

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)



Raden Muhammad Jauhari¹, Adrianus Meliala²

^{1,2}Universitas Indonesia

ABSTRACT: This study aims to examine fraud cases in Indonesia-China trade relations from the point of view of the Indonesian exporters as victims. Empirically and theoretically, the research focuses on gaps in trade relations that trigger the victimization of Indonesian exporters and seeks to uncover economic, political, legal, and cultural asymmetries in accordance with the stages and typology of fraud victimization initiated by Michael Levi (2009). This study contextualizes fraud victimization on the phenomenon of criminogenic asymmetries in Indonesia-China trade relations. The study uses a qualitative approach with an explanatory method, while the data analysis uses a triangulation technique. The results of the study reveal several essential things. First, the victimization cases of Indonesian exporters occur because of the existence of non-legal route options in trade with China that puts the exporters in the category of diffuse victimization. This option is available because it is a rational choice of cost-effective, duty-free, and with no licensing. It is even more dramatic when the government and law enforcement commit victim blaming, then see cases of default as negligence, not fraud. Second, there is a lack of coordination between international trade stakeholders in Indonesia, creating difficulties in assisting entrepreneurs' processes, especially if the exporters become victims of fraud. Third, the role of groups of perpetrators of organized fraud exists by using the guise of business in Indonesia-China trade relations. Fourth, the fraud victimization experienced by Indonesian exporters is inseparable from the existence of asymmetric criminogenic factors, namely the legal system, technology, knowledge, and culture between the two countries. Fifth, there are empirical and theoretical differences and gaps related to the contextualization of Levi's concept of fraud victimization when placed within the framework of criminogenic asymmetries in the Indonesia-China trade case. This gap is due to the occurrence of three export routes that significantly affect the concept of victimization typology.

KEYWORDS: Criminogenic Asymmetries; Fraud Victimization; Global Criminology; Contextualisation; Organized Fraud.

I. INTRODUCTION

The global trade world is currently undergoing significant changes along with the increasing speed and pattern of communication between the world's citizens facilitated by advances in high technology. Geographical boundaries between countries are like merging into a large village or village, which is often called a global village (McLuhan, 1962). The process of evolution cuts time and shortens distances, including in the fields of economy and trade. It is also driven by globalization when there is transnational and transcultural integration of human and non-human activities (Fitriyanti, 2014), which Zaidan (2016) predicts will bring up new values and norms in life on a national and international scale.

In the economic context, globalization is generally closely related to freedom in international trade, such as carrying out free-trade zone activities. According to Brawley (2003), economic globalization is a multidimensional process in which markets, companies, production, and financial systems are integrated with each other on a global scale. Economic globalization is becoming more and more prevalent as technology makes international transactions easier and the expansion of trade beyond national borders is increasing, offering many opportunities, including to even the poorest, to improve economic fortunes. This condition has shifted the industrial economy into an 'information economy', popularly known as the new economy (Damanhuri, 2008), and increased foreign exchange traffic (Scholte and Stiglitz in Fitriyanti, 2014). The relationships in global trade are in line with the jargon of the borderless world, implemented by the World Trade Organization (WTO), that is all countries that have ratified the rules must remove all trade barriers; ready to compete freely in international trade without protection and subsidies (Damanhuri, 2008).

The ASEAN-China Free Trade Agreement (ACFTA) is an example of interregional trade policy in expanding the basis of economic growth. It is a free trade agreement between ASEAN member countries and China (hereafter: Tiongkok). Tariffs in the ACFTA goods trade scheme are set based on the product categories that are most ready to be liberalized by reducing tariffs through

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

the early harvest package (EHP) policy. The schedule for reducing tariffs for the EHP category is done through various stages in certain product categories (Ministry of Trade, 2019). Indonesia itself has good relations with China in terms of trade. The two countries have been trading for a long time. In 2021, the trade value between Indonesia and China will reach US\$124.34 billion, an increase of 58.43% from 2020. This trade value consists of exports of US\$63.63 billion and imports of US\$60.71 billion (Republika.co. en, February 2, 2022).

Behind the trade relations between the two countries, not a few Indonesian and Chinese exporters are victims of crime, especially as victims of fraud victimization with huge losses. This crime phenomenon is committed by parties who take advantage of various weaknesses of exporters in interacting and transacting with buyers in the destination country. Most of the exporters who become victims have no experience or are unfamiliar with the trading system in the destination country (Ministry of Trade, 2019). This description confirms the results of a study by Pudjiastuti (2014); that globalization has made it easier for transnational crimes to exist. Almost all Indonesian exporters are deceived by fraudulent acts committed by individuals or groups using the name of a legal company in China. As shown in Table 1.1, several Indonesian exporters have become victims of fraud in which the perpetrators use cyber technology.

Table 1.1. Indonesian Entrepreneur Fraud Victims

Time	Victim	Perpetrator	Commodity	Loss	Mode
25 Mei 2014	PT. Sumber Sejahtera	Foshan Nanhai Saga Audio Zumiao Road Kota Foshan Provinsi Guangdong	Audio and electronics	US\$50.000	Cyber scam
21 Juni 2014	PT. Panca Sukses Pratama	Holding Growth Company, Taizhou City - Province of Zhejiang	Not mentioned	Not mentioned	Cyber scam
25 Juli 2014	PT. Mandiri Jaya Kembara	Shanghai Jaway Metal Co. Ltd. Jinsui Tower, Lujiazui Financial and Trade Zone, Shanghai	Stainless Steel (steel)	US\$199,70	Unpaid sent goods
26 Agustus 2014	PT. Adimitra Karunia	Fraudster in Shanghai	2 Units of tower crane	US\$98,266	Using a fake email address

Source: Processed by researchers from the Directorate of Trade Security, Directorate General of Foreign Trade, Ministry of Trade (2019).

The crime does not only happen to Indonesian exporters but also, in some cases, to Chinese importers cheated by Indonesian exporters (Table 1.2). Like Chinese exporters, Indonesian exporters commit fraud using internet technology tools. Indonesian companies generally use fake addresses and contact numbers, fictitious companies, "hit and run" exporters, and some provide false information on websites. The mode is, among others, conducting buying and selling cooperation via the internet by sending goods that are only smooth at the beginning and are not complete in the end. The search results show that the address and telephone number listed are almost all fake, including the bill of lading (B/L) or manifest. In buying and selling transactions, the address of the perpetrator is always disguised by using the faraway domicile of the city where he lives (another island) from the domicile of the bank used. It is their way to avoid tracking the authorities (Ministry of Trade, 2019)

Table 1.2. Chinese Businessman Fraud Victims

Time	Victim	Perpetrator	Commodity	Loss	Mode
26 November 2010	Changzhou Dinggang Changsong Imp. & Exp. Co, Ltd.	PT. Mahkota Gajah Metal Industries, Medan	Zinc-coated sheet steel	US\$87.640	The company did not pay off the remaining 80% of the payment, and it was suspected that there was a third party.
12 November 2010	AIM Higher Enterprises Co., Bld D, Metropole King's Road North Point Hongkong	PT. Agung Pratama STP, Lhokseumawe, Aceh Utara	Recycle of plastics (clear pet flakes)	US\$3.381	Internet/email fraud, after being paid to a personal account, the company cannot be contacted

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

Time	Victim	Perpetrator	Commodity	Loss	Mode
12 November 2010	Galaxy Printek Limited, Po Yik Street, Tai Po, NT, Hong Kong	PT. Bima Print Center, Medan	Headprint Epson F186000	US\$ 1.350	Payment to personal account, then the company can not be contacted

Source: Processed from the Directorate of Trade Security, Directorate General of Foreign Trade, Ministry of Trade (2019).

