such as Binomo and Quotex. These investment businesses claim to provide double profits within a brief period. Therefore, many people yearn to become 'instantly rich' or 'suddenly well off' like the influencers on social media and the news due to the use of flexing as a marketing ploy.

The promised high returns are very attractive, as people wish to believe that unicorns exist in the financial world [2]. However, this is "too good to be true." In his book, Ben Carlson described the characteristics of financial fraud, including ridiculously high returns, too good to be true, and pandering to the audience's wishes [3]. The traders are generally master manipulators [4]. Meanwhile, the high level of risk is directly proportional to the individual's ability to make rational decisions and filter based on these fraud characteristics. Risk refers to exposure to danger, damage, loss, injury, or other unwanted consequences [5].

Although the 'instant rich' term seems irrational, investing in binary options seems to be a rational choice to obtain immediate profits instead of investing time and effort into building a business. Unfortunately, this rationality is limited by little knowledge and information on the type of commodity investment selected, considering that this business principle is high-risk-high-return. This has diminished the "instant rich" goal to "instant poor." People are effortlessly tempted by "flexing" content but are more apathetic towards educative content. This leads to increased fraud victim reports to law enforcement officials, causing citizens to question the government's force and power.

As a result, Indonesia is expected to play a comprehensive role as a regulator, supervisor, and executor. The state must be able to use policy and legal instruments to anticipate, regulate, protect, and take action against illegal forms of investment in the country. Previous research has shown online trading practices similar to gambling and game design in investing.

Warren Buffet, a world-class investor, argued that trading applications bring casino-like behavior or gambling into the stock market [6]. According to the findings proposed by Oksanen et al. [7], these practices on online application-based investment platforms show an association with excessive behavioral and mental health problems.

As mandated in the Preamble to the 1945 Indonesia Constitution, the state is authorized to protect the entire Indonesian nation. Therefore, the state is obligated to provide a sense of security and protection for the community. From the perspective of victimology, this also includes state obligations.

Meanwhile, Law Number 10 of 2011 concerning Amendments to Law Number 32 of 1997 concerning Commodity Futures Trading appointed the Commodity Futures Trading Supervisory Agency (CoFTRA) to regulate, develop, guide, and supervise commodity investment traffic in Indonesia. The agency is also authorized to order examinations and investigations of violation-suspected parties.

Indonesia also has supporting instruments for other financial supervisory institutions, such as the Indonesian Financial Transaction Reports and Analysis Center (INTRAC or PPATK). This center has several duties and authorities to receive, analyze, and forward financial transaction reports and analysis results to law enforcement agencies. These state institutions are expected to be relatively assertive, even more than adequate, and have considerable influence on the transaction traffic in the financial and commodity industry.

Consequently, the online trading fraud perpetrated by these crazy rich through the Binomo and Quotex platforms suddenly became a shock therapy for the community. It also served as an opportunity for correcting observers and academics on the government's mediocre response in overcoming the illegal investment problem in Indonesia.

Regarding modern society, Beck [8] exemplified risk as a feature of the ontological condition of humans [9]. Another perspective to convey government rationality [10] referred to risk as a discourse and a set of practices related to regulating, managing, and forming human behavior [11]. However, empirical evidence of the shift to risk governance as a regulatory modality has yielded ambiguous results that risk awareness appears to be selectively mobilized [12].

This finding is in line with the statement of the Minister of Finance, Sri Mulyani, regarding the potential income tax that can be charged to the crazy rich. This signifies that the selective ambiguity of risk is in the state's interests.

In addition, Kauzlarich and Kramer remarked that economic pressures can motivate a country to engage in victimization practices, while political pressure can serve to control these actions [13]. Kramer and Michalowski also asserted that state self-interest serves to motivate victimization [14].

## **Identification of Problems**

Previous research assumed that recent applications and trading platforms were discovered as a result of the lockdown due to the COVID-19 pandemic. Other reasons include a temporary market collapse, which began in 2020 [15] [16], substantial psychological, social, and economic stress caused by the pandemic, and the risky character of less wealthy people, which leads to making decisions that can cause poverty [17].