Fraud cases in trade relations between Indonesia and China are one of the consequences of trade globalization (Zaidan, 2016). Many academics link transnational crime with the progress of globalization (Marmo & Chazal, 2016). Both at the state level and the individual security level (Emmers, 2005), such as human trafficking, narcotics smuggling, and illegal immigrants. Or global crime that uses internet technology (Zaidan, 2016) shows that globalization has influenced the patterns and types of transnational crimes.

In various evolutions of crime at the global level, criminologists seek to examine the concepts, definitions, and forms of transnational crime. Some experts experience uncertainty regarding the terminology of transnational criminology (Friedrichs, 2007: 7-18), whether it can also be called international criminology which focuses on international crime, or global criminology which is more on the social context of crime. There is also the term supranational criminology adopted by European criminologists from the University of Maastricht, which is defined as the focus of studies on large-scale forms of harm such as genocide (Friedrichs, 2007:11).

Although there are terminology issues, this study uses the term transnational crime more, because it is in line with the concept of organized crime (OC) which covers crime as business activities. As stated by Massari (2001), transnational crimes are criminal activities that go beyond national borders and have an impact on violating the laws of various countries. The researcher places this cross-country context in the perspective of global criminology. It is a study that covers international and transnational crimes that have not traditionally been the focus of mainstream criminology or criminal justice. The process of globalization gave birth to new elements of victimization (Jaishankar & Ronel, 2013). But globalization can also be an opportunity to confront and defeat victimization through increased knowledge sharing and increased understanding of the weak humanity.

The three concepts of global criminology proposed by Friedrichs (2007), namely sovereignty, nationalism, and legitimacy, emphasize the analysis perspective of this research, which in the context of the phenomenon of cross-border trade between Indonesia and China is the main issue in the legal gap between the two countries. The concept of (1) sovereignty (sovereignty) is defined as the full power of the state over its territory following its national boundaries; the concept of (2) nationalism (nationalism) is defined as a priority over the interests of the state and its cultural values, whether it encourages law enforcement or even supports it; and the concept of (3) legitimacy, referring to the order of authority that is perceived as valid and must be obeyed (Friedrichs, 2007:13-18).

Global crime is a fact about the evolution of new forms of crime that requires study, as well as various forms of fraud, which are not only limited to conventional fraud crimes but also a fraud, embezzlement, and breach of trust (Levi, 2008). This condition requires conceptual explanations because, in the view of global criminology, transnational crime is a form of OC crime that can operate on a worldly scale. The problem of OC concerning this research text is to look at the position of the victimization phenomenon that Indonesian exporters become the victims of OC groups operating in export destination countries.

The focus of this study on TOC and OC relates to this area of crime operation. There are sovereign-free areas of the international system where state control is weak or ineffective, such as cyber zones and private bank account operations (Cockayne, 2007). Thus, it is essential to see whether OC and TOC characteristics occur in Indonesia-China trade activities. Wang and Wang (2009) state that TOC is an act committed by groups involving two or more countries where the act is defined as a criminal offense, at least according to the laws in force in one of the countries. The widening of the capacity gap between countries is predicted to trigger the development of criminal groups operating in the international market into forms of transnational criminal activity (Calcgani, 2010, Ghosh, 2007).

In a lot of literature, crime in cross-border trade often comes from a gap in trade relations between countries due to differences in culture, behavior, and business patterns. This is what Passas (1999, 2000, 2002) calls criminogenic asymmetries, namely conflicts, incompatibility, and inequality within the scope of economics, politics, law, and culture. Globalization then plays a role in strengthening this asymmetry. Systematically, globalization has led to relative deprivation, which then affects the emergence of irregularities and crimes.

The technological revolution has also contributed to the shift from traditional forms of crime to digital forms of cybercrime (Button & Cross, 2017). Advances in technology and the internet create fraudogenic conditions, conditions of lagging behind the criminal justice system, regulators, and criminologists in the context of understanding, resolving, and preventing digital-based crimes, both those facilitated by technology or cyber-enabled and those emerging from technological developments or cyber dependents. Levi's (2017) study in several developed countries confirmed this increasing trend of cybercrime. The study revealed that a large number of internet-based frauds occur in the United Kingdom, Germany, the Netherlands, Switzerland, Australia, and

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

Hong Kong, Button & Cross (2017) saw that there was an unequal condition between the development of the fraud phenomenon and the response of law enforcement, both in the allocation of resources and in the commitment to law enforcement.

This phenomenon encourages researchers to examine cases of fraud in Indonesia-China trade relations. The two problems studied in this study are empirical matters related to the victimization of Indonesian exporters from the perspective of global criminology and theoretical contextualization of fraud victimization.

Regarding the contextualization of fraud victimization, it intentionally attempts to place the Levi (2008) fraud concept into the victimization process of Indonesian exporters triggered by criminogenic asymmetries. The author first identifies the stages of fraud victimization of Indonesian exporters to China, explains the typology of victimization and then describes contextualization of fraud victimization. This contextualization is based on Robert Lily et al (see *Criminological Theory: Context and Consequences*, 2006) that theories and concepts about crime will always follow the development of society and cannot be separated from their environmental situation.

II. THEORETICAL FRAMEWORK

A. Fraud Victimization

Victimization can simply be defined as a process that results in victims, losses, or injuries. When referring to Fisher & Reyns (2009:162), victimization is: "The outcome of deliberate action taken by a person or institution to exploit, oppress, or harm another, or to destroy or illegally obtain another's property or possessions." Meanwhile, Karmen (2010:2) sees victimization as: "An asymmetrical interpersonal relationship that is abusive, painful, destructive, parasitical, and unfair." Furthermore, Doerner & Lab (2012:4) define victimization as a dyad relationship between the perpetrator and the victim of a crime. Thus, when describing a victim of a crime, it means explaining the characteristics, relationships, forms of behavior or actions, consequences, and actors that caused the emergence of victims, losses, or injuries.

In this study, victimization is associated with fraud, as will be further explained by Levi (2015). In typology context, the victim or victim of a crime will focus on the victim of a corporation or group. Focusing on groups or corporations as victims has so far been seen as a phenomenon that received little attention in criminology and victimology studies. Schneider (2013) revealed that when victimization of white-collar crime (WCC), it often focuses on the individual as a victim, even though in reality there is a possibility that the victim refers to a specific group, or a corporation. This idea is emphasized by Michaels (2003), that corporations can be the perpetrators of a crime and the victims of a crime in the same event. In such cases, criminal law often views the corporation as a culpable defendant or as an innocent victim.

The theory of victimization explains that the characteristics, attitudes, and behaviors of potential victims affect the possibility of victimization. This theory raises debate as to whether potential victims are risking themselves by engaging in risky behavior or whether victimization is primarily due to bad luck. There is a presumption that both perpetrators and victims of fraud are involved in risky business, and that bad luck may not be the only factor involved in victimization by fraud (Levi, 2008). There are also theoretical reasons to suspect that, similar to other crime victims, victims of fraud may play a role in facilitating their own victimization.

Despite the idea that victims of fraud have specific personality characteristics that increase the likelihood of victimization, it has not been tested empirically. However, the little empirical evidence available tends to support the stereotype of the victim of fraud. According to contemporary victimization theory, the likelihood that a person will be victimized is increased by engaging in provocative, triggering, or facilitation behaviors (Levi & Burrows, 2008). Regarding provocation and deposition, the victim provokes the perpetrator by hitting, mentioning his name, or deliberately beating the perpetrator in other ways. Victim facilitation refers to "a situation in which the victim is unconscious, reckless, negligent, ignorant, and unwilling to make it easier for criminals to commit and solve crimes." This reality confirms the lifestyle theory which assumes that the more likely a person is to put himself in danger, the greater the risk and the possibility that he will become a victim of crime (Levi, 2015).