The emergence of Binomo and Quotex online trading platforms displays the rapid development of the financial industry, capital market, and commodity trading. The development ranges from changes in formation, quality, and business risk. The drawn-up policy instrument also loses out due to the rapidity and anticipation of these changes. Therefore, the government, through financial supervisory institutions, should be more aggressive and active in observing and analyzing the situation of capital and commodity market developments.

Accelerating the government's role in the regulation, control, and supervision of the trading committee requires the implementation of the main functions of several institutions. These include CoFTRA, the Financial Services Authority (OJK), and INTRAC, as well as other relevant institutions, which should be coordinated comprehensively and maximally, or possibly expand their capacities. Although CoFTRA and the Ministry of Communication and Informatics closed 1,222 illegal trading and gambling sites in 2021 [18], no visionary or curative preventive efforts have been performed by the government. This is evidenced by the emergence of victims of various illegal investment practices to date.

The government is considered inadequately aware of its policy weaknesses. As a result, there have been casualties to individuals and community groups, thereby implicating the government in the victimization problem.

## **Methodology**

This research applied a qualitative descriptive method that focused on problems gathered from observations. The data were collected using the triangulation (combined) technique. This method was employed to illustrate, describe, study, and answer the research problems in more detail.

A qualitative approach was selected due to the specifications of the research subject. In addition, the method is useful for obtaining in-depth information and uncovering social realities. This approach relies on the reality in the field as well as the respondents' experience associated with the theoretical reference [19].

The data analyzed were collected from mass media information on the Binomo illegal investment case, as well as news about investment frauds committed by Crazy Rich Indonesia. Documents, particularly regulations related to commodity investment issues and institutions controlled by laws and regulations, were examined.

## **Result**

### ***Theory of Rational Choice and Bounded Rationality***

The classical economic theory proposes that humans are driven by rational interests and choices developed by logical and systemic information [20]. According to this supposition, knowledge can be acquired about all available alternatives and their possible present and future consequences, and the best choice can be made objectively and accurately [21].

Although individuals try to act rationally, their choices are influenced by feelings, memories, and emotions [22]. Intuition and perception are part of decision-making and generally contribute to the human mind finding a shortcut and generating immediate judgments for problem-solving that requires slight effort [23].

The irrationality in investment choice for being "instant rich" and a "follower" of the crazy rich is indeed questionable. The rational choice theory, sometimes called choice or rational action theory, is a framework for understanding and designing models of social and economic behavior [24]. The basic assumption of this theory is that all social behavior is due to individual decisions. This theory focuses on the determinants of individual choice (methodological individualism).

The rational choice theory also assumes that people have and express a preference among several choices [25]. Therefore, the decision to invest through online trading to become "instantly rich" amid the current economic downturn stands as a rational choice for society.

However, human rationality has limitations. Herbert A. Simon, in his work entitled *Models of Man*, stated that human beings cannot be completely rational because various actions are influenced by irrational factors in the individual's brain. In another paper, he stated that bounded rationality agents face limited information and experience in solving complex problems. The experience of the successful application of a method, policy, system, or approach psychologically limits another trial and error option [26].

Generally, bounded rationality is the idea that reason is limited by the ability to collect input, cognitive abilities, and the time limit for decision-making, resulting in a satisfactory, rather than optimal, decision [27].

The decisions of humans are generally heuristic, with only limited available data. One of the causes of this limited rationality is shortcutting the decision-making process by making more practical and immediate decisions [28].

The theory further explains that people tend to make investment decisions in a short time due to expected precipitant income. They are also solely based on the assumptions of the Crazy Rich model as a factual field.

### ***Public Policy***

Policies are created as a solution to current problems as well as to predict and anticipate potential problems. In cases where the drawn-up policies generate new issues, a constructive evaluation is required.

Thomas R. Dye defined public policy as the actions a government chooses or refuses to implement [29]. The research described the main actor in public policy as the government. Public policy discourse is related to "the actions of government" or even "government intervention."