The idea of victim facilitation can be extended to fraud victimization. However, the nature of facilitation in criminal acts of fraud is different from ordinary street crimes. In the case of fraud, the interaction between the perpetrator and the victim is cooperative. Victimization of fraud requires the victim to participate or follow the perpetrator to some degree (Levi, 2019). Personality characteristics that increase a person's likelihood of working with a fraud perpetrator also increase the likelihood of victimization. Having a good attitude towards taking financial risks is one of its characteristics. In addition, there are acts of committing crimes in domestic and/or overseas locations with or without a physical presence in the jurisdiction. This process is supported by various levels of complexity, technology, and interpersonal communication skills (Levi, 2009).

Levi then describes the stages of fraud victimization that researchers divided into three classifications: pre-victimization, victimization, and post-victimization. The pre-victimization stage consists of (1) monitoring the situation as a 'financial crime opportunity'; (2) obtaining any funds required for the crime; (3) finding people who are willing and able to commit crimes and who can be controlled and relied on; and (4) collecting the necessary equipment/data. The victimization stage includes: (1) committing a crime at a domestic and/or overseas location with or without a physical presence in the jurisdiction; (2) the fact that the process is

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

supported by various levels of complexity, technology, and interpersonal communication skills, to influence the victim's perception; (3) minimizing operational risk. Through legal intervention efforts, corruption uses different legal barriers in each country. Lastly, the post-victimization stage includes: (1) converting the proceeds of crime into money or other valuable assets; (2) finding containers and storage locations; and (3) choosing a region or country with an optimal balance between social or physical distance and the risk of legal sanctions.

On the other hand, according to Levi, there are three typologies of fraud victimization carried out by OC, namely (1) predatory or confiscation, (2) commercial or under the guise of business, and (3) demand-based in trading relations. Predatory crime is a crime that comes purely from the redistribution of existing wealth. It does not produce new goods or services and therefore does not increase the total income stream or have a direct effect on the gross domestic product (GDP). Examples of predatory crimes are burglary and robbery. The commercial crime involves the application of illegal methods for the production and distribution of legal goods and services that are supposed to be produced by others using legal methods. An example of a commercial crime is the use of a business as a front to commit crimes such as cartels. Meanwhile, the market-based crime involves the production and distribution of new goods and services. These crimes take the form of regulations, taxes, and prohibitions. The regulations consist of conditional contrabands, such as the evasion of controls over arms sales. Then, taxes are used for fiscal contraband, such as smuggling activities of officially produced tobacco and for transferring pricing and drug trafficking.

B. Organized Fraud

According to Levi (2008), the concept of organized fraud is not just conventional fraud, but includes fraud, embezzlement, and breach of trust (misuse of trust). There are three layers of fraud, namely (1) pre-planned frauds – businesses formed to cheat their victims; (2) intermediate frauds – the business is legal, slowly turning into fraudulent; and (3) slippery-slope frauds – cheats desperate to save the business.

In the case of organized fraud, criminals may begin with differing access to local, national or international resources, but the asymmetric exploitation of interstate and international criminal justice and regulations, such as differing levels of enforcement in the state or country where the fraudster operates, illustrates the advantages positive for fraud compared to most other crimes. Fraud cases are unique because the perpetrators and victims do not even know each other and do not need to meet physically (Levi, 2008).

As described in the fraud victimization stage, potential fraudsters must first find the 'signs' to lure potential victims into their scheme and develop techniques to get them to share their money voluntarily. They profiled the potential victims through algorithms from social media or technology platforms. Some fraud cases may occur in person, but most are done from a remote place, and some others start technologically and end with some interpersonal contact (Levi, 2008). It appears explicitly that there is one essential difference between fraud and most traditional crimes that have victims. That is to commit the crime, the fraudster does not need to be in the same place as the victim or the property.

C. Criminogenic Asymmetries

The term criminogenic refers more to the forms of circumstances, both environment and experience that can shape personality that can lead to crime. In simple terms, criminogenic is something that supports the creation of crime itself (Andrews & Bonta, 1994). Meanwhile, criminogenic asymmetries are defined by Passas (1999:7) as conflicts, incompatibility, and inequality that occur within the scope of economics, politics, law, and culture. This is the main factor that gives rise to forms of transnational crime. Globalization also plays a role in strengthening asymmetry and bringing criminogenic elements.

Passas (1999:8) admits that asymmetry, or simply inequality, is a common condition. Thus, certain prerequisites are needed so that the existing asymmetry condition becomes a criminogenic asymmetry or becomes a precursor condition for the emergence of crime. Asymmetry can then lead to crime by (1) encouraging demand for illegal goods and services; (2) providing incentives for individuals and organizations who commit illegal acts, and (3) weakening the ability of APH in the crime control process.

Unfortunately, there is no international law-making mechanism or international law enforcement agency that is effective and universally recognized. Law enforcement officers (APHs) are generally constrained by various domestic regulations and are limited to the jurisdiction of each country. This condition can then be called *dysnomie*. An ineffective regulatory condition and fragmented control efforts allow for crimes that do not violate the law (crimes without lawbreaking) (Passas, 1999:14). Furthermore, Passas (1999:9) describes several contexts in which various forms of asymmetry become criminogenic. The emergence of illegal goods and services markets is a combination of economic and political asymmetry, accompanied by serious regulatory imbalances. Meanwhile, cost asymmetry and regulatory asymmetry encourage incentives for individuals and organizations to commit illegal acts. Concerning law enforcement efforts in controlling crime, there are factors of technology and knowledge asymmetry, as well as power and political asymmetry factors that play a major role in weakening law enforcement efforts.

For Passas (1999:20-21) asymmetry will continue to exist, some of which will even develop, especially in the cultural sphere. What should be done is to reduce or eliminate harmful asymmetry and reduce the criminogenic impact of asymmetry that needs to be maintained or irreversible. At the same time, policymakers need to seek to reduce legal asymmetry through the

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

harmonization of regulations and legal sanctions. The less regulatory asymmetry, the fewer factors that cause crime (criminogenesis), and compliance costs will be reduced.

To conclude, the analysis of criminogenic asymmetry, according to Passas (2002:34) shows that the emergence of demand for illegal goods and services come from the state. In some cases, when involved, the state is unable or neglectful to take a stand. National policies and agencies, the asymmetric exercise of state power, obsession with sovereignty, and nationalist resistance to international regulation are important factors in criminogenic asymmetry.

III. RESEARCH METHODS

This study uses a qualitative approach as a systematic effort to collect data, identify processes, and explain hidden social phenomena (Moleong, 2004:3; Tashakkori & Teddlie, 2003). Qualitative methods are used to dig more deeply into the problems underlying the phenomenon itself, and the emphasis is on the level of depth of the data extracted (Kriyantono, 2012:57).

The researcher uses an explanatory method type to identify the reasons for victimization due to inequality in Indonesia-China trade relations and the relationships between various contributing factors (Neuman, 2013). This method seeks to outline the existing theory for later development to become a new group theory. Researchers also use the concept development method. This method intends to reinterpret existing theories, concepts or theories that explain the problem being studied, and relate them to correlated theories (Mainheim & Rich, 1995, Gerring, 1999).

The unit of analysis of this research is the phenomenon of fraud victimization experienced by Indonesian exporters in trade relations with China. 12 (twelve) key informants whose names the authors made initial or abbreviated responded to the research unit. Those informants are representatives of law enforcement (TAD), government (CT and IR), economists (FFH); Chinese diplomacy experts (KH and BA), practitioners (SW); academics (YRD), Chinese cultural experts/academics (RPH); exporters and victims (VP, Sn, and AI) chosen arbitrarily according to research interests. Furthermore, researchers collect research data through (1) interviews with key informants, namely exporters and victims of fraud; (2) data in the form of documents such as transactions, trade agreements, and other relevant communications; (3) field observations to see the transaction process and dig up information; (4) focus group discussions (FGD) with informants and experts; and (5) literature study.

The researcher then analyzes the data by using the triangulation technique. This technique is used with the aim that the phenomenon under study can be understood and has a high truth by reducing as much bias as possible when collecting and analyzing data.

IV. RESEARCH RESULTS AND DISCUSSION

A. Fraud Victimization of Indonesian Exporters

In the trade process that took place between Indonesian entrepreneurs and Chinese entrepreneurs, there was a victimization gap due to asymmetry of law, technology, knowledge, and culture. This asymmetry gap creates vulnerabilities that trigger victimization in the form of fraud or fraud victimization. Informant KH acknowledged that there is a legal asymmetry in law enforcement against perpetrators of trafficking fraud. This is because foreign parties are trying to defend their citizens (Interview with KH, 7/9/2021).

A settlement through international arbitration did occur, but considering the legal jurisdiction of each country, the victims are reluctant to take a long and time-consuming process of legal action. This fact happened to informant Sn from PT Berkah Aneka Laut (PT BAL), an exporter of fishery commodities to China who became a victim of fraud resulting in a loss of Rp. 13 billion. They took legal efforts by reporting this fraud case to the police in Indonesia. However, due to legal jurisdiction issues, the case handling process did not continue. According to Sn, they often must seek legal assistance independently to secure a working relationship with the importer. For this reason, there needs to be an association that supervises exporters so that they have legal legitimacy when reporting suspected fraud.

"It seems that it is necessary to strengthen relations through exporters' associations so that they can cooperate with legal entities in the importing country in order to facilitate themselves when problems occur." (Interview with Sn, 14/12/2021).

Reflecting on the PT BAL case, there is a strong suspicion that the perpetrators are criminal organizations that use pre-planned frauds. It is where the actors intentionally form a business entity, own capital, then carry out cross-border trade transactions, and initially fulfill the obligation to pay for imported commodities until they gain their business partners' trust. Thus, trust is an entry point for them to commit their crimes. In establishing trade relations between Indonesian and Chinese businesses, the foundation is building trust between the parties. "The biggest obstacle is the problem of trust. Both parties need to build trust before a transaction takes place." (Interview with KH, 7/9/2021).

To build trust, the TOC group from China placed their representatives in Indonesia long ago to find targets that would be victims by approaching them. According to PT BAL's statement, after gaining this trust, they started to initiate a limited number of transactions, before finally doubling the number of orders and eliminating the trail without making any payments (Interview with Sn, 14/12/2021).

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

There are many ways for TOC perpetrators to find and target their victims. Looking at what happened to PT BAL, it is very possible that they have long been the target. Generally, the potential victims are companies with easy target categories, such as semi-legal and illegal exporters, or B to B. It is because the semi-legal and illegal channels contain many criminogenic loopholes for them to carry out various forms of victimization. According to informant SW, the typology of fraud varies, such as document fraud, payment disputes, fraud by providing incorrect information, and abuse of the website. "These factors occur in B-to-B transactions, but these cases are outside the jurisdiction of the government's authority." (Interview with SW, 29/6/2021).

On the other hand, victims of fraud may play a role in facilitating their victimization. For example, entering into a trade contract outside a trade agreement facilitated by the governments of the two countries, so that the legal door is closed in the event of a trade dispute. In addition, the company's portfolio also does not have a good reputation, so it is reluctant to report cases of fraud or trade disputes to the authorities. Levi (2008) emphasizes that there is an assumption that both perpetrators and victims of fraud are involved in risky businesses, and that bad luck may not be the only factor involved in the victimization of fraud. According to BA informants, Indonesian companies often do not conduct background checks on Chinese companies that are their partners, both in terms of credibility and track record (Interview with BA, 29/7/2021)

All the loopholes and weaknesses inherent in Indonesia-China export-import activities may already be known by TOC actors, so Indonesian exporters are easy targets to become the victims, whether taking legal or semi-legal routes, especially those using illegal channels, Victimization begins to occur when the victim is trapped or enters the network created by the perpetrator. Potential victims are driven by the demand and supply of goods, then the victims participate in trade cartels created by traffickers. Unwittingly victims are trapped in a system created by fraud perpetrators. Sometimes, the victimization of these scams requires the victim to follow the perpetrator to some degree. For example, making a payment at the beginning of a trade, but then no longer paying it on a trading contract with a larger volume (Levi, 2019), as was the case with PT BAL. However, many payment schemes also occur, where usually the buyer is required to pay a down payment or even pay it off, but there is no guarantee that the buyer can hold when a dispute occurs (Interview with SW, 29/6/2021).

In addition, SW said there was also an issue of trade fraud where the exporter had sent the product according to the standard, but the importer did not pay or was not willing to pay, or the importer refused to accept the goods and threatened to re-export. This situation is like Levi's (2019) analysis which looks at those payment methods in seemingly easy and fast trade transactions that can speed up victimization. Therefore, exporters need to understand the system of secure international trade transactions unless both parties have worked under a high level of trust. In this regard, the BA informant said that Indonesian exporters often transfer funds using TT (telegraphic transfer), and no one uses L/C (letter of credit) so that buyers cannot withhold the funds paid if there is a problem with the goods purchased. "For the bank, all TT transfers are recorded as normal and legal so that funds cannot be returned." (Interview with BA, 29/7/2021).

This is how fraud perpetrators work, and how they operate by utilizing various levels of complexity, technology, and interpersonal communication skills to influence the perception of victims. Button & Cross (2017:12) highlights the impact of technological developments on changes in the dynamics of fraud crime. Both mention that there are three main points that need to be understood, namely the increased opportunity to commit fraud. Second, the support of information technology triggers the process of globalization of fraud which can now penetrate across national borders. Finally, these changes increase the exposure and likelihood of being a victim of fraud, both as individuals and as organizations, through legitimate business processes and other activities. Actors generally act professional, kind, and positive in offering goods and services.

Many of Indonesia's exporters are victims because they are trapped in a pseudo system created by the perpetrators. Not only deceived through false identities but they are also tricked by the perpetrators with incentives or requests for certain goods and services. This mode of operation was evident in the efforts to victimize four Indonesian exporters during the May-August 2014 period. They committed fraud in almost the same time interval, namely one month, and carried out trade transactions beyond the detection of security and legal snares by the Indonesian government.

B. Stages of Fraud Victimization of Indonesian Exporters

a. Pre-Victimization Stage

The pre-victimization stage is the time when criminals prepare to commit fraud against Indonesian exporters. In the pre-victimization stage, the perpetrator sees the situation as an opportunity for financial crime (Levi, 2009). The high demand for goods and services between Indonesia and China is an ideal condition for criminals. This condition is reflected in BPS data, Indonesia's exports to China tend to increase with the increasing variety of export commodities. Various superior export products from Indonesia to China have become a hunting ground for criminals to find potential victims of exporting companies from Indonesia. Of course, the perpetrators have read and know the portfolio of the Indonesian company

"The current problem is the lack of companies that have import-export permits, even companies that have material sources sometimes don't have export permits, but export quality goods are extraordinarily abundant." (Interview with Sn, 14/12/2021).

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

Entrepreneurs, who do not have export permits, will use semi-legal or even illegal channels. In this position, according to the researcher, both perpetrators and victims can see the potential for getting incentives from organizations that carry out illegal actions, or for traders to be able to achieve greater profits. What concerns them is the achievement of the benefits that will be obtained. In a different language, according to the AI informant, "They measure the money, it applies to trading." (Interview with AI, 14/12/2021). "But for people who are pure business, from what I have observed, we are the weakest in this area. Thus, when we export goods there, or import goods here, generally our people, our traders, just follow the rules, whether it's their legal rules or just the tricks of the traders." (AI in FGD, 17/3/2022).

SW also confirmed that Indonesian exporters generally use incorrect addresses and contact numbers, act as hit-and-run exporters, and abuse websites containing incorrect information (Interview with SW, (29/6/2021). Therefore, they become susceptible to being the target of fraud crimes. If they later become the victims, the government is not able to assist but to report the case to the police.