Meanwhile, William Jenkins defined public policy as a series of interrelated decisions taken by one or more political actors. The decision relates to the determined goals and the ways to achieve them in a situation. In principle, these decisions are still within the limits of the actor's authority [30].

Jenkins emphasized public policy as a package of interrelated decisions. The resolution of problems through one policy is uncommon, as a series of interrelated decisions are usually involved.

Furthermore, James Andersen defined public policy as an action with a specific purpose implemented by an actor or group of actors in handling a problem or matter of concern [31]. The problem-solving perspective is an important aspect of its definition.

The policy options taken or adopted by the government can be hindered by various limitations. These include the budget, the amount and quality of human resources, the limited information available, and aspects related to agreed international standards or obligations, or even domestic resistance faced by the government to certain policy options.

From these various definitions, public policy can be described as a complex and complicated subject. Its implementation must cover regulations, the formation process, adoption, actors involved, and various capacities.

Critics of the government state that policies are often only repressive to existing societal issues but are not curative. Its preventive capabilities are also limited, partial, and parochial, thereby leaving gaps for the creation of victims from illegal investment crimes. This is the basis for the urgency of agile government for preventive-visionary and curative policies.

### ***Government Financial Institutions Sector***

Binary options are online trading instruments that require traders to guess the rise or fall of the price of an asset within a certain period. As a binary options platform, Binomo has no traded assets, implying no real transactions occur on the platform. According to the Head of the Bureau of Legislation and Enforcement, CoFTRA, Aldison Karorundak, there is no trading activity or commodity futures trading in binary options. It is also loaded with gambling elements. In Indonesia, binary options activities are illegal because all platforms or organizers of activities disguised as commodity trading lack business licenses from the Commodity Futures Trading Supervisory Agency (CoFTRA) of the Ministry of Trade. A similar trading platform is Quotex [32].

The government often argues about taking preventive action by educating the public about the dangers of illegal investments. Also, it often reminds the public to check the legality of a product and the company with the authorities [33].

Based on the observations of several social media platforms by government institutions, particularly CoFTRA, OJK, and INTRAC, this reminder is solely considered a persuasive effort. It is also unaccompanied by a maximum socialization program, as indicated by the content of the media channels used, namely Instagram, Facebook, and Twitter. Consequently, there is very little public response and interest in this persuasion compared to flexing content. People are much more interested, respond, and follow the flexing content creators.

According to Law Number 10 of 2011 concerning Amendments to Law Number 32 of 1997 concerning Commodity Futures Trading, CoFTRA is authorized to conduct its main tasks. The authority involves conducting inspections of permitted parties and ordering inspections and investigations of suspected violators of futures trading laws and regulations. It is also authorized to provide solutions to problems concerning futures trading activities [34].

Meanwhile, INTRAC was established from Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering. It has the duty and function of prevention by analyzing or examining reports and information on Financial Transactions that indicate money laundering and/or other criminal acts. It holds the authority to execute this function, including setting guidelines for identifying suspicious financial transactions [35]. The agency also classifies the proceeds of a crime as assets obtained from a criminal act of fraud (Article 2 Paragraph 1 letter (r)) [36].

This is further explained in Chapter I General Provisions Article 1 Paragraph 5 of Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering. Suspicious financial transactions refer to the deviation from the profile, characteristics, or habits of the transaction pattern of the relevant Service User (Article 1 Paragraph 5 letter (a)) [37].

The audit authority is stipulated in Article 1 Paragraph 7. This article defines an audit as a process of problem identification, analysis, and evaluation of Suspicious Financial Transactions performed independently, objectively, and professionally to assess suspected criminal acts [38].

Generally, the functions of CoFTRA and INTRAC related to fraudulent investment crimes in illegal commodities can be integrated and maximized with broader, independent, and initiative powers. INTRAC can independently profile suspicious financial transactions, which can be analyzed and serve as a reference for recommendations for CoFTRA and other interested institutions. This can be one of the visionary preventive efforts to protect and prevent illegal investment fraud victimization.