Furthermore, the AI informant explained that groups of traders from China generally already have "accomplices" in Indonesia, and even have businesses in Indonesia. Thus, for the funding, they can borrow from a bank in their country. "They can manage all of these, such as the legality of the company regarding the Chinese government regulations, and they just slit the bank in China. Indeed, there is a kind of subsidy that provides a stimulus for entrepreneurs who can play outside. They are stimulated to expand their business outside of China." (Interview with AI, 14/12/2021).

AI explained further that trader who are in syndicates are also able to hire spies from domestic areas to study portfolio, management, and corporate governance. When they know all the gaps to enter, without hesitation, they are free to plan what forms and actions to take, especially when they are in the 'grey' zone of trade relations between countries. "There is one syndicate used by the elites. Here are people with two passports. Indonesian passport and Hong Kong passport. There are a lot of them here in Indonesia. If he is in Hong Kong, he uses a Hong Kong passport. So, with a Hong Kong passport, he can access everywhere [...]." (Interview with AI, 14/12/2021)

According to the RPH informant, the most striking and habitual thing in dealing with Chinese traders is that they will do good first. For example, they invite the target to eat to build relationships. Once there is a common perspective, they will offer a particular business. Due to indebtedness, sometimes potential victims follow the merchant's invitation without suspicion. With this pattern, Indonesian exporters are in a condition to become victims of fraud. "If the victim is a foreign importer, it's usually because of trust, and if the victim is an Indonesian exporter, they usually fail to pay." (SW in FGD, 17/3/2022).

b. Stages of Victimization

At the victimization stage, the perpetrator usually commits the crime at a domestic and/or overseas location with or without a physical presence. Weak and failed states, as well as conflict areas, have traditionally been seen as environments that facilitate crime. Organized crime arises from a power vacuum created by the absence of law enforcement and good governance. Failing countries have weak institutions and high levels of corruption, which can be both a symptom and a cause of organized criminal activity (Levi & Lord, 2011).

This description reflects what is happening in Indonesia, when there are three export routes, namely legal, semi-legal and illegal, and the deadlock in handling several cases of fraud that befell exporters. The practice of trading with these three routes occurs due to the complicated and inefficient licensing process for exporters to take legal means as exporters. An interview with an AI informant revealed and conveyed this fact in the FGD. He said that this condition was difficult for exporters at the MSME level, so they take the option of semi-legal, even illegal, because they feel it is more practical and offer them bigger profits, even though they risk becoming victims of crime (Interview with AI, 14/12/2021). For KH, this is also related to the mentality of wanting to make big profits. "There is an assumption that business from abroad are rich people. However, business in the PRC is not necessarily rich, and the lack of knowledge of foreigners about China is sometimes exploited by perpetrators with criminal motivations." (Interview with KH, 07/09/2021).

According to KH, the factors of language differences and technological sophistication are also no exception. The VP informant who has experience in the legal export process also confirms this. He assumed that the language difference made the parties misunderstand because most Chinese people do not speak English (Interview with VP, 6/12/2021). In the communication process using this technological device, fraud perpetrators often perform psychological interventions which greatly affect the sentiment of the victim's trust in the perpetrators of the crime. In this stage, the actor acts as a professional importer and has extensive knowledge of the trading system. It was proven that even though they did not meet physically, Indonesian victim exporters had strong trust in the perpetrators.

"Since the pandemic, the movement of people between countries has become very difficult, and business negotiations are carried out virtually. By not negotiating directly, that is paying a visit to a company in China, this could have an influence, considering that Indonesian companies cannot directly see the credibility of the Chinese company." (Interview with BA, 29/07/2021).

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

The BB informant revealed that there were also fraudsters who placed representatives of buyers from China to take advantage of the trust of exporters. The representatives seem to ensure and check the quality, the suitability of the type of goods, and the amount of the goods to be sent. This mode of using representation is a way to create distance between the perpetrator and the victim because communication is restricted only via representatives. The TAD informant also admitted that their business communication with China via email was frequently hacked. Then there was a phishing email so that the flow of funds that should have gone into a Chinese company, went into a transnational crime syndicate (TOC) (FGD, 17/3/2022).

As stated by Levi and Lord (2011), it is not uncommon for this group of criminals to try to minimize operational risks, such as making a legal intervention, committing corruption, and using different legal barriers in each country. In this scenario, the perpetrator has broad access to law enforcement institutions, the media, and also the government. This access is then used to suppress or incentivize criminal cooperation. An example is an export-import case that uses the harmonized system (HS) code transfer mode which is defined as a rule for calculating import duties, export duties, and taxes in the context of imports. In 2021, there was a case of embezzlement of gold imports worth Rp. 47.1 trillion and cost the State Rp. 2.9 trillion. It was said that there were importers and Soekarno-Hatta Customs officials who made efforts to avoid import duties by falsifying the HS code for gold bullion (HS 71081300) as lumps of gold which were indeed exempt from import duties (HS 71081210).

According to the Director of Trade Security at the Ministry of Trade, Pradnyawati, the transfer of the HS code is the simplest form of circumvention practice (import deviations according to WTO rules) which is currently rife in Indonesia. He noted that there is a potential loss suffered by the state in the form of tax revenues and carries the risk of an investigation by a foreign country's authority if the suspected product is the subject of the imposition of a trade remedy – an instrument to protect a country's domestic industry from losses due to unfair trade practices. This practice of HS transfer can be carried out either by exporters in the country of origin or by importers (Bisnis.com, accessed on 6/5/2022).

c. Stages of Post-Victimization

In the post-victimization stage, what often happens is that the perpetrator often deceives the victim by changing the shipping address in the trade contract. In some cases, having the goods delivered without getting paid for is a criminal way of diverting commodities elsewhere. Furthermore, the perpetrator chooses a region or country which has a social or physical distance with the risk of legal sanctions. This means that when the victim orders goods from China, but later the goods arriving at home are different, then the victim cannot do anything. As Indonesia has become one of the countries with a low risk of legal sanctions, this may discourage victimized exporters from reporting fraud cases. “[...] Most of the Indonesians who have been cheated have a reluctance to report. One of them is that there may not be any socialization, education, or protection for victims in Indonesia.” (IR in FGD, 17/3/2022).

Button & Cross (2017) stated that there were other factors associated with low fraud reporting, including a lack of acknowledgment that victimization has occurred. For many victims of fraud, there is uncertainty as to whether a crime has occurred, so often the incident is not considered. For victims who believe that a crime has occurred, to report the incident, APH often assumes that no crime has occurred and therefore they are not victims (Cross et al., 2016). Therefore, despite the significant impact, victims of fraud are less likely to continue seeking any protection if what they experience is ignored or belittled.

The fraud mode that occurs with Indonesian exporters to Dubai is not much different from that in China. At first glance, this confirms that the perpetrators are part of a syndicate of organized crime groups at the international level. They work in areas where security detection is lax or difficult to trace after victimization occurs. Even if later there were traders from China who settled in Indonesia by running a business, it was done in disguise.

“I used to have a merchant acquaintance in China. One time he visited Indonesia with me, then another time he came again, and I accompanied him. But when he came for the third time, he was no longer with me. Suddenly he had a small coffee shop, a sort of coffee shop. But this is only the entrance because he is already on the coffee plantation here. [...] Then, he did not deal with the coffee shop anymore. Instead, he gave the people of Jogja to manage it well, but behind the shop, there was a coffee warehouse that he sent to China.” (Interview with AI, 14/12/2021).

d. Victimization Typology

According to Levi & Lord (2011) there are three typologies of profit-based crime, namely (1) predatory crime (regarding confiscation), (2) commercial crime and (3) market-based crime. In the Indonesia - China trade context, predatory forms of crime almost never exist because the perpetrators and victims are not in adjacent areas. According to Levi & Lord (2011) the threat of violence or fear cannot occur because the perpetrator and victim are connected via the internet or cyberspace without a physical intermediary. However, this crime can involve other parties, such as government officials who are eager to make profits from illegal commodity trading activities through gratuities or bribes. The exporters are the victims of crime by predatory officials who want to profit from illegal businesses.

Meanwhile, the commercial crime model is actually like the type of crime committed by Chinese actors. They use trading cartels as an instrument to commit fraud crimes. In trading contracts, they tend to avoid government or security detection. Even

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

though they look legal, they are still considered illegal because they supply goods illegally. Sometimes they maneuver their acts by issuing a Certificate of Origin (SKA) from another country and then exporting it to the destined country. Informant SW said that a Chinese company in Indonesia had once committed this crime mode.

“[...] their pattern was as follows: first, they exported the items to Indonesia in small parts. PT CH, located in Tangerang, was purely an affiliate of the Chinese at that time. Then they exported the items by using Indonesian SKA, Indonesian documents. [...] However, the authorities, OLAF (European Anti-Fraud Commission), knew about it and commented why a Chinese product was equipped with SKA certification from Indonesia. Also, the description stated it was from Indonesia. Finally, they took care of the envoys, we received them at the DPP to carry out investigations, and they finally checked all by the way to Singapore and China. They would do it via Singapore and then go to Indonesia. In Indonesia, it was assembled, and the SKA would be issued on behalf of Indonesia. That is the pattern is like that” (Interview with SW, 29/06/2021)

The last type of crime is a market-based crime. This type of crime, as far as researchers observe, is rarely committed by perpetrators of fraud on a large scale. It is generally carried out in small and medium parties, including the animal trade.

“[...] generally this is a black market, we buy it there with the supplier. Come in here, we know door to door. Send it anywhere, let alone 100 kilos, even one container is door to door in size.” (Interview with AI, 14/12/2021)

These forms of crime are closely related to corruption. Although it appears, the allegation of corruption has become gray as it is hidden behind regulations, taxes or prohibitions imposed. In the case of Indonesian exporters, the corruption is committed not by Chinese businessmen, but by local entrepreneurs. They did not want a tax on exported goods and services, so they smuggled the items and bribed the government officials. According to AI informants, it has been possible to conduct this practice by borrowing companies that have been "doing magic" with the help of government officials.

“They can do that [...] so that some permit requirements are no longer necessary. Just use that service. In the end, we became friends with exporters who had no goods. We have goods, but do not have documents. Thus, we borrow the pattern flag.” (Interview with AI, 14/12/2021).

Levi & Lord (2011) strongly emphasize that in transnational crimes, corruption in the form of bribery is a common practice of criminal organizations. Transnational bribes to foreign public officials often involve companies seeking to win or retain public contracts. Such bribery may involve multiple agents, intermediaries, shell companies and clients in relation to offering, giving, receiving and/or soliciting bribes or other inducements in exchange for acts, services or omissions. As seen in the case of bribery of Customs officials by textile company bosses in 2018, the bribery practice then made Indonesia import tons of textiles from China. As a result, the Chinese textiles flooded Indonesian market and caused an impact on textile factories in Indonesia. Many factories went out of business, and thousands of workers were eventually laid off (detik.com, 29/7/2021).

C. Fraud Victimization Contextualization

In global trade, fraud victimization is very likely to occur due to the increasingly wide open and growing demand and supply of goods and services. Indonesia's exports to China have recently continued to rise despite the Covid-19 pandemic. The high demand for raw materials from Indonesia allows for international trade, particularly when the government encourages Indonesian entrepreneurs and MSMEs to be export oriented. An AI informant gave a small example of the very high China's demand for swallow nests because Indonesian swallow nests are considered the best. Unfortunately, they frequently do not buy the items through official exporters, but through unofficial export channels for a cheaper price. "Well, they buy them here, as they do not want to be official. They do not want an official exporter. Official exporters can calculate how much they want to sell there. They will sell the items at the normal price in the market. If they sell for 20 million there, for example, here they can be sold for (Rp) 10 million, (Rp) 15 million." (Interview with AI, 14/12/2021).

This 'swallow's nest' export pattern makes global trade not provide economic value through export-import foreign exchange, and the countries that provide raw materials will tend to become the victims. The strongest fraud victimization running into Indonesian exporters is the misuse of trust (Levi, 2008) as experienced by four Indonesian exporters in 2014 (discussed in the introduction). There are many cases where Indonesian exporters have sent goods without getting paid by Chinese buyers. They happened because the buyer never existed. We cannot bring the cases to the realm of the criminal law of fraud because they chose to operate in an area with little legal intervention.

On the other hand, it is also Indonesian exporters who create loopholes or vulnerabilities to fraud victimization. As previously described, there are at least four vulnerabilities or loopholes for victimization. The willingness to conduct transactions outside the jurisdiction of the government and the courage to take financial risks in international trade contracts are vulnerabilities that should have been prevented earlier. After all, Indonesian exporters are startup companies that carry out international trade transactions. The more a person or a company places itself in danger of fraud, the more likely it is to be victimized.

Smuggling of export goods, such as not through official channels, deepens the gap for trade fraud crimes to infiltrate. This finding can at least be the basis for a study that fraud does not only move hierarchically by perpetrators of crime but also originates from the crime gap created by the victim. It is inseparable from the reality of regulations in Indonesia which has made many exporters

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

choose to withdraw, especially those with limited capital. “[...] Regulations in Indonesia are complicated, making us retreat. Moreover, mediocre capital can not invest big. For this, you are not able to do it. The scamming is as follows: the item has been sent but it is claimed that it has not been received. It is a classic story, not a whimsical one [...], and there are a lot like this. If it happened to us, there was nothing else to do. It is a loss.” (Interview with AI, 14/12/2021).

The reality confirms the theoretical assumption of Levi and Lord (2011) that there is a strong relationship between corruption – related to semi-legal and illegal export routes – and organized crime (TOC). They dare to bribe public officials with large amounts because they can get higher fraud results from the victims. To operate, they often use the sovereign-free shadow area of the international system, where state control is weak or ineffective. It is worsened by government officials who are predatory in nature and want to reap personal benefits behind import-export activities. As revealed in various mass media, frequently regulations or taxes and prohibitions become opening for conspiracies between business actors and public officials.

Fraud victimization experienced by the Indonesian exporters can fit in the context of the typological concept of the fraud victimization stage in the TOC, initiated by Levi (2009). Contextualization of fraud victimization into TOC is possible because, according to Somantri (2005), basically social science develops based on empirical facts resulting from the object of the study. It becomes clear that the so-called imported theory from the West examining the empirical facts of Western society, will lead to irrelevance and imprecision if these assumptions and theories are applied “directly” to investigate social changes in Indonesia. Therefore, it is necessary to contextualize the fraud victimization initiated by Levi (2009) into the empirical reality that occurs in Indonesia-China trade relations. Contextualization in question is to see the suitability and discrepancy of the data findings in this study with fraud victimization in the TOC by Levi (2009) as stated in the matrix Table 4.1.