PPATK's initiative and independence through the analysis of financial transaction profiling should be the main capital for initial investigations into various modus operandi of financial crimes. For example, a sudden skyrocketing in account transactions to hundreds of billions within a short period, which is common with the crazy rich, should raise suspicion.

Therefore, INTRAC should furnish effective preemptive practices to ensure suspicious financial transactions are prevented before their occurrence. In the case of suspicious financial transactions, the principle of presumption of guilt should be applied until rendered safe and clear by INTRAC's analysis and examination.

Supposing INTRAC's workflow involves analyzing financial crime allegations based on instructions from government agencies, then this method should be reversed to create visionary precautions.

The fast pace of commodity market growth should forewarn the government through CoFTRA to be more assertive in planning visionary and curative preventive policies in the investment sector. Despite CoFTRA's efforts in blocking thousands of illegal commodity trading and disguised gambling sites, as well as educating the public, the facts show that illegal investment fraud is still rampant.

### ***Structural Victimization***

The focus on crime victims is inseparable from the perspective of victimology. Generally, victimology embodies aspects related to victims, such as the causes of crime, how people become victim, efforts to reduce the rate, and their rights and obligations. It can also be defined as a study that examines victims, including the causes and consequences, which constitute problems in society [39].

Previously, Sahetapy clarified that victims are not limited to criminal situations but are created from several broad aspects based on the principle of cause and effect. According to this research, the victim is an individual or legal entity who suffers injuries, damage, or other forms of perceived physical and psychological harm. These harms can be examined from legal, economic, political, and socio-cultural perspectives. In addition, the victim can be either the fault, play a direct or indirect role, or be exempt from any involvement in the situation [40].

Hence, victimization is the emergence of victims due to various reasons, such as violations. It is involved in a study of victimology [41].

Structural victimization is related to the structure and power in society. It has no boundaries, and one of the most common is the abuse of power, particularly crimes against humanity. This phenomenon differs from other types of victimization due to its various forms, such as war, genocide, tyranny, dictatorship, oppression, repression, torture, suffering, exploitation, discrimination, racism, sexism, ageism, and classism. [42]. Therefore, structural victimization refers to the emergence of victims, which is rooted in stratification, values, and institutions in society [43].

Gosita also described structural victimization as an act perpetrated by an individual or group as an element of certain entrenched social structures. Based on this definition, victimization is caused by certain structures in society and the existence of power [44].

From the perspective of victimology, the state is obliged to ensure a sense of security and protection for its citizens in various aspects of life. In performing its routine processes and functions, the state may play a role in perpetrating victimization. Various policies, regulations, or presidential decisions are reflected in erroneous central and local state policies, resulting in victimization. In addition, certain civil groups can be discriminated against, thereby triggering victimization. Violence by the state and abuse of public power can also be categorized as state victimization [45].

Conversely, structural victimization includes political, social, legal, and economic victimization, as well as abuse of power. It is a non-violent crime with several characteristics, i.e., impersonal and random, massive/collective victims, and physical or non-physical suffering. Victimization is processual, invisible, and indirect, and its implications last for various systems in society [46].

Following the explanations above, the relationship between state and structural victimization can be ascertained [47]. This relationship can be seen in cases of structural victimization. They are generally performed by the state against the community through the formation of weak public policies, thereby resulting in the emergence of victims in society.

## **Conclusion**

The relationship between state and structural victimization appears from the failure of state administration through the weakness of public policies, causing the emergence of victims in society.

Public policies are formulated as solutions to occurring and potential societal issues or problems. Despite any interests and missions, the government has the power to regulate, control, and take strict and absolute action against all forms of fraudulent investment practices.

The principle of commodity trading is a high-risk high-return business concept. As indicated by the concept term, the priority in commodity trading is risk management. Therefore, policy instruments along with firm and comprehensive regulations and/or laws are required.

Considering the high-risk point, the drawn-up policies and regulations should be preventive, corrective, and repressive, as well as visionary and curative. The government needs to carefully analyze the content and context of high-risk commodity trading policies. Without this consideration, the government will be guilty of provoking structural victimization, where people become victims of illegal investments due to the weakness of policies and the government's role.

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