Table 4.1. Contextualization of the Typology of Fraud Victimization Stages in TOC

Fraud Victimization Stages in TOC	Confirmed Fraud Victimization Data Exporter Indonesia – China	Contextual Conclusion
Pre-Victimization	1) Creating opportunities through email communication; tend not to speak English; non-L/C payment mechanism or bank guarantee, there is a down payment; often use invoices with different company names (in legal and semi-legal export routes). 2) Funding is unknown, but those who develop business outside China, get help from domestic banks (in three export channels). 3) Often use intermediaries when building trust, negotiating, shipping goods (for legal and semi-legal export routes), and trust relationships (in illegal export routes). 4) Data on the equipment cannot be found.	The elements of opportunity, funding, and specific personnel utility are found. However, data on equipment do not specifically describe the content ▪ <i>Novelty of findings: Levi (2009) does not discuss the three export pathways</i>
1) Opportunity		
2) Funding		
3) Personnel		
4) Equipment		
Victimization	1) Location can be in China or Indonesia, done without a physical presence, mostly using third parties (in three export routes). 2) Utilizing technology, both in communication and transactions to justify the pretext of fraud, involving forms of social engineering or phishing against the identity of the victim's company (in three export channels). 3) Using goods claims that are not following specifications or agreements; experiencing legal problems at the port; there is an extra charge (in three export lines).	All elements of victimization can be found, location, technology, and operational risks
1) Location of Victims		
2) Technology		
3) Operational Risk		
Post-Victimization	1) Data on money laundering are not found, 2) Data on collectors are not found, 3) The intermediary disappears, and the exporter does not know the data on the recipient of the goods; unclear	It is only fulfilled in the element of hidden locations, in the sense that the whereabouts of the TOC fraud
1) Money Laundering		
2) Collectors		

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

Fraud Victimization Stages in TOC	Confirmed Fraud Victimization Data Exporter Indonesia – China	Contextual Conclusion
3) Hidden Location	company identity makes it difficult to trace (in three export routes).	perpetrators are unknown.
Typology	1) Data on predatory (deprivation) typology are not found 2) Conducted as a commercial business by involving the method of production and distribution of goods and services as a frontier for committing crimes (in three export channels) 3) Data related to the black market are not found.	It is only fulfilled on the element of business cover in <i>fraud victimization</i> .
1) Deprivation		
2) The guise of Business		
3) Black Market		

Source: Processed by the researcher (2022).

Referring to the data above, it appears that in the context of stage (1) Pre-Victimization, this study finds points of opportunity, funding, and personnel as stated by Levi (2008). While in the context of stage (2) Victimization, the findings of this study contain all points of the stages of fraud, namely the location of the victim, technology, and efforts to minimize operational risk. Furthermore, in the context of stage (3) Post Victimization, this study only finds hidden points, which means that the whereabouts of the TOC fraud perpetrators were unknown. Finally, in the context of (4) Typology, this study finds elements of a business disguise in fraud victimization.

In terms of contextualization of fraud victimization, some elements are not found in the process of stages and typology of victimization. It means that when the concept of fraud victimization is in various fraud cases occurring in Indonesia-China trade relations, there are theoretical and empirical differences, namely that the concepts in the existing theory do not exist in the phenomena studied. It could be due to locus, tempus, or other characteristics, or it could also be due to the limited data obtained in this study. Therefore, the contextualization of fraud victimization into the criminogenic asymmetries of Indonesian exporters in trade relations with China contains elements that cannot be found. It suggests that in the case of victimization of Indonesian exporters to China, there is a theoretical and empirical gap. This gap is mainly due to the existence of three export routes which significantly affect Michael Levi's concept of victimization typology (2009).

V. CONCLUSION

Based on the research findings and discussion, the researcher draws an important conclusion that the fraud victimization experienced by Indonesian exporters to China is inseparable from the existence of asymmetric criminogenic factors, namely the legal system, technology, knowledge, and culture between the two countries. However, some elements are not fulfilled in the process of stages and typology of victimization based on Levi's concept (2008, 2009, and Lord 2011, 2015). It means that when the concept of fraud victimization is contextualized in the Indonesia–China trade case, there are theoretical and empirical differences. It could be due to locus, modus, and tempus factors, or other characteristics, or it could also be due to the limited data in the study. The contextualization of fraud victimization into criminogenic asymmetries in Indonesia-China trade relations contains elements that are not fulfilled, there are theoretical and empirical gaps. This gap is mainly due to the existence of three export routes which significantly affect the concept of victimization typology

REFERENCES

- 1) Andrews, D., & Bonta, J. (1994). *The psychology of Criminal Conduct (5th Edition)*. New Providence: Matthew Bender & Company, Inc, LexisNexis Group.
- 2) Brawley, M. R. (2003). *The Politics of Globalization: Gaining Perspective. Assessing Consequences Broadview, Peterborough, ON*.
- 3) Button, M. (2012). Cross-border Fraud and The Case for an “Interfraud”. *Policing: An International Journal of Police Strategies & Management*.
- 4) Button, M., & Cross, C. (2017). “Technology and Fraud: The ‘Fraudogenic’ Consequences of the Internet Revolution.” In *The Routledge handbook of technology, crime and justice* (pp. 78-95). Routledge.
- 5) Button, M., & Cross, C. (2017). *Cyber frauds, scams and their victims*. Routledge.
- 6) Calcagni, M. (2010). *The Conceptualisation of Transnational Organised Crime*. SIAK Journal br, 2(2010), 72-80.
- 7) Cockayne, J. (2007). *Transnational organized crime: Multilateral responses to a rising threat*. International Peace Academy.

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

- 8) Cross, C., Richards, K., & Smith, R. G. (2016). The reporting experiences and support needs of victims of online fraud. *Trends and issues in crime and criminal justice*, (518), 1-14.
- 9) Damanhuri, D. S. (2008). Indonesia, Globalisasi Perekonomian & Kejahatan Ekonomi Internasional (Indonesia, Economic Globalization & International Economic Crime) *Scientific repository*.
- 10) Doerner, William G. & Lab, Steven P. (2012). *Victimology Sixth Edition*, Elsevier, Burlington.
- 11) Emmers, R. (2005). Globalization and the Trafficking of People and Narcotics in East Asia. *The Habbie Center*.
- 12) Fitriyanti, R. (2014). Dampak Globalisasi Terhadap Perluasan Money Laundering dan Drugs Trafficking di Indonesia. *Jurnal Ilmu Politik dan Komunikasi Vol IV No.II*. (The Impact of Globalization on the Expansion of Money Laundering and Drugs Trafficking in Indonesia. *Journal of Political Science and Communication Vol IV No.II*.)
- 13) Friedrichs, D. O. (2007). “Transnational crime and global criminology: Definitional, typological, and contextual conundrums.” *Social Justice*, 34(2 (108), 4-18.
- 14) Gerring, J. (1999). What makes a concept good? A criterial framework for understanding concept formation in the social sciences. *Polity*, 31(3), 357-393.
- 15) Ghosh, B. (2007). “Managing Migration: Whither the Missing Regime? How Relevant is Trade Law to Such a Regime?” *American Society of International Law*, Vol.101.
- 16) Karmen, A. (2010). Victims of rapes and other sexual assaults. *Crime Victims: An Introduction to Victimology (7th Ed.) Belmont, California: Cengage Learning*, 255.
- 17) Kriyantono, R. (2012). *Teknik Praktis Riset Komunikasi (Practical Communication Research Techniques)* Jakarta: Kencana Prenada Media Group.
- 18) Levi, M. & Burrows, J. (2008). “Measuring the impact of fraud: a conceptual and empirical journey.” *British Journal of Criminology*, 48 (3), 293– 318.
- 19) Levi, M. (2008). “Organized fraud and organizing frauds: Unpacking research on networks and organization.” *Criminology & Criminal Justice*, 8(4), 389-419.
- 20) Levi, M. (2008). Researching the organization of serious crimes. *Criminology & Criminal Justice*, 8(4), 363-388.
- 21) Levi, M. (2009). Financial crimes. In *The Oxford handbook of crime and public policy*.
- 22) Levi, M. (2015). “Money for crime and money from crime: Financing crime and laundering crime proceeds.” *European Journal on Criminal Policy and Research*, 21 (2), 1 – 23.
- 23) Levi, M. (2017). Assessing the trends, scale, and nature of economic cybercrimes: overview and issues. *Crime, Law and Social Change* 67(1), pp. 3-20.
- 24) Levi, M. (2019). *International Fraud*. In M. Natarajan (Ed.), *International and Transnational Crime and Justice* (pp. 86-91). Cambridge: Cambridge University Press.
- 25) Levi, M., & Lord, N. (2011). Links between corruption and organized crime and research gaps. *Non-State Actors in Asset Recovery, Bern: Peter Lang*.
- 26) Light, Donald, et al. (1994). *Sociology 6th-Edition*. New York: McGraw Hill.
- 27) Mainheim, J. B., & Rich, R. C. (1995). Theory Building: Concepts and Hypotheses in Political Science. *Empirical Political Analysis*.
- 28) Marmo, M., & Chazal, N. (2016). *Transnasional Crime and Criminal Justice*. SAGE Publications.
- 29) Massari, M. (2001). “Transnational Organized Crime between Myth and Reality: The Italian Case.” *In Paper was presented at ECPR 29th Joint Sessions of Workshops Grenoble, France*.
- 30) McLuhan, Marshall. (1962). *The Gutenberg Galaxy: The Making of Typographic Man*. Toronto: University of Toronto Press.
- 31) Michaels, A. C. (2003). Fastow and Arthur Andersen: some reflections on corporate criminality, victim status, and retribution. *Ohio St. J. Crim. L.*, 1, 551.
- 32) Moleong, L. J. (2004). *Metodologi Penelitian*. Bandung: Penerbit Remaja Rosdakarya.
- 33) Neuman, W. Lawrence. (2013). *Social Research Methods: Qualitative and Quantitative Approaches, 7 Edition*, (Terj.). PT Indeks, Jakarta, hlm 142 – 449.
- 34) Neuman, W. Lawrence. (2019). *Metodologi Penelitian Sosial: Pendekatan Kualitatif dan Kuantitatif*. (Social Research Methodology: Qualitative and Quantitative Approaches.) Edisi 11. Jakarta: PT Indeks.
- 35) Passas, N. (1999). *Globalization, criminogenic asymmetries, and economic crime*. *Eur. JL Reform*, 1, 399.
- 36) Passas, N. (2000). Global anomie, dysnomie, and economic crime: Hidden consequences of neoliberalism and globalization in Russia and around the world. *Social Justice*, 27(2 (80), 16-44.
- 37) Passas, N. (2001). Globalization and transnational crime: Effects of criminogenic asymmetries. *Combating Transnational Crime*, 22-56.
- 38) Passas, N. (Eds.). (2002). *Upperworld and underworld in cross-border crime*. Wolf Legal Publishers.

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

- 39) Passas, N. (2005). Lawful but awful: 'Legal corporate crimes'. *The journal of socio-economics*, 34(6), 771-786.
- 40) Passas, N. (2017). Globalization, Criminogenic Asymmetries and Economic Crime. In *Transnational Financial Crime* (pp. 3-28). Routledge.
- 41) Pudjiastuti, T. N. (2014). *Konstruksi Kejahatan Terhadap Nelayan Tradisional Sebagai Pelaku Penyelundupan Migran Suatu Bentuk Viktimisasi Struktural dan Hegemoni Kultural*. (Crime Construction Against Traditional Fishermen as Migrant Smugglers A Form of Structural Victimization and Cultural Hegemony.) Depok: FISIP UI.
- 42) Putranti dan Paramasatya. (2014). *Kejahatan Dalam Perdagangan Internasional: Perlindungan Hukum Produk Pertanian Lokal dalam Pasar Bebas*. Hal 28-47 (Crimes in International Trade: Legal Protection of Local Agricultural Products in the Free Market. Pg 28-47)
- 43) Rahardjo, H. M. (2010). Studi Kasus dalam Penelitian Kualitatif: Konsep dan Prosedurnya (Case Studies in Qualitative Research: Concepts and Procedures). Malang: Universitas Islam Negeri Maulana Malik Ibrahim.
- 44) Sandelowski, M., & Barroso, J. (2006). *Handbook for synthesizing qualitative research*. Springer Publishing Company.
- 45) Schneider, F. (2013). The Financial Proceeds of Transnational Organized Crime All Over the World. *The SAIS Review of International Affairs*, 33(1), 91-121.
- 46) Utama, T. C., dkk. (2016). "Pencegahan Praktik Kejahatan Ekonomi dalam Perdagangan Bebas-Origin Fraud dalam Industri Mebel Kayu Di Jepara." *Jurnal Ilmu Sosial*, 15(1), 12-23. ("Prevention of Economic Crime Practices in Free-Origin Fraud in the Wood Furniture Industry in Jepara." *Journal of Social Sciences*, 15(1), 12-23.)
- 47) Wang, P., & Wang, J. (2009). *Transnational crime: its containment through international cooperation*. *Asian Social Science*, 5(11), 25-33.
- 48) Winterdyk, J. A. (2019). Global Criminology: A 'news' perspective for criminological inquiry? *Pakistan Journal of Criminology*, 11(4).
- 49) Zaidan, M. A. (2016). Kebijakan Kriminal Kejahatan Terhadap Ideologi Negara di Tengah Pusaran Globalisasi. *Pandecta Volume 11. Nomor 2. Desember 2016*. (Crime Policy against State Ideology in the Midst of Globalization. *Pandecta Volume 11. Number 2. December 2016*.)

DOCUMENTS

- 1) Kementerian Perdagangan (Ministry of Trade). (2019). *Trade Dispute Matrix Resolution on 2019*, Puska KPI, BP2KP.
- 2) Decree of the President of the Republic of Indonesia No. 12/2014 concerning the Revocation of the Circular of the Presidium of the Ampera Cabinet Number SE-06/PRES.KAB/6/1967 dated June 28, 1967: The use of the term people and or communities of Tjina/China/China was changed to Chinese, and the mention of the Republic of People of China changed to People's Republic of China

ONLINE SOURCES

- 1) Bisnis.com. (2021, 16 Juni). *Kasus Impor Emas Rp47,1 Triliun, Praktik Pengalihan Kode HS Marak*. (Case of Import of Gold Rp47.1 Trillion, Practice of Transferring HS Code is rising). Retrieved from Bisnis.com: <https://ekonomi.bisnis.com/read/20210616/12/1406402/kasus-impor-emas-rp471-triliun-praktik-pengalihan-kode-hs-marak> diakses pada 6 Mei 2022.
- 2) Detik.com. (2021, 29 Juli). *Korupsi Impor Tekstil Rp1,6 Triliun, 3 Pejabat Bea Cukai Dibui 5 Tahun*. (Textile Import Corruption of Rp1.6 Trillion, 3 Customs Officials Imprisoned for 5 Years). Retrieved from Detik.com: <https://news.detik.com/berita/d-5661157/korupsi-impor-tekstil-rp-16-triliun-3-pejabat-bea-cukai-dibui-5-tahun/> diakses pada 9 Oktober 2021.
- 3) Republika.co.id. (2022, Februari 2). *Sepanjang 2021, Ekspor RI ke China Naik 70 Persen*. (Throughout 2021, Indonesian exports to China will increase by 70 percent.) Retrieved from Republika.co.id: <https://www.republika.co.id/berita/r6ocj5489/sepanjang-2021-ekspor-ri-ke-china-naik-70-persen>, diakses pada 23 Juli 2022.

INTERVIEWS

- 1) Interview with informant AI on December 14, 2021.
- 2) Interview with informant BA on July 29, 2021.
- 3) Interview with informant KH on September 7, 2021.
- 4) Interview with informant Sn on December 14, 2021.
- 5) Interview with informant SW on June 29, 2021.
- 6) Interview with informant VP on December 2021.

Contextualization of the Concept of Fraud Victimization for the Crime of Fraud in Trade Activities Indonesia – China (Victimization Study from the Perspective of Indonesian Exporters)

FOCUS GROUP DISCUSSION (FGD)

- 1) *Focus Group Discussion* with AI on March 17, 2022.
- 2) *Focus Group Discussion* with SW on March 17, 2022.
- 3) *Focus Group Discussion* with BB on March 17, 2022.
- 4) *Focus Group Discussion* with IR on March 17, 2022.
- 5) *Focus Group Discussion* with TAD on March 17, 2022.



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.